

PURPOSE AND EFFECT: The rule proposed for repeal is not necessary to provide purpose and legal base statements for the Emergency Financial Assistance for Housing Program. Rule statements are redundant of statute, inaccurate or unnecessary as to federal authority and unnecessary as to program operation being subject to availability of funding. This repeal is the result of a rule review conducted specifically to identify and correct administrative rule deficiencies.

SUMMARY: This proposed rule repeal removes a redundant rule from Ch. 65A-33, FAC.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory costs was not prepared for these proposed rule amendments.

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: 414.45 FS.

LAW IMPLEMENTED: 414.16 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 24, 2000

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Bartlett, Operations and Management Consultant Coordinator, 1317 Winewood Boulevard, Building 3, Room 306, Tallahassee, Florida 32399-0700, Telephone (850)921-9115

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-33.001 Purpose and Legal Base.

Specific Authority 414.45 FS. Law Implemented 414.16 FS. History--New 3-13-88, Formerly 10C-33.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-6.002	Care and Maintenance of Existing Cemetery

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 35, September 3, 1999, issue of the Florida Administrative Weekly. The Board, at its March 16, 2000 meeting, voted to change this rule in response to comments received from the Staff of the Joint Administrative Procedures Committee.

Subsections (2) through (5) are deleted. Subsection (1) shall read as follows:

Every licensed cemetery shall be maintained in a reasonable condition as defined in section 497.005(8), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-6.0053	Cash Payments Received

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 35, September 3, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-6.0055	Unaccountable Contracts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 35, September 3, 1999, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-7.009	Payment of Tax; Interest and Penalties
12B-7.023	Penalties and Interest

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rule amendments to Rules 12B-7.009 and 12B-7.023, FAC., published in the Vol. 25, No. 52, pp. 5920-5921, December 30, 1999, issue of the Florida Administrative Weekly, are being withdrawn from consideration.

DEPARTMENT OF CITRUS

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

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 49, Pages 5674-5676, December 10, 1999 issue of the Florida Administrative Weekly.

20-64.020(7) has been changed as follows:

(7) Imported Juices:

~~(a) Fresh squeezed, non-pasteurized, single strength "ready-to-drink" citrus juices imported from locations outside the state of Florida for further manufacturing or repackaging from locations outside the United States shall not be packaged, sold, or blended with other citrus products in this state unless such imported juices are first tested, after arrival in Florida, at a minimum, for the presence of Salmonella, pathogenic E. coli, i.e. E.coli 0157:H7, to ensure freedom from potential pertinent human pathogenic microorganisms, pasteurized regardless of whether said juice is shipped into Florida from another state.~~

~~(b) Single strength "ready-to-drink" citrus juices from fruit produced in other states of the United States and imported into the state of Florida directly from another state of the United States, and which are accompanied by documentation certifying they have been processed in such a manner that will produce a minimum 5-log (i.e., 100,000-fold) reduction in the pertinent microorganisms, as defined in Title 21, Code of Federal Regulations, Section 101.17(g), April 1, 1999, may be packaged, sold, or blended with any other citrus products in this state without further processing.~~

DEPARTMENT OF CITRUS

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 25 No. 49, Pages 5672-5674, December 10, 1999 has been withdrawn.

DEPARTMENT OF MANAGEMENT SERVICES

Career Service System

RULE NOS.:	RULE TITLES:
60K-3.005	Definitions
60K-3.006	Statements of Policy
60K-3.0071	Job Opportunity Announcements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 44, November 5, 1999, issue of the Florida Administrative Weekly.

Subsection (1) of Rule 60K-3.005, F.A.C., has been deleted, because the term has not been used in the rules. All subsequent subsections have been renumbered accordingly.

Subsection (1) of Rule 60K-3.006, has been deleted because it paraphrases current statutes. All subsequent subsections have been renumbered accordingly.

Subparagraph 4. of sub-subparagraph (6)(b) in Rule 60K-3.006 has been changed so that, when adopted, that paragraph will read:

4. Recruiting applicants, upon request, for hard-to-fill positions and in developing strategies for preserving and enhancing workforce diversity;

Paragraph (m) of subsection (5) in Rule 60K-3.0071 has been changed so that, when adopted, that paragraph will read:

(m) A statement, on Internal Agency Opportunity announcements, that an agency shall consider only current agency employees in Career Service positions and other non-agency employees in Career Service positions covered under a collective bargaining agreement that have a request for promotion on file in accordance with that agreement;

DEPARTMENT OF MANAGEMENT SERVICES

Career Service System

RULE NOS.:	RULE TITLES:
60K-4.0021	Definitions
60K-4.003	Original Appointments

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 44, November 5, 1999, issue of the Florida Administrative Weekly.

