

## Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Voting Machine Equipment Regulation/  
Purchase, Use and Sale

RULE NO.: 1S-2.004

PURPOSE AND EFFECT: To establish minimum standards for the purchase use and sale of voting systems by governing bodies, political subdivisions and municipalities of the State of Florida.

SUBJECT AREA TO BE ADDRESSED: Redefinition of the purchase amounts and categories of products subject to this rule. Removal of the requirement for prior approval by the Division of Elections for all calls for bids and purchases. Establish standards for "Requests for Proposals" and "Requests for Information". Require vendors of voting systems to provide each purchaser of new systems or upgrades to existing systems with an affidavit certifying that the installation is a specific Florida Certified Voting System.

SPECIFIC AUTHORITY: 101.294 FS.

LAW IMPLEMENTED: 101.292 101.293, 101.294, 101.295 FS.

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

TIME AND DATE: 9:30 a.m., May 4, 2000

PLACE: Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, (850)921-4110

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Purchasing Policies

RULE NO.: 6A-1.012

PURPOSE AND EFFECT: The purpose of this amendment is to allow school boards to increase their established purchasing bid threshold to the amount established in Section 287.017, Florida Statutes, for state agency category two purchases. The rule continues to require school board rules to specify policies for purchases at amounts less than the bid threshold. This amendment also will clarify school boards' authority to use prices established through the Department of Management Services, Division of Purchasing's negotiated agreement price schedule.

SUBJECT AREA TO BE ADDRESSED: This amendment allows school boards to establish purchasing bid thresholds up to the amount granted to state agencies for category two purchases by Section 287.017, Florida Statutes. This amendment also permits school boards to use Department of Management Services, Division of Purchasing's negotiated agreement price schedule.

SPECIFIC AUTHORITY: 229.02, 237.02(2) FS.

LAW IMPLEMENTED: 237.02(2) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nancy Rivers, Chief, Bureau of School Business Services, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.012 Purchasing Policies.

Each district school board shall establish purchasing rules which shall include but not be limited by the following:

(4) As required by Section 230.23(10)(j), Florida Statutes, the school board shall receive and give consideration to the prices available to it under rules of the Department of Management Services, Division of Purchasing. School boards may use prices established by the Division of Purchasing through its state negotiated agreement price schedule. If school board policy provides for purchasing under this program of negotiated price agreements, the conditions for use shall be those imposed on state agencies.

(6) Except as authorized by law or rule, bids shall be requested from three (3) or more sources for any authorized purchase or contract for services exceeding the amount established in Section 287.017, Florida Statutes, for purchasing category two fifteen thousand (15,000) dollars. School boards, by rule, shall set this amount or a lesser amount and shall establish purchasing policy relative to purchases of a dollar value less than this formal bid threshold. The school board shall have the authority to reject any or all bids and request new bids. In acceptance of bids, the school board shall accept the lowest and best bid from a responsive and responsible bidder. The school board is not required to request bids for purchases made from contracts of the Department of

Management Services as referenced in subsection (4) of this rule. Bids are not required for purchases made through the pool purchase provisions of Section 229.79, Florida Statutes.

Specific Authority 229.053(1), 229.79, 237.02(2) FS. Law Implemented 229.79, 230.23(4)(j), 237.02(2) FS. History—Amended 12-17-65, 5-24-67, 9-17-72, 4-19-74, 9-19-74. Repromulgated 12-5-74, Amended 2-21-77, 3-10-85, Formerly 6A-1.12, Amended 6-27-89, 7-5-90, 6-10-92, 6-29-93, 4-25-96, 4-14-97, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Relocation Assistance Regulations	14-66
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose	14-66.001
Scope	14-66.002
Definitions	14-66.003
Public Information	14-66.004
Advisory Services	14-66.005
Written Notices	14-66.006
Assistance Program	14-66.007
Moving and Related Expenses	14-66.008
Replacement Housing Payments	14-66.009
Mobile Homes	14-66.010
Claim Filing and Documentation	14-66.011
Appeal Rights	14-66.012

**PURPOSE AND EFFECT:** The purpose of this rule is to promulgate regulations governing the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injury as a result of projects designed for the benefit of the public as a whole and to ensure that the Florida Department of Transportation implements these regulations in a manner that is efficient and cost effective. This amendment also restructures the rule chapter by repealing 11 of the current 12 rules and consolidating material into an amended Rule 14-66.007.

