

597. through 634. renumbered 606. through 643. No change.

644. Zanamivir

635. through 638. renumbered 645. through 648. No change.

Specific Authority 458.347, 459.022(4)(e) FS. Law Implemented 459.022(4)(e) FS. History--New 3-12-94, Formerly 61F9-6.0038, Amended 11-30-94, 4-17-95, 8-27-95, 11-13-96, Formerly 59W-6.0038, Amended 5-12-98, 3-10-99.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster

RULE TITLE: Trap Reduction Schedule RULE NO.: 68B-24.009

PURPOSE AND EFFECT: The purpose of this rule development effort is to postpone until the 2001-2002 license year the scheduled 10% reduction in spiny lobster traps and trap certificates. Without this rule change, the ten percent reduction would take place in the coming spiny lobster season, which begins in August of this year. The effect of this effort will be to allow commercial lobster harvest in the 2000-2001 season, using the same number of traps as used in the 1999-2000 season, while providing an additional year to evaluate the economic and biological impact of the trap reduction program.

SUBJECT AREA TO BE ADDRESSED: Spiny Lobster Trap Reduction Program.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

THE FISH AND WILDLIFE CONSERVATION COMMISSION WILL CONDUCT A RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, March 31, 2000

PLACE: Henry W. MacMillian National Guard Armory, 1225 Easterwood Drive, Tallahassee, Florida

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: Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. Russell Nelson, Executive Director, Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-24.009 Trap Reduction Schedule.

(1) Beginning with the 1997-1998 license year, the maximum number of lobster trap certificates issued each season by the Commission pursuant to Section 370.142, Florida Statutes, shall be reduced each season by the percentage specified in this subsection from the total issued for the immediately previous season. These reductions shall apply to all lobster trap certificate holders.

(a) For the license year 1997-1998, the reduction shall be 0 percent.

(b) For the license year 1998-1999, the reduction shall be 10 percent.

(c) For the license year 1999-2000, the reduction shall be 0 percent.

(d) For the license year 2000-2001, the reduction shall be 0 percent.

(e) For the license year 2001-2002, the reduction shall be 10 percent.

(2) It is the intention of the Fish and Wildlife Conservation Commission to annually review and evaluate the impact of the trap reduction schedule on the spiny lobster fishery. Should it become necessary to suspend, reverse, or extend the reduction schedule, the Commission shall initiate rulemaking to amend subsection (1) of this rule.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 3-1-92, Amended 6-1-94, 6-3-96, 3-5-97, Formerly 46-24.009, Amended

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Division of Insurer Services

RULE CHAPTER TITLE: Florida Birth-Related Neurological RULE CHAPTER NO.: 4J-6

RULE TITLE: Medical Panel Advisory Review RULE NO.: 4J-6.001

PURPOSE AND EFFECT: Section 766.308(2), Florida Statutes, requires that the Department of Insurance develop a plan which provides procedures for the medical advisory panel to review NICA claims. The statute further requires that the Department obtain input from the Department of Health regarding any proposed rules. Input from the Division of Medical Quality Assurance and the Children's Medical Service Program was also obtained. The amendment will provide the procedures as required by section 766.308(2), Florida Statutes.

SUMMARY: The establishment of procedures for the medical advisory committee to review NICA claims.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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(1), 766.308(2) FS.

LAW IMPLEMENTED: 766.301-.316 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., April 4, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eugenia Tyus, Senior Management Analyst II, Division of Insurer Services, Department of Insurance.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4J-6.001 Medical Panel Advisory Review.

(1) Purpose. This rule provides the method and procedure for the medical advisory panel review required by Section 766.308, Florida Statutes. This procedure was developed in coordination with the Department of Health to determine compensability of claims filed against the Florida Birth-Related Neurological Injury Compensation Association.

(2) Definitions. In its review of claims made pursuant to the provisions of the Florida Birth-Related Neurological Compensation Plan, the medical advisory panel shall employ the following definitions, in addition to the definitions in Section 766.302, Florida Statutes:

(a) "Association" means the Florida Birth-Related Neurological Injury Compensation Plan.

(b) "Brain" means that portion of the cerebro-spinal axis which is contained within the cavity of the cranium and which consists of five major parts identified as the cerebrum, the cerebellum, the pons Varolii, the medulla oblongata, and the midbrain.

(c) "Spinal Cord" means an ovoid column of nervous tissue extending from the medulla oblongata to the second lumbar vertebra in the spinal canal.

(d) "Delivery" is the moment when the fetus is expelled from the vaginal canal or mechanically removed from the uterus.

(e) "Labor" is that period of time commencing with the onset of increasingly painful uterine contractions of sufficient frequency, intensity, and duration to bring about readily demonstrable effacement and dilation of the cervix in conjunction with the progressive descent of the fetus.

(f) "Permanent and substantial mental and physical impairment" means a neurological injury caused by oxygen deprivation or mechanical injury during labor, delivery or resuscitation in the immediate post-delivery period in a hospital which leaves the infant both mentally and physically impaired.

1. The neurological impairment must be permanent and substantial. For a neurological injury to be permanent, it must be determined that the neurological injury will exist throughout the life of the affected infant within a reasonable degree of medical probability.

2. For a physical neurological impairment to be substantial, the infant must exhibit a physical impairment to the extent that the infant's ability to ambulate, speak and engage in physical activities of daily living such as toileting and feeding, are either severely impaired or non-existent. For a mental neurological impairment to be substantial, the infant must exhibit a severe mental impairment such that the infant has or would score, within a reasonable degree of medical probability 50 or below on the mental component of the Bayley Scales of Infant Development (between ages 12-24 months) or the Stanford Binet Intelligence Test (between ages 4-5).

(3) A medical advisory panel appointed by the Insurance Commissioner in accordance with Section 766.308, Florida Statutes, shall review each claim for which a review is requested by any party for the purpose of making a non-binding recommendation regarding the claim.

(4) The medical advisory panel shall elect a panel member as chairperson. The chairperson shall delegate the various administrative duties required for the operation of the medical advisory panel, and when necessary, shall convene the medical advisory panel for the purpose of conducting the business of the medical advisory panel.

(5) Each medical advisory panel member shall be provided a complete copy of each claim submitted for review and shall consider therewith all relevant written information submitted by the Association which relates to the issue of whether or not the injury under review is a birth-related neurological injury within the meaning of Section 766.302(2), Florida Statutes.

(6) The medical advisory panel may request the Administrative Law Judge to order the production of additional information or records from any health care provider who has provided treatment to the infant or obstetrical care to the mother and, if necessary, may further request that the injured infant be examined by a physician or other professional selected by the medical advisory panel.

(7) As to each claim reviewed by the medical advisory panel, one member shall be designated by the chairperson to prepare a written report and recommendation (report) which reflects the evaluation of the medical advisory panel as to the causation and compensability of the claim. That report shall be filed with the Division of Administrative Hearings no later than 10 days prior to the date set for hearing.

(8) The member who prepares the report shall be available to testify in the event that the Administrative Law Judge requests the presence of the medical advisory panel member at the hearing on a reviewed claims.

(9) The report shall be approved by a majority of the medical advisory panel. The report shall contain the style of the case as established by the Division of Administrative Hearings and at a minimum shall identify the names, addresses and phone numbers of the panel members who participated in the review of the claim, a description of the findings of the panel and a recommendation of whether the claim should be accepted or denied. The report shall be signed by the panel member who prepared the report. The Association shall be responsible for the reasonable costs associated with the preparation and filing of the report.

Specific Authority 624.308, 766.308(2) FS. Law Implemented 766.301-.316 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Eugenia Tyus, Senior Management Analyst II, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Division Director, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 1999

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Disease Vector Control	5C-26
RULE TITLES:	RULE NOS.:
Definitions	5C-26.001
Restrictions on Importation of Animals	5C-26.002
Animals from Outside the Continental United States Where a Foreign Animal Disease or Vector is Present	5C-26.003
Materials	5C-26.004

PURPOSE AND EFFECT: The purpose and effect of the rule is to require certification of non-exposure to vector diseases of livestock and domestic animals to prevent a viable threat to cattle, deer and other ruminant animals in the state.

SUMMARY: This rule provides for the methods of control of vectors to prevent a disease threat to livestock, domestic animal and the general public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(21),(23), 585.08(2)(a) FS.

LAW IMPLEMENTED: 585.08(1), 585.145 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., March 31, 2000

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, Conference Room, Room 316, Tallahassee, Florida 32399-0800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe W. Kight, Assistant Division Director, Division of Animal Industry, 407 S. Calhoun Street, Room 321, Tallahassee, Florida 32399-0800, (850)410-0900, Fax (850)410-0915

THE FULL TEXT OF THE PROPOSED RULES IS:

5C-26.001 Definitions.

(1) Captive wild species. Any non-domestic species of animal confined by man-made boundaries.

(2) Cattle. Cattle shall include any bull, steer, ox, cow, heifer, calf, or any other bovine animal.

(3) Department. The Florida Department of Agriculture and Consumer Services.