A new subsection (1) has been added to Rule 60K-4.0021, F.A.C., to define the term used within the rules. All other subsections have been renumbered accordingly.

(1) Affirmative Action Plan – The written plan that contains an analysis of an agency’s workforce and its strategies for preserving and enhancing workforce diversity.

As a result of comments received the following correction has been made to sub-subparagraph (2)(d)1. in Rule 60K-4.003 so that, when adopted, the paragraph will read:

1. An employee appointed to fill an established position with trainee status may be placed into one of the following training programs: recruitment trainee; cooperative education; vocational rehabilitation; return-to-work program; blind services or an agency trainee program. Entry into any of these programs shall be in accordance with an established training schedule approved pursuant to Rules 60K-4.0032 or 60K-4.00321, F.A.C.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-10.003
 RULE TITLE: On-site Investigations

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. 6, February 11, 2000, issue of the Florida Administrative Weekly. Based on comments received from the staff of the Joint Administrative Procedures Committee, subsection (2), shall now read as follows:

(2) The Department will, however, in lieu of an on-site investigation, audit, or review, accept submission of Quarterly Reports as defined in Rule 61G7-10.001, F.A.C., so long as the reports are submitted within the time frames and manner set out therein and so long as the reports submitted show the licensee is in compliance with the provisions of Part XI of Chapter 468, F.S. Reports which fail to evidence compliance or which are untimely filed will form the basis for disciplinary action or a full investigation. In order to take advantage of this option each licensee must sign DBPR Form EL-015 entitled Quarterly Report Agreement, incorporated herein by reference and effective _____, in which the licensee agrees to abide by the provisions of this rule and Rule 61G7-10.001, F.A.C. Submission of Quarterly Reports in compliance with this Rule shall be considered as compliance with the provisions of Rule 61G7-10.001, F.A.C. If, however, a licensee determines to

subject itself to on-site inspections then the Quarterly Reports required under Rule 61G7-10.001, F.A.C., shall still be filed as required by the Rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Board of Employee Leasing Companies, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0767

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009
 RULE TITLE: Standard of Care for Office Surgery

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing to be held on the above-referenced rule in response to written requests. The hearing will be held on Saturday, April 8, 2000, at 2:00 p.m., or as soon thereafter as can be heard, at the Orlando Marriott Downtown, 400 West Livingston Street, Orlando, Florida 32801.

The Board may take action on this rule at the conclusion of the public hearing. The rule was originally published in Vol. 25, No. 3, of the January 22, 1999, Florida Administrative Weekly. In addition, previous public hearings have been held with regard to this rule and four notices of change have been published.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Stone Crabs
 RULE NOS.: 68B-13.0015, 68B-13.002, 68B-13.005, 68B-13.006
 RULE TITLES: Definitions, Stone Crabs, Regulation, Designation as Restricted Species; Season, Licenses, Endorsements, and Permits for Experimental, Scientific and Exhibitional Purposes

- 68B-13.007 Restrictions on Size and on Transport and Possession of Stone Crabs and Stone Crab Claws
- 68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer
- 68B-13.009 Recreational Stone Crab Harvest – Bag Limit, Trap Limit, Trap Marking Requirements, Trap Pulling
- 68B-13.010 Stone Crab Trap Limitation Program
- 68B-13.011 Prohibitions

NOTICE OF ADDITIONAL CHANGES
TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces additional changes to proposed amendment of Rule 68B-13.0015, repeal of Rule 68B-13.002, and new Rules 68B-13.005, 68B-14.0036, 68B-13.006, 68B-13.007, 68B-13.008, 68B-13.009, 68B-13.010, and 68B-13.011, FAC., as published in the December 3, 1999 issue of the Florida Administrative Weekly, with previous changes published in the February 25, 2000 issue. The changes are in response to comments received from the Joint Administrative Procedures Committee. Specifically, the Committee staff suggested changes to paragraphs (4)(c) and (d) of proposed Rule 68B-13.008. No other changes were made to the suite of rules addressed in this rulemaking. The changed provisions are as follows:

68B-13.008 Gear, Trap Construction, Commercial Trap Marking Requirements, Trap Working Regulations, Trap Transfer.

- (1) through (3) No change.
- (4) Trap-working regulations.
- (a) through (b) No change.

(c) During any time of the year when it is legal to transport stone crab traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission may be granted upon receipt of a written statement signed by the commercial harvester seeking to have his or her traps pulled. Such written statement shall contain the following:

- 1. The reason the harvester needs to have his or her traps pulled.
- 2. The numbers of the saltwater products license and stone crab endorsement of both, the harvester seeking to have the traps pulled and the person who will be pulling the traps.
- 3. The buoy colors of the harvester seeking such permission.