**SUBJECT AREA TO BE ADDRESSED:** This amendment restructures the rule chapter by repealing 11 of the current 12 rules and consolidating material into an amended Rule 14-66.007.

**SPECIFIC AUTHORITY:** 334.044(2) FS.

**LAW IMPLEMENTED:** 339.09(2),(3), 421.55 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: 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

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**14-66.001 Purpose.**

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.01, Amended 11-24-92, Repealed \_\_\_\_\_.

**14-66.002 Scope.**

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.02, Amended 11-24-92, Repealed \_\_\_\_\_.

**14-66.003 Definitions.**

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.03, Amended 11-24-92, Repealed \_\_\_\_\_.

**14-66.004 Public Information.**

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.04, Amended 11-24-92, Repealed \_\_\_\_\_.

**14-66.005 Advisory Services.**

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.05, Amended 11-24-92, Repealed \_\_\_\_\_.

**14-66.006 Written Notices.**

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.06, Amended 11-24-92, Repealed \_\_\_\_\_.

**14-66.007 ~~Project Determination of Adequate~~ Relocation Assistance Program.**

Pursuant to Sections 339.09 and 421.55, Florida Statutes, the Department may expend transportation tax revenues on federal and non-federal-aid projects which shall include relocation assistance and moving costs to persons displaced by transportation facilities or other related projects. Prior to proceeding with right of way negotiations on a project which will necessitate the relocation of any person, the Department will make a determination that:

- (1) The purpose of this rule is to promulgate regulations governing the provision of relocation services, moving costs, replacement housing costs, and other related expenses and to ensure that each person displaced as a direct result of transportation projects is treated fairly, consistently, and equitably, so that such person will not suffer disproportionate injury as a result of projects designed for the benefit of the public as a whole, and to ensure that the Department implements these regulations in a manner that is efficient and cost effective. This rule shall apply to all persons displaced by any applicable transportation project on which negotiations for right-of-way acquisition begin after the effective date of this

rule. The provisions of 49 C.F.R. Part 24, Uniform Relocation Assistance and Real Property Acquisition Regulations (effective March 15, 1999), as modified herein, are incorporated into this rule by reference. The Department shall require, as a condition of financial participation, that the requirements of this rule be met by the administering Agency on transportation projects or project phases:

(a) that are federalized;

(b) for which there is any anticipation or intent to federalize. Anticipation includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project;

(c) that are on the State Highway System; or

(d) are intended to be on the State Highway System.

(2) This rule does not apply to projects on or intended to be on the State Highway System which are funded by Department long term loan programs to governmental entities which have independent statutory authority to provide transportation projects on the State Highway System.

(3) Definitions. The following definitions, as well as those stated in 49 C.F.R. Part 24, Subpart A, shall apply as used in the context of this rule:

(a) "Agency" shall mean any state, county, district, authority or municipal office, department (including the Florida Department of Transportation), division, board, bureau, commission, or other separate unit of government created or established by law and any other public or private entity, person, partnership, corporation, or business entity acting on behalf of any Agency.

(b) "Carve Out" shall mean the method used in making a typical homesite determination, whereby, that portion of the parent tract which is typical for residential use in the area is separated from the parent tract for the purpose of the replacement housing payment computation.

(c) "Department" shall mean the Florida Department of Transportation.

(d) "Direct Loss Payment" shall mean a remuneration made to displaced persons for personal property that cannot be moved or which the displaced person chooses not to move and is in the form of either of the following:

1. On-Premise Signs remuneration is limited to the lesser of the sign's depreciated reproduction cost minus proceeds from its sale, salvage value, or the costs that would be incurred to move the sign, if it could be moved. If the sign cannot be moved without violating local, state, or federal codes, payment will be limited to the sign's depreciated reproduction cost minus proceeds from its sale or salvage value.

2. Tangible Personal Property remuneration is limited to the lesser of the fair market value of the item for continued use at the displacement site, less the proceeds from its sale, or the estimated cost of moving the item; there shall be no allowance for storage. (The Agency may determine the effort to sell an item is not necessary and when payment for property loss is

claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.)

(e) "Displaced Person" shall mean any person who moves from the real property or moves his or her personal property from the real property as defined in 49 C.F.R. Part 24.2 . and is used interchangeably with "displacee" and "relocatee."