(4) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(5) Domestic Animal. Any equine or bovine animal, goat, sheep, swine, domestic cat, dog, poultry, ostrich, rhea or emu, or other domesticated beast or bird. The term "animal" shall include wild or game animals whenever necessary to effectively control or eradicate dangerous transmissible diseases or pests which threaten the agricultural interests of the state.

(6) Domesticated Fowl. Any member of the Class Aves that is propagated or maintained under control of a person for commercial, exhibition or breeding purposes, or as pets.

(7) Horses. Any horse, mule, ass, zebra or other Equidae.

(8) Licensed Veterinarian. Any veterinarian who has a current license with the Florida Board of Veterinary Medicine.

(9) Livestock. Any grazing animals, such as cattle, horses, sheep, swine, goats, Cervidae and other hoofed animals and ratites which are raised for private use or commercial purposes.

(10) Official Certificate of Veterinary Inspection (OCVI). An official form recognized by the Division for the purpose of certifying the identification, test requirements, and health of specific animals for movement, exhibition, and other designated purposes for the species of animal.

(11) Ratites. Ostriches, emus, and rheas.

(12) Vector. Any invertebrate that is capable of transmitting disease causing organisms.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History–New

5C-26.002 Restrictions on Importation of Animals.

The Official Certificate of Veterinary Inspection (OCVI) for reptiles, amphibians, Camelidae, antelopes, and captive wild species entering the state must contain a statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious or communicable disease and the vectors of any infectious or communicable disease. Any animal or container of animals, inadvertently shipped from within the continental United States to Florida without an accompanying OCVI must be isolated from all other animals on the premises until they can be inspected by a licensed and accredited veterinarian and an OCVI issued with a statement that the animals identified on the OCVI are free of signs of infectious or communicable disease and the vectors of any infectious or communicable disease.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History–New

5C-26.003 Animals from Outside the Continental United States Where a Foreign Animal Disease or Vector is Present.

(1) All animals imported from outside the continental United States where a Foreign Animal Disease or vector is present must have a prior permission number recorded on the accompanying OCVI.

(2) All animals intended for importation into or through the State of Florida from outside the continental United States shall be accompanied by an OCVI issued in accordance with this rule, showing that the veterinarian issuing the OCVI inspected the animals at the time of movement to the port of entry and found them free from any vector and any evidence of a communicable animal disease and that, as far as it has been possible to determine, they have not been exposed to any communicable animal disease or vector during the 60 days immediately preceding their movement to the port of entry.

(3) All animals offered for entry into or through the State of Florida from outside the continental United States where a Foreign Animal Disease is endemic shall be subject to inspection at the port of entry, and all such animals found to be free from communicable animal disease and vectors and not to have been exposed thereto, shall be admitted into the United States subject to the other applicable provisions of this rule. Animals found to be infected with or have been exposed to a communicable animal disease, or infested with any vector,

shall be quarantined until such time that they have been inspected, treated and deemed to be free of communicable animal disease and/or vectors.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History–New

5C-26.004 Materials.

9 CFR §§ 145 and 147 (1999) and 9 CFR §§ 160-162 (1999) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.

Specific Authority 570.07(21),(23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joe W. Kight, Assistant Director, Division of Animal Industry,
407 S. Calhoun St., Rm 321, Tallahassee, FL 32399-0800,
(850)410-0900, Fax (850)410-0915

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Leroy M. Coffman, Dir., Div.
Of Animal Industry, 407 S. Calhoun St., Rm 330, Tallahassee,
FL 32399-0800, (850)410-0900, Fax (850)410-0915

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 15, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 11, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES: RULE NOS.:

Standards of National Fire Protection	
Association Adopted	5F-11.002
Installation of Containers on Roofs of Buildings	5F-11.028

PURPOSE AND EFFECT: The purpose of the rule revision is to adopt the 1999 edition of National Fire Protection Association Standard (NFPA) No. 54, American National Standard National Fuel Gas Code. Additionally, this rule revision prohibits installation of containers on roofs of buildings allowed by NFPA 58, 1998 edition, enhancing safety and addressing concerns of industry and fire department personnel.

SUMMARY: The proposed rule specifies that NFPA No. 54, American National Standard National Fuel Gas Code, 1999 Edition as the accepted standard for this state. It also removes provisions for the installation of containers on roofs of buildings.

FEDERAL STANDARDS STATEMENT: This rule does not conflict with existing federal standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 527.06 FS.

LAWS IMPLEMENTED: 527.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I – GENERAL

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code, 1998 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 1996 1999 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein.

(d) Section 3-2.5 of NFPA 58, 1998 edition, titled "Installation of Containers on Roofs," is hereby excluded from adoption.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, _____.

PART III – CONTAINERS

5F-11.028 Installation of Containers on Roofs of Buildings.

Installation of containers on roofs of buildings as referenced in NFPA 58, Section 3-5.2 is prohibited. In addition to the requirements of Section 3-2.5, NFPA 58, the following shall apply to all proposed installations of containers on roofs of buildings:

~~(1) Site plans shall be submitted for approval to the Bureau of Liquefied Petroleum Gas, indicating the type of building construction, location and size of container(s), location of any building openings, location of any equipment to be installed or existing on the roof; construction of the container fill line and any other pertinent information.~~

~~(2) The proposed installation must be reviewed and approved by the Bureau of Liquefied Petroleum Gas and local building and fire officials or other such authority having jurisdiction.~~

~~(3) The gas supplier shall submit to the Bureau documentation of training as required by Section 1-5, NFPA 58, and written filling procedures for personnel involved in the filling of containers on roofs.~~

~~(4) Approval of rooftop installations shall be based on the requirements of Chapter 527, Florida Statutes, this rule chapter, and NFPA 58.~~

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History--New 6-8-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, Division of Standards

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2000

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Anti-Drug Abuse Act of 1988

RULE CHAPTER NO.: 9B-61

RULE TITLES: Application and Award Procedures

RULE NOS.: 9B-61.008

Forms and Instructions

9B-61.009

PURPOSE, EFFECT AND SUMMARY: The purpose and effect is to change the number of copies to two originals of the completed grant application package to be submitted; to update the application; to correct the mailing address to ensure that grant applications are mailed to the proper authority; and to provide the correct area code for the contact telephone number.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.53(1), 163.03(3) FS.

LAW IMPLEMENTED: 163.03(3) 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: 8:00 a.m. – 10:00 a.m., April 3, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clayton Wilder, Community Program Administrator, Division of Housing and Community Development, Bureau of Community Assistance, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-61.008 Application and Award Procedures.

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

(d) Applicants who submit proposals to the Department for consideration shall submit ~~two three~~ originals ~~and three~~ ~~copies~~ of the completed application package, Subgrant Application for Anti-Drug Abuse Act Funds (Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program), ~~BCA-CJ DCA-NA~~ Form 1, effective ~~2-7-95~~, as incorporated herein by this reference.

(e) No change.

Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03(3) FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.008, Amended.

9B-61.009 Forms and Instructions.

Copies of the materials and forms incorporated by reference herein may be obtained by writing or calling: Community Program Administrator Bureau Chief, BCA, Department of Community Affairs, 2555 Shumard Oak Boulevard 2740 Centerview Drive, Tallahassee, Florida 32399-2100. Telephone: ~~850904~~488-8016.

Specific Authority 120.53(1), 163.03(3) FS. Law Implemented 163.03(3) FS. History—New 2-6-90, Amended 2-7-95, Formerly 9G-16.009, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Clayton Wilder, Community Program Administrator; Division of Housing and Community Development, Criminal Justice Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas A. Pierce, Director, Division of Housing and Community Development, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 1999

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Clayton Wilder, Community Program Administrator, Division of Housing and Community Development, Criminal Justice Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-8016 (Suncom 278-8016), at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community

Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE: Sales of Coins, Currency, or Bullion

RULE NO.: 12A-1.0371

PURPOSE AND EFFECT: The purpose of the proposed substantial rewording of Rule 12A-1.0371, FAC., is to implement the changes to ss. 212.05(1)(k) and 212.08(7)(ddd), F.S., made by the 1999 Legislature, regarding the sale of coins, currency, and bullion. The effect of this proposed substantial rewording will be to provide the public current guidelines regarding the sales tax imposed on the sale of coins, currency, and bullion.

SUMMARY: The proposed substantial rewording of Rule 12A-1.0371, FAC., provides that the sale of U.S. legal tender is exempt regardless of its selling price. The terms “legal tender,” “bullion,” and “single transaction” are defined for purposes of the rule. The proposed amendments provide that the sale of coins or currency, in a single transaction, is exempt when the sales price charged for coins or currency that are not legal tender of the United States or legal tender of another country sold at its face value exceeds \$500. The sale of gold, silver, or platinum bullion, or a combination thereof, in a single transaction, is exempt when the total sales price of the bullion exceeds \$500. Examples of such transactions are provided in the proposed substantial rewording.