4. The vessel number and vessel name of the person who will be pulling the traps, and

5. The general locations of the pulling activity of the vessel engaged in pulling the traps.

Permission to pull traps in this manner shall be obtained daily; however, extension of permission shall be obtained by telephone for up to a maximum of 5 days without renewal or extension. Permission to have traps pulled by another person for a longer period of time, must be based on extraordinary circumstances such as severe personal or family illness or accident, and shall be obtained through petition to the Division of Marine Fisheries, and will be granted upon such conditions as the division deems appropriate for the protection of the resource.

(d) Except as provided in paragraph (e) of this subsection, it shall be unlawful to transport on the water, fish with, set, or place, or cause to be fished with, set, or placed, any trap or part thereof during the closed stone crab season, except that traps may be placed in the water and baited 10 days prior to the opening of the stone crab season and shall be removed within five days after the close of the stone crab season. However, the Division of Law Enforcement of the Fish and Wildlife Conservation Commission will grant an extension for the retrieval of traps for up to a maximum of ten days after the expiration of the five-day grace period, or a total of up to 15 days after the close of the stone crab season, upon the following conditions:

1. The trap owner or the owner's lawfully designated agent shall request, in writing, permission for an extension of the grace period for retrieval of traps. The request shall specify the owner's name and trap number, the name of the boat to be used for trap retrieval, the boat owner's name, the period of additional time needed for trap retrieval, and the reason(s) for the request.

2. On the day that trap retrieval commences, and on each subsequent day that trap retrieval continues, the Division of Law Enforcement must be advised in person or by telephone of the trap locations and landing site.

3. Reasons for granting an extension shall be limited to:
a. Hazardous weather at the end of the season or during the trap retrieval period.

b. Medical emergencies which make it impossible for the owner to operate a boat.

c. Equipment breakdown.

4. Nothing herein shall authorize the landing or sale of any stone crab or stone crab claw during the closed season.

(e) No change.

(5) No change.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Telecommunications, Inc.'s Emergency Petition for Temporary Waiver from Rule 25-4.110, Florida Administrative Code, filed May 7, 1999, in Docket No. 990777-TL was not treated as an emergency and approved by the Commission at its August 17, 1999, Agenda Conference. Order No. PSC-99-1791-PAA-TL, issued September 14, 1999, memorialized the decision. The rule addresses billing requirements; in particular the toll free customer service number placement provision. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on July 2, 1999. A copy of the Order can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department announces receipt of a petition filed March 8, 2000, pursuant to Section 120.542, Florida Statutes, from Hicks Land Clearing, to obtain a variance from certain Department rules regarding the management of land clearing debris. Specifically, the petitioner has requested a variance from Rule 62-701.300(2)(g), Florida Administrative Code, which prohibits the storage or disposal of solid waste within 200 feet of a water body. The Petition for Variance is being processed and is available for public inspection during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Solid Waste Section, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. Requests for copies or inspection should be made to Mary Jean Yon, Environmental Administrator at the above address.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on March 16, 2000, a petition from Collier County Water-Sewer District seeking a variance from the requirement that pump stations of public water systems be elevated three feet above the 100-year flood

elevation under rule 62-555.330(3) of the Florida Administrative Code, which incorporates the elevation requirements of Section 6.1.1 of the Recommended Standards for Water Works, 1987 Edition. The Collier County Water-Sewer District is planning to make improvements to the existing Manatee Road pump station, and wishes to keep the pump station at its current elevation, which is below the required elevation. The petition has been assigned OGC Case Number 00-0703. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn.: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

DEPARTMENT OF HEALTH

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice that it received a Petition for Waiver or Variance of Rule 64B4-3.003(5)(a)1., filed on March 20, 2000, from Beverly J. Minor. The Petitioner is seeking a waiver or variance of Rule 64B4-3.003(5)(a)1., with respect to the requirement that an applicant must receive a passing score of 75. The Board will discuss this matter on April 28, 2000, at 9:00 a.m., or shortly thereafter at the Radisson Airport Hotel, 5555 Hazeltine National Drive, Orlando, Florida 32812.

A copy of the Petition for Waiver and Variance may be obtained by writing: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, Department of Health, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

For additional information, contact: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at the above address or telephone (850)414-7557.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

On March 6, 2000, Dave Schimmel, CEO, David Lawrence Center, Naples, Florida, filed a petition for waiver or variance of rule 65E-12.109(2),(5),(6), Florida Administrative Code. This rule addresses construction standards during renovations.