(f) "Displacement Dwelling" shall mean the dwelling from which a displaced person is required to move due to a transportation project.

(g) "Displacement Site" shall mean, for purposes of a non-residential fixed payment, the parent tract on which the business is operating.

(h) "Domicile" shall mean the place where a person has his or her true, fixed, permanent home and principal establishment and to which he or she has, when absent, the intention of returning.

(i) "Family" shall mean two or more individuals who are living together and intend to live together at the replacement dwelling.

(j) "Federalized Project" shall mean any project with federal participation in any project phase.

(k) "Gross Monthly Income" shall mean salaries, wages, and all other amounts, whether in cash or in-kind, paid or given to the displaced person.

(l) "Initiation of Negotiations" shall mean the date the initial written offer of just compensation is delivered by the Agency to the owner or representative of the owner to purchase real property for a project.

(m) "Major Exterior Attribute" shall mean any major appurtenant structure exterior to a residential dwelling, or an aesthetically valuable view which substantially contributes to the quality or standard of living of the displaced person(s).

(n) "Market/Economic Rent" shall mean the Agency's determination of the reasonable income expectancy of a dwelling or other property if it were available for rent, and the rent justifiably payable for the right of occupancy of land or improvements.

(o) "Person" shall mean any individual, family, partnership, corporation, or association.

(p) "Personal Property" shall mean, generally, moveable items not permanently affixed to and a part of the real estate, which typically can be removed without serious injury either to the real estate or to the items themselves.

(q) "Post-Move Inventory" shall mean a list of personal property actually moved to the replacement site as a part of a relocation. Such list is prepared by the displaced person or the Agency after the move is completed and is confirmed as correct by the Agency's representative and the displaced person(s).

(r) "Pre-Move Inventory" shall mean a list of items to be included in a move. Such list is prepared prior to the move and confirmed by the displaced person(s).

(s) “Typical Homesite Determination” shall mean a determination, for replacement housing payment computation purposes, of the portion of a tract of land which is typical for residential use in the area.

(4) Advisory Services. The Agency will provide relocation advisory services in accordance with 49 C.F.R. Part 24.205.

(5) Written Notices. The following written notices will be furnished to each displaced person to provide information regarding the benefits and services available to him or her:

(a) A General Information notice shall be furnished to each displaced person as required in 49 C.F.R. Part 24, Subpart C.

(b) A 90-Day Notice will be furnished to each displaced person as delineated in 49 C.F.R. Part 24, Subpart C.

(c) A Notice of Eligibility shall be furnished to all displaced persons. The notice of eligibility shall:

1. Be delivered at the time of initiation of negotiations for owners, and no later than 14 days from the date of initiation of negotiations for tenants; and

2. Provide an explanation of all services and payments to which the occupant is entitled and identify the address of the nearest relocation assistance office where additional information concerning relocation assistance may be obtained.

(d) A Statement of Eligibility shall be furnished to each residential displaced person and shall include:

1. The amount of the maximum payment for which the displaced person is eligible;

2. An identification of the comparable replacement dwelling upon which such amount is based. The comparable replacement dwelling upon which the payment eligibility is based must be available to the displaced person at the time the Statement of Eligibility is delivered; and

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

(6) Relocation Planning. If a transportation project necessitates the relocation of any person, prior to proceeding with right-of-way negotiations, the Agency shall determine the following:

(a)(1) Within a reasonable period of time prior to displacement, adequate replacement dwellings shall ~~will~~ be available or provided for each displaced person and (such determination shall be accompanied by an analysis of all relocation issues involved and a specific plan to resolve such issues); and

(b)(2) The relocation program ~~adequately provides~~ ~~is realistic and is adequate to provide~~ orderly, timely, and efficient relocation of displaced persons, including, when appropriate, Housing of Last Resort as required in 49 C.F.R.; Part 24, and these regulations.

(7) Moving and Related Expenses. Any person, family, business, farm operation, or non-profit organization which qualifies as a displaced person is entitled to payment of his or

her actual moving and related expenses, as the Agency determines to be reasonable and necessary, as outlined in 49 C.F.R. Part 24, subject to the following provisions:

(a) In a residential or non-residential self-move, if the Agency questions the reasonableness of a moving expense, the Agency shall obtain an estimate of customary charges for the appropriate moving activity from a reputable moving firm. If the charges submitted by the commercial moving firm are substantially less than the charges submitted by the displaced person, for the same activity, the Agency shall reimburse the lesser amount.