The proposed substantial rewording provides that no tax is due on the exchange of coins and currency in circulation in, and the legal tender of, a nation in exchange for the same of another nation when the exchange is solely for use as legal tender and the rate of exchange is based on the value of each nation’s coins or currency as a medium of exchange.

The proposed substantial rewording of the rule also provides that dealers of coins, currency, or bullion must maintain proper documentation until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. The documentation to be maintained is described.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Since this proposed rule only implements statutory provisions, no new regulatory costs are being created. Therefore, no statement of estimated regulatory costs 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: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(19), 212.05(1)(k), 212.08(7)(ddd) FS.

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

TIME AND DATE: 10:00 a.m., April 4, 2000

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida 32399-0100

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4714

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

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial Rewording of Rule 12A-1.0371 follows. See Florida Administrative Code for present text.)

12A-1.0371 Sales of Coins, ~~or~~ Currency, or Bullion.

(1)(a) The sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, is subject to tax unless:

1. The coin or currency is legal tender of the United States;
- or
2. The coin or currency is legal tender of a country other than the United States, and the coin or currency is sold at its face value.

(b) For purposes of this rule, "legal tender" means coins or currency that, at the time of the sale transaction, a creditor would be required to accept in payment of a debt.

(c) Examples:

1. United States Olympic Coin Sets and United States Double Eagles are legal tender of the United States, and their sale is not taxable.
2. Ancient Roman coins, medieval English coins, and Confederate money are no longer legal tender in any country, and their sale is taxable.
3. A coin dealer sells a 1983 British pound, composed of nickel and brass, for a price in U.S. currency that exceeds the current exchange rate. The sale is taxable.

4. A retail sale of a gold Krugerrand is taxable, even though it may be legal tender in the Republic of South Africa, because it has no face value and is sold based upon its precious metal content.

(2) The sale, use, consumption, or storage for use in this state of bullion is subject to tax. For purposes of this rule, "bullion" means gold, silver, or platinum in the form of bars, ingots, or plates, normally sold by weight. Finished goods,

such as coins and jewelry, are not bullion. Sales of commodity contracts of bullion are not subject to tax unless delivery of the commodity is taken in Florida.

(3)(a)1. The sale of coins or currency, in a single transaction, is exempt when the sales price charged for coins or currency that are not legal tender of the United States or legal tender of another country sold at its face value exceeds \$500.

2. Example: In one transaction, an investor purchases one United States \$40 coin, called a gold double eagle, for \$295, one Krugerrand for \$295, and one one-ounce gold ingot for \$295. Because the gold double eagle is United States legal tender, its sale is not subject to tax. The sale of the gold ingot is not a taxable sale of coins or currency, but is a taxable sale of bullion. The sale of the Krugerrand is a taxable sale of coins or currency. Because the portion of the sales price charged for taxable coins or currency is \$295, the transaction does not qualify for exemption and the sale of the Krugerrand and the ingot is taxable.

(b)1. The sale of gold, silver, or platinum bullion, or any combination thereof, in a single transaction, is exempt when the total sales price of such bullion exceeds \$500.

2. Example: An investor purchases two one-ounce gold ingots and one one-ounce platinum ingot in one transaction for \$1020. The sale is exempt, because the sales price of the bullion exceeds \$500.

(c) For purposes of this rule, a "single transaction" has the same meaning as the term "single sale," described in Rule 12A-1.003, F.A.C.

(4) Jewelry or other objects made or fabricated by incorporating or using coins, currency, or bullion are subject to tax. Tax is due on the total sales price of the jewelry or other objects, without deduction or credit for the price or value of the coins, currency, or bullion.

(5) When coins or currency that are in circulation in, and the legal tender of, a nation are exchanged for coins or currency in circulation in, and legal tender of, another nation, no tax is due when the coins or currency are exchanged solely for use as legal tender and the rate of the exchange is based on the value of each nation's coins or currency as a medium of exchange.

(6) The dealer must maintain proper documentation to exempt, in whole or in part, the sale of coins, currency, or bullion until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under s. 95.091(3), F.S. Failure to maintain and preserve proper documentation will subject the entire transaction to tax. Proper documentation, in the case of a transaction involving coins or currency, will describe the country, issue, grade, denomination, face value, and sales price of each item of coin or currency and additional information to clearly identify each coin or currency. In the case of a transaction involving bullion, proper documentation will describe the metal, quantity, form (such as bars or ingots), and sales price of each item of bullion.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(19), 212.05(1)(k)(4), ~~212.054(2)(a)~~; 212.08(7)(ddd) FS. History--New 3-17-93, Amended 10-17-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, or by telephone at (850)922-4714

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on December 23, 1999 (Vol. 25, No. 51, pp. 5778-5780). The workshop was held on January 31, 2000. No one attended the rule development workshop and no one submitted written comments.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE CHAPTER NO.: 14-15

RULE TITLE: Manual on Uniform Traffic Control Devices
RULE NO.: 14-15.010

PURPOSE AND EFFECT: This is a fast track amendment to Rule 14-15.010, F.A.C., to adopt Revision 7 to the *Manual on Uniform Traffic Control Devices*, under the provisions of Section 120.54(6), Florida Statutes.

SUMMARY: Revision 7 to the *Manual on Uniform Traffic Control Devices* is being adopted under the provisions of Section 120.54(6), Florida Statutes.

SPECIFIC AUTHORITY: 316.0745(1), 334.044(2), 335.18(2) FS.

LAW IMPLEMENTED: 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE

PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.010 Manual on Uniform Traffic Control Devices. The Federal Highway Administration *Manual on Uniform Traffic Control Devices*, 1988 Edition, as amended by Federal Highway Administration Revision 1, dated January 17, 1990; Revision 2, dated March 17, 1992; Part VI, *Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility, and Incident Management Operations*, Revision 3, dated September 3, 1993;-Revision 4, dated November 1, 1994; Revision 4a (editorial revisions/clarifications); Revision 5, dated December 24, 1996; ~~and~~ Revision 6, dated June 1998, and Revision 7, dated January 3, 2000, is hereby incorporated by this rule and made a part of the rules of the Department of Transportation. This is a federal document for sale by the Superintendent of Documents, U. S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP Washington, D. C. 20402-9328; Publication No. FHWA-SA-89-006 HTO-21/2-29(15M)P. Copies are available for review at the Department of Transportation locations listed in rule 14-1.006, Florida Administrative Code. A certified copy has been filed with the Department of State.

Specific Authority 316.0745(1), 334.044(2), 335.18(2) FS. Law Implemented 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS. History--New 7-15-79, Amended 1-8-81, 8-15-85, Formerly 14-15.10, Amended 11-29-89, 4-25-95, 1-15-99, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application
RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To provide that applications for advanced payment contracts may be submitted by a purchaser pursuant to a court order at any time.

SUMMARY: This rule change allows applications for advanced payment contracts to be submitted by purchasers pursuant to a court order at any time.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 240.551(7)(a) FS.

LAW IMPLEMENTED: 240.551 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., April 3, 2000
PLACE: Suite 210, Hermitage Building, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, the Florida Prepaid College Foundation, Inc., or for purchasers participating in employer participation programs or by purchasers pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP 99-1 is hereby incorporated by reference and may be obtained by calling 1(800)552-GRAD (4723) (prompt 1). The effective date of the form is October 18, 1999. The Florida Prepaid College Program Master Covenant, Form No. FPCP 99-2, is hereby incorporated by reference with an effective date of October 18, 1999.

Specific Authority 240.551(7)(a) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-9-2000, Formerly 4G-4.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 1999.
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2000

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Monthly Reports by Citrus Fruit Dealers
RULE CHAPTER NO.: 20-3
RULE TITLES: Quantity of Fruit Handled
Processed Product Report
RULE NOS.: 20-3.001
20-3.002

PURPOSE AND EFFECT: Would add a new rule section codifying reporting procedures followed by registered citrus processing plants.

SUMMARY: Codifies reporting procedures followed by registered citrus processing plants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 601.10(1),(7),(8), 601.15(1), (2),(4),(10), 601.155(7), 601.28(4), 601.69, 601.01 FS.

LAW IMPLEMENTED: 601.10(8), 601.15(1), 601.155(7), 601.69 FS.

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

TIME AND DATE: 10:30 a.m., April 19, 2000
PLACE: Southwest Florida Research & Education Center, 2686 SR 29N, Immokalee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-3.001 Quantity of Fruit Handled.

All citrus fruit dealers shall report to the Division of Fruit and Vegetables ~~Inspection~~ on the first day of each month on form ~~DACS-07050 Rev. 8/99 FDOACS #2, 10-1-88~~, furnished by the Division of Fruit and Vegetables ~~Inspection~~ and incorporated by reference herein, the quantity of citrus fruit, in terms of standard packed boxes, which the dealer handled during the preceding calendar month, except those citrus fruit dealers who handle less than 2,000 boxes during the shipping season or who otherwise supply such information to the Division of Fruit and Vegetables ~~Inspection~~.

Specific Authority 601.10(1),(7), 601.69 FS. Law Implemented 601.61(1), 601.69(2),(9) FS. History--Formerly 105-1.33, Revised 1-1-75, Formerly 20-3.01, Amended 11-20-88, _____.

20-3.002 Processed Product Report.

(1) All citrus fruit dealers licensed to operate a processing plant shall provide to the Department of Citrus or its designated agent the following information:

(a) The quantity and variety of all raw citrus fruit received that was not produced in Florida. The geographic origin (by country or state if from the United States) of such product shall be indicated.

(b) The quantity and type of processed citrus fruit product manufactured by the dealer from raw citrus fruit from production areas outside the state of Florida. The geographic origin (by country or state if from the United States) of such product shall be indicated.

(c) The amount of raw citrus fruit processed, reported on both a box basis and on a pounds solids basis. These quantities shall be reported in a way to show the proportion of such juice that is manufactured into single strength or concentrated forms.

(d) The type and amount of finished juice and juice product for further manufacturing manufactured by the dealer during the reporting period.

(e) The amount of each type of citrus fruit juice product actually shipped during the preceding reporting week to a customer or to another party.

(f) Summaries of the average purchase prices for raw fruit delivered to the dealer during the reporting period, reported by variety on a "spot" price and contract price basis.

(g) The amount and type of citrus fruit juice product physically held or stored by the citrus fruit dealer at the end of the weekly reporting period.

(2) All information shall be reported by Thursday of each week except on designated holidays when said information shall be provided by the close of business on the first subsequent work day of the Department of Citrus. Information shall be submitted on forms provided by the Department of Citrus and incorporated by reference into section 20-100.004, Florida Administrative Code, and shall be delivered by electronic transfer to the location designated on the aforementioned forms. The burden of proof of delivery of the requisite information rests with the licensed citrus fruit dealer.

(3) In addition to the weekly reports, citrus fruit dealers licensed to operate a processing plant shall file, twice a year, an inventory verification report with one such report being filed at mid-season and the other report being a CPA's report to be filed within sixty days of close of dealer's fiscal year.

(4) The following licensed citrus fruit dealers are exempt from the reporting requirements of this section:

(a) All gift fruit shippers

(b) Retail processors

(c) Roadside stand operators engaged in the production of fresh squeezed unpasteurized juice who squeeze less than 30,000 boxes annually.

(5) Individual plant information reported pursuant to this rule shall be held confidential and shall constitute trade secrets as defined in s. 812.081, Florida Statutes and are exempt from the provisions of s. 119.07(1), F.S.

Specific Authority 601.10(1)(8), 601.15(1)(2)(4)(10), 601.155(7), 601.28(4), 601.69, 601.701 FS. Law Implemented 601.10(8), 601.15(1), 601.155(7), 601.69 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Clark R. Jennings, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clark R. Jennings, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Agency Organization and Operation
RULE CHAPTER NO.: 20-100

RULE TITLE: Official Forms Used by Agency
RULE NO.: 20-100.004

PURPOSE AND EFFECT: Updates list of official forms used by the Department of Citrus in conducting its business with the public.

SUMMARY: Updates list of official forms used by the Department of Citrus in conducting its business with the public.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 601.10(1),(15) FS.

LAW IMPLEMENTED: 601.10(15) FS.

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

TIME AND DATE: 10:30 a.m., April 19, 2000

PLACE: Southwest Florida Research & Education Center, 2686 SR 29N, Immokalee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-100.004 Official Forms Used by Agency.

In its licensing, regulatory, taxation, marketing and other operational functions the Florida Department of Citrus requires use of the forms listed below. All of these forms are available for inspection by any interested party during regular business hours at the headquarters office located at 1115 East Memorial Boulevard, Lakeland, Florida or may be received upon request by writing the Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148 or by telephone 863/941-499-2500.

(1) Application for License as Citrus Fruit Dealer – CIT/LIC/01REV. 12/31/98 4-23-98

(2) Supplement to Application for License as Citrus Fruit Dealer for Bond Exempt Status – CIT/LIC/02 REV. 03/01/99 ~~8-1-95~~

(3) Affidavit to Request Increase in Bond Exemption – CIT/LIC/03 REV. 03/01/99 ~~8-1-95~~

(4) Application for Special Transportation Permit – CIT/LIC/04 REV. 03/01/99 ~~8-1-95~~

(5) Special Transportation Permit – CIT/LIC/05 REV. 03/01/99 ~~8-1-96~~

(6) Application for Permits for Shipment by Gift Fruit Shippers of Fresh Citrus Fruit Not for Resale – CIT/LIC/06 REV. 03/01/99 ~~8-1-97~~

(7) Permit for Gift Package Shipment – CIT/LIC/07 REV. 03/01/99 ~~8-1-95~~

(8) Application for Permit for Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes – CIT/LIC/08 REV. 03/01/99 ~~8-1-95~~

(9) Permit for Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes – CIT/LIC/09 REV. 03/01/99 ~~8-1-95~~

(10) Affidavit Relating to Shipment of Fresh Citrus Fruit or Products for Charitable or Unemployment Relief Purposes – CIT/LIC/10 REV. 03/01/99 ~~8-1-95~~

(11) Application for Permit to Make Test Shipments of Experimental Containers for Fresh Citrus Fruit – CIT/LIC/11 REV. 03/01/99 ~~8-1-95~~

(12) Application for Permit to Make Test Shipments of Experimental Containers for Fresh Citrus Fruit with Lab Test – CIT/LIC/12 REV. 9-23-96

(13) Permit to Make Test Shipments of Experimental Containers for Fresh Citrus Fruit – CIT/LIC/13 REV. 9/30/99 ~~8-1-95~~

(14) Application for Permit to Export Citrus Fruit with Solids, Ratio and Juice Content Within A Tolerance Not Exceeding Five Percent of Standards Established by Law to Foreign Countries Other Than Canada and Mexico – CIT/LIC/14 REV. 8-1-95

(15) Permit to Export Citrus Fruit With Solids, Ratio and Juice Content Within A Tolerance Not Exceeding Five Percent of Standards Established by Law to Foreign Countries Other Than Canada and Mexico – CIT/LIC/15 REV. 8-1-95

(16) Request for Fresh Fruit Brand or Trademark Registration – CIT/LIC/16 REV. 8-1-95

(17) Request for Label, Brand or Trademark Registration for Use on Processed Products – CIT/LIC/17 REV. 8-1-95

(18) Application for Designation as an Organic Gift Fruit Shipper – CIT/LIC/18 REV. 8-1-95

(19) Application for Permit for Shipment and Sale of An Experimental Pack of Florida Concentrated Orange Juice Other Than Frozen or Canned – CIT/LIC/19 REV. 8-1-95

(20) Permit for Shipment and Sale of An Experimental Pack of Florida Frozen Concentrated Orange Juice – CIT/LIC/20 REV. 8-1-95

(21) Application for Permit for Interstate Shipment of Fresh Citrus Fruit to a Packinghouse, Canning or Concentrating Plant – CIT/LIC/21 REV. 8-1-95

(22) Permit for Interstate Shipment of Fresh Citrus Fruit to a Packinghouse, Canning or Concentrating Plant – CIT/LIC/22 REV. 8-1-95

(23) Florida Sunshine Tree License Application Form – CIT/LEG/01 REV. 12/9/99 ~~12-16-97~~

(24) Florida Sunshine Tree License Application Supplement A – CIT-LEG/02 REV. 8-1-95

(25) Florida Sunshine Tree Supplier Statement Form – CIT/LEG/04 REV. 7-7-98

(26) License for Florida Sunshine Tree Registered Certification Mark – CIT/LEG/05 REV. 8-1-95

(27) Application for Use of Florida's Seal of Approval – CIT/LEG/06 REV. 12/9/99 ~~12-16-97~~

(28) Application for Use of Florida's Seal of Approval Supplement A – CIT/LEG/07 REV. 8-1-95

(29) Florida's Seal of Approval Supplier Statement Form – CIT/LEG/08 REV. 7-7-98

(30) License Certificate for Florida's Seal of Approval Registered Certification Mark – CIT/LEG/09 REV. 8-1-95

(31) Florida with Sunburst "O" License Application Form – CIT/LEG/10 REV. 8-1-95

(32) Florida with Sunburst "O" Supplier Statement Form – CIT/LEG/11 REV. 8-1-95

(33) License Certificate for Florida with Sunburst "O" Registered Mark – CIT/LEG/12 REV. 8-1-95

(34) Fresh From the Florida Sunshine Tree License Application Form – CIT/LEG/13 REV. 8-1-95

(35) License Certificate for Fresh From the Florida Sunshine Tree Registered Certification Mark – CIT/LEG/14 REV. 8-1-95

(36) Application for Use of Florida Citrus Growers' Symbol – CIT/LEG/15 EFF. 12/9/99 ~~1-1-98~~

(37) Application for Use of Florida Citrus Growers' Symbol Supplement A – CIT/LEG/16 EFF. 1-1-98