(b) Prior to moving personal property for a residential move, performed by a commercial mover, or any non-residential move, when the move is expected to exceed \$10,000, at least two estimates of move costs shall be obtained by the Department or the displaced person(s). The amount of the payment is limited to the lower of the two estimates. When a move is expected to cost less than \$10,000, a single move estimate prepared by a commercial mover or a qualified Department employee shall be sufficient.

(c) In the event the Agency requires a move to be monitored, eligibility for payment shall be contingent on a written agreement between the Agency and the displaced person(s) as to:

1. The date and time the move is to begin;

2. The items that are listed as part of the realty in the appraisal report and which are not eligible for moving expense reimbursement; and

3. The displaced person’s list of items to be moved.

(d) The displaced person shall provide the Agency with, or allow the Agency to take, pre-move and post-move inventories. If the pre-move and post-move inventories differ, the Agency will reimburse only costs associated with the actual personal property moved.

(e) After the displaced person receives actual direct loss payment for the items, upon request by the Agency, the displaced person shall transfer ownership of personal property that has not been moved, sold, or traded to the Agency. In the event the Agency acquires personal property as part of the real estate transaction, such personal property shall not be eligible for Relocation Assistance benefits.

(f) If no effort to sell personal property is made by the displaced person(s) and the personal property is abandoned, the displaced person is entitled to neither payment for moving said personal property nor payment for direct loss upon its abandonment.

(g) A business, non-profit organization, or farm operation must provide the Agency with notice of the approximate date of the start of the move at least seven days in advance.

(h) In a non-residential move, the displaced person(s) shall not give permission to a mover to begin the move before receiving authorization from the Agency.

(i) For moves requiring special handling, complete move specifications shall be written by the displaced person(s) or the Agency, or the Agency's designee.

(j) A business may be eligible to choose a fixed payment in-lieu of payment for actual moving and related expenses, and actual reasonable reestablishment expenses, as provided by 49 C.F.R. Parts 24.303 and 24.304. The displaced business is eligible for a fixed payment if the Agency determines that the business meets all qualifying criteria under 49 C.F.R. Part 24.306(a) and (b).

(k) All pollutants or contaminants, as defined in Chapters 376 and 403, Florida Statutes, which are not hazardous wastes, shall not be abandoned and shall be disposed of or moved to the replacement site by the displaced person owner/operator in accordance with those Chapters.

1. The Department shall pay the lesser of the cost of disposal or the cost to move, if the displaced person(s) chooses to dispose of the material. If the displaced person(s) is not permitted to move the pollutant or contaminant, the Department shall pay the actual, reasonable cost of disposal.

2. If the displaced person(s) chooses to move the material to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.

3. If the applicable law prohibits the displaced person from obtaining the necessary permit to move the hazardous material to the replacement site, the Department shall pay for the cost of disposal and transportation to the disposal site. The displaced person shall be responsible for the disposal of such material.

4. If disposal of hazardous material is a part of the normal operation of the displaced business, the Department shall not pay for the cost of such disposal. If, however, the operation maintains a schedule for the pick-up or transportation of hazardous material to a disposal site and is required to move the material at an unscheduled time, the Department shall pay the actual, reasonable, and necessary extra costs associated with the move.

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

1. If the displaced person(s) chooses to dispose of the tank contents, the Department shall pay the lesser of the cost of disposal or the cost to move.

2. If the displaced person(s) chooses to move the tank contents to the replacement site, the Department shall pay the actual, reasonable, and necessary costs associated with the move.

3. In cases where the owner/operator is required by Chapter 376, Florida Statutes, and/or rules of the Department of Environmental Protection, effective \_\_\_\_\_, governing

underground or above-ground storage tanks, to remove tanks, the Department will not reimburse the costs associated with such removal.

(m) While transporting any hazardous material or substance to a replacement site or disposal site the Department shall not be considered the owner or shipper of any hazardous material or substance. In no case shall the Department contract with licensed shippers for the disposal of or moving of hazardous materials nor shall the Department be noted or identified on any manifest relating to the disposal of or moving of hazardous material.

(n) Any individual or business which generates solid waste shall make a hazardous waste determination pursuant to the Resource Conservation and Recovery Act (RCRA), and the Florida Resource and Management Act. All hazardous waste, as defined in 40 C.F.R. Part 261.2 and 262.11, must be disposed of in accordance with Chapter 403, Florida Statutes, and Title 40 C.F.R. Part 262, at the sole cost of the individual or business before the subject site is vacated.