(38) Florida Citrus Growers' Symbol Supplier Statement Form – CIT/LEG/17 REV. 1/1/98 ~~7-7-98~~

(39) Florida Citrus Growers' Symbol License Certificate – CIT/LEG/18 EFF. 1-15-98

(40) Application for Use of Made With Florida Citrus Mark – CIT/LEG/19 EFF. 5-1-98

(41) Made With Florida Citrus Supplier Statement Form – CIT/LEG/20 EFF. 5-1-98

(42) Made With Florida Citrus Florida Processor's Agreement – CIT/LEG/21 EFF. 1-1-98

(43) Made With Florida Citrus Symbol License Certificate – CIT/LEG/22 EFF. 5-1-98

- (44) Application for Use of "Florida Premium Ripe" Mark – CIT/LEG/122 EFF. 10-16-97
- (45) Florida Premium Ripe Symbol License Certificate – CIT/LEG/123 EFF. 10-16-97
- (46) Fresh From Florida Citrus Growers' Symbol Application – CIT/LEG/23 EFF. 12-6-98
- (47) Fresh Fruit Florida Advertising Tax Return (Packinghouse & Gift Fruit Packers) – CIT/REV/01R REV. 8/1/99 8-1-97
- (48) Bond of Citrus Fruit Dealer to Guarantee Payment of Citrus Excise Taxes – CIT/REV/02 REV. 8/1/99 8-1-95
- (49) Processed Citrus Products Florida Advertising Tax Return – CIT/REV/03R REV. 8/1/99 8-1-97
- (50) Equalization Advertising Tax Return – CIT/REV/04R REV. 8/1/99 8-1-97
- (51) Cash Bond of Citrus Fruit Dealer to Guarantee Payment of Citrus Excise Taxes – CIT/REV/05 REV. 8-1-95
- (52) Fresh Fruit & Fresh Squeezed Florida Advertising Tax Return (Gift Fruit Shippers or Roadside Stand Operators) – CIT/REV/06R REV. 10/8/99 10-17-97
- (53) Certificate of Deposit Assignment – CIT/REV/07 REV. 8/1/99 8-1-97
- (54) Grapefruit Juice for Beverage Base Product Certification – CIT/REV/08R REV. 9-1-98
- (55) Florida Citrus Solids Strategy Program – CIT/REV/09R EFF. 12/1/99
- ~~(56)(55)~~ Value-Added Promotion Program Agreement/Invoice – CIT/MKTG/VAP1 REV. 8-1-95
- ~~(57)(56)~~ International Florida Department of Citrus ~~European~~ Value Added Promotions Program Agreement and Invoice – CIT/INT/VAP 2 3 REV. 8/31/99 6-7-95
- ~~(58)(57)~~ Florida Department of Citrus Participation Agreement International New Market Development Program – CIT/INT/01 REV. 9/09/99 8-1-95
- (59) Targeted Value-Added Promotion Program Agreement – CIT/MKTG/149 REV. 12/3/99
- (60) Targeted Value-Added Promotion Program Agreement (Club Store) – CIT/MKTG/149A REV. 12/3/99
- (61) Targeted VAP Sign-Up Form – CIT/MKTG/150 EFF. 8/1/99
- (62) Targeted VAP Delegation Form – CIT/MKTG/151 EFF. 8/1/99
- (63) Targeted VAP Agreement Form – CIT/MKTG/152 EFF. 8/1/99
- (64) Targeted VAP Agreement Form (Club Store) – CIT/MKTG/152A EFF 12/1/99
- (65) Targeted VAP Agreement Form (Media/Demo Promotion) – CIT/MKTG/153 EFF. 10/20/99
- (66) Targeted Value-Added Promotion Program Evaluation – CIT/MKTG/154 EFF. 10/20/99
- (67) Oranges Used in Frozen Concentrated Orange Juice Supplementary Weekly Report – CIT/FB-1 EFF. 5/15/2000

- (68) Grapefruit Used in FCGJ Supplementary Weekly Report – CIT/FB-2 EFF. 5/15/2000
- (69) Weekly Pack of Frozen Concentrate – CIT/CI EFF. 5/15/2000
- (70) FCOJ Report of Goods on Hand – CIT/C-1A EFF. 5/15/2000
- (71) Breakdown of FCOJ Bulk Gallons Disappearance – CIT/FC-3 EFF. 5/15/2000
- (72) FCOJ Futures – CIT/FC-3A EFF. 5/15/2000
- (73) Frozen Grapefruit Concentrate-Report of Goods on Hand – CIT/C-2 EFF. 5/15/2000
- (74) Frozen Concentrated Tangerine Juice (Bulk Gallons -42° Brix) Weekly Report of Goods on Hand and Movement – CIT/TJ-1 EFF. 5/15/2000
- (75) Weekly Chilled Juice Report – CIT/CJ-1 EFF. 5/15/2000
- (76) Orange Plant Recovery Weekly Report – CIT/PR-1 EFF. 5/15/2000
- (77) Grapefruit Plant Recovery Weekly Report – CIT/PR-2 EFF. 5/15/2000
- (78) Movement of Frozen Concentrates, Canned Products and Chilled Orange Juice – CIT/M-1 EFF. 5/15/2000
- (79) By Products Report – CIT/BP EFF. 5/15/2000
- (80) By Products Report – CIT/BPT EFF. 5/15/2000
- (81) Fuel Used in Feed Mill – CIT/BP-1 EFF. 5/15/2000

Specific Authority 601.10(1),(15) FS. Law Implemented 601.10(15) FS. History—New 1-1-75, Amended 8-31-83, 2-26-84, Formerly 20-102.05, Amended 12-20-95, Formerly 20-102.005, Amended and Transferred 12-6-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Clark R. Jennings, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clark R. Jennings, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 4, 2000

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Exceptions to the Uniform Rules of Procedure	40E-0
RULE TITLES:	RULE NOS.:
Procedures for Processing Permit Applications	40E-0.103
Consideration of Intended Agency Decision on Permit Applications	40E-0.105
Emergency Authorization	40E-0.108
Point of Entry into Proceedings and Mediation	40E-0.109
Exemptions and Variances for Well Construction Permits	40E-0.111

Variations from Specified Review Criteria for
 Environmental Resource Permits 40E-0.113
 Variations from Water Use Restrictions 40E-0.115

PURPOSE AND EFFECT: The purpose of the South Florida Water Management District's proposed rule making is to incorporate the comments raised by the Joint Administrative Procedures Committee to ensure that procedural rules are in compliance with §120.545, F.S., are consistent with §120.54(5), F.S., and the uniform rules of procedure (Chapter 28, FAC.).

SUMMARY: The proposed amendments: Provide that extensions of time to complete a permit application under §120.60, F.S., shall be granted upon a showing of good faith by the permit applicant; deletes language regarding the scope of an administrative hearing on an amended agency action; deletes language defining emergency conditions for receiving emergency authorizations; amends language providing for a point of entry to challenge amended agency actions and defines when agency actions substantially differ from the notice of intended agency action; deletes language regarding the right to waive a §120.57(2) informal hearing before the governing board; clarifies the circumstances under which a water well construction variance will be issued and conditions to be imposed on the variance; clarifies that the duration of a variance from specified review criteria for environmental resource permits is limited by law; clarifies that conditions on variances from water use restrictions will not be waived or modified by the Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.044, 373.113, 373.171, 373.414(17), 373.439 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.175, 373.246, 373.303, 373.308, 373.313, 373.316, 373.326, 373.439, 403.201 FS.

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

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

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6299 or (561)682-6299, (internet: jsluth@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.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-0.103 Procedures for Processing Permit Applications.

- (1) No change.
- (a) through (c) No change.
- (d) Failure of an applicant to provide the timely requested information within these timeframes shall be considered grounds for denial of the application. Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter. The District ~~shall~~ may grant an extension upon a showing of good faith by the applicant to comply with the timelines in Section 120.60, F.S. Unless an extension of time has been granted by the District, any application which remains incomplete 240 days after the original submittal date of an individual permit application or 90 days after the original submittal date of a notice of intent for general permit, shall be denied without prejudice.
- (e) No change.
- (2) through (3)(e) No change.

Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98, Amended.

40E-0.105 Consideration of Intended Agency Decision on Permit Applications.

- (1) through (3) No change.
- (4) Because the Governing Board may take a final agency action which materially differs from the noticed intended agency action, applicants and other interested persons should be prepared to defend their position regarding the permit application when it is considered by the Governing Board. If the Governing Board takes final agency action which materially differs from the intended agency decision, the District shall mail a notice of the final agency action to all persons who were notified of the intended agency decision. ~~The final agency action can be challenged only to the extent that it differs from the intended agency decision.~~

Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History—New 7-2-98, Amended.

40E-0.108 Emergency Authorization.

- (1) Permission to initiate activities regulated under Chapter 373, F.S., prior to the issuance of a permit or authorization of use may be applied for, in writing, when emergency conditions justify. However, no such permission shall be granted unless the proposed use is already under

consideration for a permit under District rules. ~~A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency.~~ Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of an emergency authorization.

(2) No change.

Specific Authority 120.54(5), 120.60, 373.439 FS. Law Implemented 120.54(5), 120.60, 373.439 FS. History–New 7-2-98, Amended.

40E-0.109 Point of Entry into Proceedings and Mediation.

~~(1)~~ Point of entry into proceedings determining substantial interests are governed by Rule 28-106.111, F.A.C., and this section.

~~(1)(2)~~(a) "Receipt of written notice of agency decision" as set forth in Rule 28-106.111, F.A.C., means receipt of either written notice through mail or posting that the District has or intends to take final agency action, or publication of notice that the District has or intends to take final agency action.

(b) No change.

~~(2)(e)~~ If the Board takes action which substantially differs from the notice of intended agency decision, the applicant or persons who may be substantially affected shall have an additional point of entry pursuant to Section 28-106.111, F.A.C., 21 days, unless otherwise provided by law designated by rule, from the date of receipt of notice of said decision to request an administrative hearing. The Board action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed. However, the scope of the administrative hearing shall be limited to the substantial deviation.

(3) No change.

~~(4) Applicants entitled to a hearing pursuant to Section 120.57(1), F.S., may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), F.S., which may be granted at the option of the Governing Board.~~

Specific Authority 120.54(5), 120.60 FS. Law Implemented 120.54(5), 120.60 FS. History–New 7-2-98, Amended.

40E-0.111 Exemptions ~~Exceptions~~ and Variances for Well Construction Permits

(1) The board finds that compliance with all the requirements of Part I of Chapter 40E-3 may result in an undue hardship for the construction, repair or abandonment of certain wells.

(2) No change.

(3) The District ~~shall~~ may grant the exemption by way of a variance if the proposal is in accordance with accepted public health and sanitary engineering principles and practices and will not adversely affect the water resource. The variance shall be the minimum necessary to ameliorate the hardship.

(4) No change.

(5) Upon issuance of a variance the District ~~shall~~ may impose such special conditions as may be necessary to protect the intent and purpose of Part III, Chapter 373, Florida Statutes and this chapter.

(6) No change.

Specific Authority 120.54(5), 373.044, 373.113, 373.171 FS. Law Implemented 120.54(5), 373.303, 373.308, ~~373.309~~, 373.313, 373.316, 373.326 FS. History–New 9-2-98, Amended.

40E-0.113 Variances from Specified Review Criteria for Environmental Resource Permits.

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

(d) The time period for which the variance is sought, not to exceed the time period permitted by law, including the reasons and facts supporting the time period.

(e) No change.

(f) The steps or measures the petitioner is taking to meet the requirement from which the variance is sought. If the request is pursuant to subsection 40E-4.311(1)~~(b)~~ above, the petitioner shall include a schedule when compliance will be achieved.

(g) through (h) No change.

(4) through (6) No change.

Specific Authority ~~120.54(5)~~, 373.044, ~~373.109~~, 373.113, 373.171, 373.414(17) FS. Law Implemented ~~120.54(5)~~, ~~373.109~~, 403.201 FS. History–New 9-2-98, Amended.

40E-0.115 Variances from Water Use Restrictions.

(1) All users requesting relief from the provisions of Chapter 40E-21, F.A.C. this chapter shall file an application for variance but must conform to water restrictions until the Executive Director grants a temporary variance or the Board grants the variance.

(2) No change.

(a) through (e) No change.

(3) Limiting Conditions – Variances granted shall be subject to the following conditions, ~~unless waived or modified by the Board:~~

(a) through (6) No change.

Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented 120.54(5), 373.175, 373.246 FS. History–New 9-2-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cecile Ross, Senior Attorney, Office of Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
General and Procedural	40E-1
RULE TITLES:	RULE NOS:
Publication of Notice of Agency Decision or Intended Agency Decision	40E-1.5095
Point of Entry into Proceedings	40E-1.511
Initiation of Formal Proceedings	40E-1.521
Exceptions to Recommended Order	40E-1.564
Final Order	40E-1.565
Application Procedures for Conceptual Approval, Individual and General Permits	40E-1.603
Publication and Requests for Notification of Permit Applications or Notices of Intent	40E-1.6058
Consideration of Intended Agency Decision on Permit Applications	40E-1.6065
Denial of Permits	40E-1.608
Suspension, Revocation and Modification of Permits	40E-1.609
Permit Renewal	40E-1.610
Emergency Authorization	40E-1.6115
Administrative Enforcement Action	40E-1.705

PURPOSE AND EFFECT: The purpose of the South Florida Water Management District's proposed rule making is to incorporate the comments raised by the Joint Administrative Procedures Committee to ensure that procedural rules are in compliance with §120.545, F.S., are consistent with §120.54(5), F.S., and the uniform rules of procedure (Chapter 28, FAC.).

SUMMARY: The proposed amendments: Delete reference to a form for notice of proposed agency action; incorporate reference to Rule 28-106.111, FAC., for uniform point of entry procedures; define standard for scope of point of entry for challenging amended governing board action; delete language regarding ability to waive right to formal hearing; and request an informal §120.57(2) hearing before the governing board; delete language regarding procedures to waive action on petition by governing board; delete procedure regarding deferral of governing board action on challenged proposed agency action; delete procedures for exceptions to recommended orders; delete procedures for governing board consideration of final orders; clarify procedures for granting extensions for completing permit applications; delete language defining scope of administrative hearing on amended agency action; delete requirements for permit denials; clarify that permit suspensions are temporary; delete definition of grounds for emergency authorization; delete rule regarding administrative enforcement actions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 120.53, 120.53(1), 120.54(5), 373.044, 373.113, 373.119, 373.129, 373.136, 373.413, 373.439 FS.

LAW IMPLEMENTED: 120.53(1), 120.54(5), 120.54(17), 120.57, 120.59, 120.60, 120.60(2), 120.60(3), 373.107, 373.109, 373.113, 373.116, 373.119, 373.219, 373.239, 373.243, 373.323, 373.229, 373.239, 373.243, 373.413, 373.417, 373.421, 373.422, 373.429, 373.439 FS.

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

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

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6299, or (561)682-6299, (internet: jsluth@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.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-1.5095 Publication of Notice of Agency Decision or Intended Agency Decision.

(+) In cases where a project is determined to be of heightened public concern, or where there is the likelihood of a request for an administrative hearing, where the proposed activity is potentially harmful to the water resources of the District or contrary to the overall objectives of Chapter 373, F.S., as outlined in Section 373.016, F.S., or if objection(s) to the application has been received, the District shall publish, or require the permit applicant to publish notice of agency decision or intended agency decision in the Florida Administrative Weekly or newspapers of general circulation in the area affected by such decisions as required by Chapter 50, F.S., and shall post notice and mail copies of its notice to applicants and interested groups. Such publication may be used as evidence of constructive and sufficient notice.

~~(2) The notice referenced above in subsection (1) shall contain the same information in substantially the same form as shown in Form No. 0985, "South Florida Water Management~~

~~District Notice of Proposed Agency Action." This form is hereby incorporated by reference and is available from the District upon request.~~

Specific Authority 120.54(5), 373.413 FS. Law Implemented 120.54(5), 373.413 FS. History—New 7-2-98, Amended.

40E-1.511 Point of Entry into Proceedings.

(1)(a) No change.

(b) No change.

(2) If the Board takes action which substantially differs from the notice of intended agency decision, the applicant or persons who may be substantially affected shall have an additional point of entry pursuant to Section 28-106.111, F.A.C., 21 days, unless otherwise provided by law designated by rule, from the date or receipt of notice of said decision to request an administrative hearing. The Board action is considered to substantially differ from the notice of intended agency decision when the potential impact on water resources has changed. However, the scope of the administrative hearing shall be limited to the substantial deviation.

(3) Notwithstanding the timeline in Rule 28-106.111, F.A.C., intended agency decisions or agency decisions regarding consolidated applications for Environmental Resource Permits and Use of Sovereign Submerged Lands pursuant to Section 373.427, F.S. shall provide a 14 day point of entry to file petitions for administrative hearing.

(4) ~~Applicants entitled to a hearing pursuant to Section 120.57(1), F.S. may waive their right to such a hearing and request an informal hearing before the Governing Board pursuant to Section 120.57(2), F.S. which may be granted at the option of the Governing Board.~~

Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53(1), 120.54(17), 120.57, 373.113 FS. History—New 9-3-81, Amended 7-26-87, 5-11-93, 10-3-95, 7-2-98, _____.

40E-1.521 Initiation of Formal Proceedings.

(1) ~~Initiation of formal proceedings under Section 120.57(1) shall comply with the procedures in Rule 28-106.201, F.A.C.~~

(2) ~~If a valid petition is filed, with the consent of all parties Board action on the petition pursuant to Section 120.57(1)(b) shall be waived.~~

(3) ~~When a valid petition for administrative hearing has been filed, pursuant to Section 120.569, F.S., the Board action shall defer consideration of the matter pending the completion of the administrative hearing and the submittal of a recommended order, and any exceptions to that order.~~

Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53(1), 120.57, 373.113 FS. History—New 9-3-81, Formerly 16K-1.09(1), 16K-1.112(1)-(3), 16K-1.12, Amended 5-11-93, 7-2-98, _____.

40E-1.564 Exceptions to Recommended Order.

(1) ~~The procedures for filing exceptions to findings of fact or conclusions of law in a recommended order, and for filing responses thereto, are contained in Rule 28-106.217, F.A.C.~~

(2) ~~Exceptions to findings of fact or conclusions of law which are based upon facts not found by the hearing officer shall be accompanied by the original and ten (10) copies of a complete transcript provided at the expense of the party filing exceptions, provided however, that the parties may stipulate that a lesser portion of the transcript be filed. The transcript shall be filed within 20 days of the date of the recommended order or prior to the Board meeting at which the exceptions are to be considered, whichever first occurs.~~

(3) ~~Each exception shall state with particularity the finding of fact, conclusion of law, or recommendation which is objectionable and the basis for asserting that the hearing officer erred in making or omitting specific findings of fact, conclusions of law or a recommendation. Specific reference must be made to those portions of the transcript which support the exception in order for the exception to be considered.~~

Specific Authority 120.53, 373.044, 373.113 FS. Law Implemented 120.53(1), 120.57, 373.113 FS. History—New 9-3-81, Formerly 16K-1.11(10), Amended 5-11-93, 7-2-98, _____.

40E-1.565 Final Order.

(1) ~~Final orders entered in a proceeding determining substantial interests shall be considered at a public meeting. This proceeding shall not be a de novo review, but shall be confined to the record submitted to the Board together with the recommended order.~~

(2) ~~If a party files exceptions to a recommended order, or, for hearings conducted by the Board submits proposed findings of fact or conclusions of law to the Board, the final order shall include an explicit ruling on each exception, proposed finding of fact, or conclusion of law as well as a brief statement of grounds for denying the exception or proposed finding of fact; provided however, the District is not required to make explicit rulings on subordinate, cumulative, immaterial or unnecessary proposed facts and such proposed facts may be rejected in the final order by simple statement that they are irrelevant or immaterial.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53(1), 120.57, 120.59, 120.60 FS. History—New 9-3-81, Formerly 16K-1.11(11), Amended 7-1-98, Repealed.

40E-1.603 Application Procedures for Conceptual Approval, Individual and General Permits.

(1) No change.

(a) through (c) No change.

(d) Failure of an applicant to provide the timely requested information within these timeframes shall be considered grounds for denial of the application. Denial of an application for lack of completeness is without prejudice to the applicant's right to file a new application on the same subject matter. The District shall may grant an extension upon a showing of good faith by the applicant to comply with the timelines in Section 120.60, F.S. Unless an extension of time has been granted by the District, any application which remains incomplete 240 days after the original submittal date of an individual permit

application or 90 days after the original submittal date of a notice of intent for general permit, shall be denied without prejudice.

- (e) No change.
- (2) through (3)(e) No change.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.60, 373.107, 373.109, 373.116, 373.229, 373.417, 373.421, 373.422 FS. History—New 9-3-81, Formerly 16K-1.08(1)-(8), Amended 7-1-86, 7-26-87, 11-21-89, 5-11-93, 10-3-95, 4-1-96, 7-2-98,_____.

40E-1.6058 Publication and Requests for Notification of Permit Applications or Notices of Intent.

- (1) through (2)(a) No change.
- (b) Within 14 days of filing notice of intent to use a general permit or application for a standard general permit, persons qualifying for the use thereof are not required to, but may publish notice of such filing in a newspaper of general circulation, as defined in Chapter 50, F.S., in the area affected by the proposed project. Proof of publication shall be submitted to the district within 14 days of publication. ~~To constitute valid notice to interested parties, the notice shall contain the format provided in Form No. 0985, "South Florida Water Management District Notice of Proposed Agency Action." This form is hereby incorporated by reference and is available from the District upon request.~~

(c) Published Notice of Use for No Notice General Permits. Publication of notice of use of general permits for which no notice is required to be filed with the District may occur if desired by the permittee. The published notice ~~must contain the information in substantially the same form as set forth in Form 0985, and~~ be published in a newspaper of general circulation, as defined in Chapter 50, F.S., in the area affected by the proposed project within 7 days of commencing work. If published, proof of publication must be submitted to the district within 14 days of publication.

- (3) through (5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53(1), 120.60(3) FS. History—New 10-3-95, Amended 7-2-98,_____.

40E-1.6065 Consideration of Intended Agency Decision on Permit Applications.

- (1) through (3) No change.
- (4) Because the Governing Board may take a final agency action which materially differs from the noticed intended agency action, applicants and other interested persons should be prepared to defend their position regarding the permit application when it is considered by the Governing Board. If the Governing Board takes final agency action which materially differs from the intended agency decision, the District shall mail a notice of the final agency action to all persons who were notified of the intended agency decision. ~~The final agency action can be challenged only to the extent that it differs from the intended agency decision.~~

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.60, 373.107, 373.109, 373.116 FS. History—New 7-2-98, Amended_____.

40E-1.608 Denial of Permits.

- (1) No change.
- ~~(2) The District shall set forth in writing the grounds or basis for denial of a permit. For environmental resource permit applications, a notice of denial shall explain in general terms what changes, if any, would address the reasons for denial. Such changes shall not be limited to those modifications as described in subsection 4.2.1., "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District, August 1995", incorporated by reference in Rule 40E-4.091, F.A.C.~~
- ~~(2)(3) No change.~~

Specific Authority 373.044, 373.113 FS. Law Implemented 120.53(1), 120.57, 120.60 FS. History—New 9-3-81, Amended 10-3-95, 7-2-98,_____.

40E-1.609 Suspension, Revocation and Modification of Permits.

- (1) No change.
- (2) The District may temporarily suspend or revoke a permit, in whole or in part, when it determines that the permittee or an agent of the permittee has:
 - (a) through (e) No change.
 - (3) through (4) No change.

Specific Authority 120.53, 373.044, 373.113, 373.119, 373.129, 373.136 FS. Law Implemented 120.53(1)(b),(c), 120.60(2), 373.119, 373.239, 373.243, 373.429 FS. History—New 9-3-81, Amended 5-11-93, 10-3-95, 7-2-98,_____.

40E-1.610 Permit Renewal.

- (1) Holders of renewable permits shall make timely application as required by Rule 40E-1.603 ~~or Rule 40E-1.606, as applicable,~~ for renewal so as to avoid expiration during the renewal process. When timely application is made, the existing permit shall not expire until final agency action, or if the permit is denied or the terms limited, until the last day for seeking review of the District order or a later date fixed by order of the reviewing court.
- (2) No change.

Specific Authority 120.53(1), 373.044, 373.113 FS. Law Implemented 120.60, 373.219, 373.239, 373.323, 373.413 FS. History—New 5-11-93, Amended_____.

40E-1.6115 Emergency Authorization.

- (1) Permission to initiate activities regulated under Chapter 373, F.S., prior to the issuance of a permit or authorization of use may be applied for, in writing, when emergency conditions justify. However, no such permission shall be granted unless the proposed use is already under consideration for a permit under District rules. ~~A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency.~~ Mere carelessness or lack of planning on the part of the applicant shall not be sufficient grounds to warrant the granting of an emergency authorization.
- (2) No change.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits
RULE CHAPTER NO.: 40E-4
RULE TITLE: Variances from Specified Review Criteria
RULE NO.: 40E-4.311

PURPOSE AND EFFECT: The purpose of the South Florida Water Management District's proposed rule making is to address the comments raised by the Joint Administrative Procedures Committee to ensure that procedural rules are in compliance with §120.545, F.S., are consistent with §120.54(5), F.S., and the uniform rules of procedure (Chapter 28, FAC.).

SUMMARY: The proposed amendment clarifies that the duration for variances from specified review criteria for environmental resource permits is limited by law.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.303, 373.308, 373.313, 373.316, 373.326 FS.

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

TIME AND DATE: 9:00 a.m., April 13, 2000
PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6299, or (561)682-6299, (internet: jsluth@sfwmd.gov)

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40E-4.311 Variances from Specified Review Criteria for Environmental Resource Permits.
 - (1) through (3)(c) No change.
 - (d) The time period for which the variance is sought, not to exceed the time period permitted by law, including the reasons and facts supporting the time period.
 - (e) No change.

(f) The steps or measures the petitioner is taking to meet the requirement from which the variance is sought. If the request is pursuant to subsection 40E-4.311(1)(b) above, the petitioner shall include a schedule when compliance will be achieved.

- (g) through (h) No change.
- (4) through (6) No change.

Specific Authority ~~373.044, 373.109~~, 373.113, 373.171, 373.414(17) FS. Law Implemented ~~373.109~~, 403.201 FS. History--New 10-3-95, Amended 7-2-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cecile Ross, Senior Attorney, Office of Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Water Shortage Plan
RULE CHAPTER NO.: 40E-21
RULE TITLE: Variances
RULE NO.: 40E-21.275

PURPOSE AND EFFECT: The purpose of the South Florida Water Management District's proposed rule making is to address the comments raised by the Joint Administrative Procedures Committee to ensure that procedural rules are in compliance with §120.545, F.S., are consistent with §120.54(5), F.S., and the uniform rules of procedure (Chapter 28, FAC.).

SUMMARY: The proposed amendments: deletes language allowing the governing board to waive or modify limiting conditions for variances provided by rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 373.303, 373.308, 373.313, 373.316, 373.326 FS.

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

TIME AND DATE: 9:00 a.m., April 13, 2000
PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Sluth, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6299, or (561)682-6299, (internet: jsluth@sfwmd.gov)

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-21.275 Variances.

(1) All users requesting relief from the provisions of this rule chapter shall file an application for variance but must conform to water use restrictions until the Executive Director grants a temporary variance or the Board grants the variance.

(2) No change.

(a) through (e) No change.

(3) Limiting Conditions – Variances granted shall be subject to the following conditions, ~~unless waived or modified by the Board:~~

(a) through (c) No change.

(4) through (6) No change.

Specific Authority ~~420.54(5)~~, 373.044, 373.113 FS. Law Implemented ~~420.54(5)~~, 373.175, 373.246 FS. History–New 5-31-82, Amended 1-26-86, 2-14-91, 7-2-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cecile Ross, Senior Attorney, Office of Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid County Health Department Certified Match Program

RULE NO.: 59G-4.058

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, July 1998.

SUMMARY: This proposed rule would implement the requirements in state statutes for reimbursement to county health departments for Medicaid covered services provided in the schools.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 381.0056, 381.0057, 409.905, 409.908, 409.9122 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.)

TIME AND DATE: 10:00 a.m., April 3, 2000

PLACE: 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ward Peck, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7307

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.058 Medicaid County Health Department Certified Match Program.

(1) This rule applies to all county health departments enrolled in the Medicaid County Health Department Certified Match Program, as described in 409.9122, F.S.

(2) All county health department providers enrolled in Medicaid under the County Health Department Certified Match Program must comply with the Florida Medicaid County Health Department Certified Match Program Coverage and Limitations Handbook, July 1998, 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 381.0056, 381.0057, 409.905, 409.908, 409.9122 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ward Peck

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw Jr., AHCA Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 29, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 25, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Schedule of Fees Adopted by Board

RULE NO.: 61G15-24.001

PURPOSE AND EFFECT: The purpose is to update the rule text with regard to the renewal fee for the biennium commencing on February 28, 2001.

SUMMARY: The Board is amending this rule to notify licensees that for the biennium commencing on February 28, 2001, the renewal fee shall be \$62.50.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), 471.011, 471.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Board of Professional Engineers, Northwood Centre, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61G15-24.001 Schedule of Fees Adopted by Board.
- (1) Pursuant to Sections 471.011, 471.019, Florida Statutes, the Board hereby establishes the following fees for applications, examination, reexamination, licensing and renewal, temporary registration, late renewal, registration by endorsement, reactivation fee, and replacement of certificate.
- (2) Engineering fees (individuals and firms):
 - (a) through (d) No change.
 - (e) Renewal – \$125 per biennium; however, for the biennium commencing on February 28, 2001, the renewal fee shall be \$62.50
 - (f) through (q) No change.
- (3) No change.

Specific Authority 455.213, 455.217(3), 455.219, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Delinquency Fee
RULE NO.: 61G18-12.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to lower the fee for a delinquent status licensee.

SUMMARY: The Board has determined that the delinquent status licensee shall pay a delinquency fee of \$160.00 when applying for an active or inactive status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.271 FS., as created by Chapter 94-119, Laws of Florida.

LAW IMPLEMENTED: 455.271 FS., as created by Chapter 94-119, Laws of Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Madeline Smith, Executive Director, Board of Veterinary Medicine, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-12.006 Delinquency Fee.
A delinquent status licensee shall pay a delinquency fee of one hundred sixty (\$160) dollars ~~two hundred sixty dollars (\$260)~~ when the licensee applies for active or inactive status.

Specific Authority 455.271 FS., as created by Chapter 94-119, Laws of Florida. Law Implemented 455.271 FS., as created by Chapter 94-119, Laws of Florida. History—New 2-6-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Veterinary Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2000
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Duplicate License or Wall Certificate Fees
 RULE NO.: 64B17-2.006

PURPOSE AND EFFECT: The purpose of these rule amendments is to rename the rule's title and update the rule's text.

SUMMARY: The Board is amending this rule to notify licensees that if they wish to obtain a wall certificate, they should put their request in writing and pay the \$25 fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.587(2), 486.025 FS.

LAW IMPLEMENTED: 455.587(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.006 Duplicate License or Wall Certificate Fees Fee.

(1) If a licensee wishes to request that the Board provide a duplicate license, the Board will issue the duplicate if the request is in writing and accompanied by a payment of \$25.

(2) If a licensee wants a wall certificate, the Board will issue the certificate upon receipt of a written request and payment of a \$25 fee.

Specific Authority 455.587(2)(~~6~~), 486.025 FS. Law Implemented 455.587(2)(~~6~~) FS. History—New 10-14-91, Amended 1-1-92, Formerly 21MM-2.006, 61F11-2.006, 59Y-2.006, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education
 RULE NO.: 64B17-9.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule text in subsection (4) with regard to continuing education hours.

SUMMARY: The Board is amending this rule to increase the number of contact hours, including internet or computer based courses the Board will accept for home study during a biennium.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 486.109(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (3) No change.

(4) The Board will accept up to twelve six contact hours, including internet or computer based courses, for home study during a biennium. All home study courses must be sanctioned by the American Physical Therapy Association, the Florida Physical Therapy Association, or regionally accredited colleges and universities.

(5) through (6) No change.

Specific Authority 486.025 FS. Law Implemented 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2000

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NOS.:	RULE TITLES:
3D-30.025	Defaults on Sold or Discounted Installment Sales Contracts or Promissory Notes
3D-30.026	Charge for Installation and Maintenance of Marker or Monument

NOTICE OF WITHDRAWAL

Notice is hereby given that the Department is withdrawing the proposed repeal of the above referenced rules, which were published in the Vol. 25, No. 12, March 26, 1999, issue of the Florida Administrative Weekly.

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-190.030	Definitions
4-190.031	Servicing for Self-Insurers
4-190.035	Acceptable Contracts for Excess Insurance
4-190.036	Required Policy Form and Endorsements for excess Contracts
4-190.037	Reports: General Requirements
4-190.038	Late Reports: Penalties
4-190.039	Revocation, Termination, or Withdrawal of the Self Insurance Privilege
4-190.056	Application for Self-Insurers Fund
4-190.057	Evaluation of Application for Self-Insurers Fund
4-190.058	Conditions for Retaining the Self-Insurance Privilege of Self-Insurers Funds
4-190.059	Financial and Actuarial Reports for Self-Insurers Funds
4-190.0591	Independent Certified Public Accountants
4-190.060	Security Deposits or Bonds for Self-Insurers Fund
4-190.061	Excess Insurance Requirements – Self-Insurers Funds
4-190.062	Filing Reports – Self-Insurers Funds
4-190.063	Annual Review and Examination – Self-Insurers Funds
4-190.064	Trustees' Responsibilities

4-190.065	Distribution of Surplus Monies by Self-Insurers Funds
4-190.066	Premium Billing and Collection
4-190.067	Member's Qualifications and Responsibilities
4-190.068	Indemnity Agreement
4-190.069	Self-Insurers Fund Member Experience Records
4-190.071	Authorized Investments for Self-Insurers Funds
4-190.072	Miscellaneous Income of a Self-Insurers Fund
4-190.073	Premium Audit
4-190.074	Forms, Manuals and Instructions Adopted

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule(s), as noticed in Vol. 24, No. 44, October 30, 1998, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-203.201	Inmate Bank Trust Fund

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. 26, No. 1, January 7, 2000, issue of the Florida Administrative Weekly:

33-203.201 Inmate Bank Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) No change.

(b) In the case of probation and restitution center offenders who violate the conditions of probation and owe fees for room and board, a staff member of the probation and restitution center may file a claim for a cost judgment in conjunction with the violation report. The staff member shall file with the Bureau of Sentence Structure and Transportation Admission and Release, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, a true copy of the judgment or other monetary order or sanction which has been entered by the appropriate court, together with a cover letter stating the date and amount of the judgment, money order or sanction, or the balance remaining if less than the face amount thereof.

(c) through (f) No change.

(2)(a) All monies (cashiers checks, money orders, or certified bank drafts only; no cash allowed) that are mailed to a service center for an inmate shall be initially deposited in the Inmate Bank Trust Fund. Deposits mailed to institutional or other department addresses other than the service centers will be forwarded to the service center, but this process will result in delay in deposit of the funds. In order to deposit the funds