(8) Replacement Housing Payments. Individuals and families displaced from a dwelling acquired for a transportation project are eligible for replacement housing payments in accordance with the payments delineated in 49 C.F.R. Part 24, Subpart E.

(a) A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if he or she meets the criteria of 49 C.F.R. Part 24, Subpart E.

(b) Typical Homesite Determination.

1. Typical Tract for Area: If the acquired dwelling is located on a tract typical in size for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on another typical tract, less the acquisition price of the acquired dwelling and the tract on which it is situated. If an uneconomic remnant remains after a partial taking and the owner declines to sell that remnant to the Agency, the fair market value of the remainder will not be added to the acquisition cost of the acquired dwelling for the purposes of computing the replacement housing payment.

2. Large Tract for Area: If the acquired dwelling is located on a tract larger in size than is typical for residential use in the area, the maximum purchase additive payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite area.

3. Higher and Better Use Tract: If the acquired dwelling is located on a tract where the fair market value is established as a higher and better use than residential, the maximum replacement housing payment is the probable selling price of a comparable replacement dwelling on a typical tract, less the sum of the acquisition price of the acquired dwelling (on the

portion of land typical in size for residential use in the area), plus any severance damages to the dwelling or typical homesite.

4. Joint Residential/Business Use: If the acquired dwelling was part of a property that contained another dwelling unit or space used for non-residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential. To determine what constitutes the typical homesite, a tract typical for residential use in the area must be used, even if a portion of that tract is used for other than residential purposes.

5. Carve-Outs of Homesites: When determining the typical homesite portion of the acquisition price, the actual price paid for the portion of the homesite in the taking area plus the value of the residential improvements in the taking area, plus any severance damages to either the remainder of the dwelling or homesite area shall be used. If damages are assigned to the entire remainder without an allocation between the remainder of the homesite and the excess land remaining, the damages shall be prorated between these remainders to establish the acquisition price of the dwelling, including the structure and land. In areas where a typical homesite cannot be determined due to differences in tract sizes within a residential area, the area actually utilized for residential purposes by the displaced person shall be used to compute the replacement housing payment. Consideration shall be given to locations of driveways and fences, outbuildings, gardens, and pools, and to the area maintained for residential usage. If all or part of areas occupied by non-residential structures must be included in order to create a homesite tract typical of the area, the typical homesite shall be figured using whatever portion of those areas are necessary. For replacement dwellings which are on tracts larger than typical for residential use in the area where the excess land is used for nonresidential purposes, the replacement housing payment shall be calculated using the actual cost of the replacement dwelling plus the prorated portion of the site which is typical for residential use.

6. If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the contributory value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.

(c) Displaced person(s) are not required to relocate to the same occupancy status (owner or tenant) as existing prior to acquisition, and may choose payment benefits for an alternate occupancy status, if eligible:

1. At the displaced person's request, a dwelling which changes the occupancy status of the displaced person(s) shall be provided, if such a dwelling is available and can be provided more economically.

2. The total rental assistance payment to a 180-day owner may not exceed \$5,250, unless the calculated purchase additive or mortgage interest differential payment eligibility exceeds \$22,500, in accordance with 49 C.F.R. Part 24, Last Resort Housing.

3. The replacement housing payment may not exceed the maximum amount that would have been paid had the displaced person(s) remained in the same occupancy status.

(d) Single Household, Multiple Occupancy: If two or more eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines only one household existed, payment shall be as follows:

1. If a comparable replacement dwelling is not available and the displaced persons are required to relocate separately, a replacement housing payment will be computed for each person separately, based on housing which is comparable to the quarters privately occupied by each individual plus the full value of the community rooms shared with other occupants.

2. If a comparable replacement dwelling is available, the displaced persons are entitled to a prorated share of the singular relocation payment allowable had they moved together to a single dwelling.

(e) Multiple Household, Multiple Occupancy: If two or more eligible occupants of the displacement dwelling move to separate replacement dwellings and the Agency determines that separate households had been maintained in the displacement dwelling, the replacement housing payment computation shall be based on housing which is comparable to the quarters privately occupied by each individual plus a prorated share of the value of community rooms shared with other occupants. If two or more eligible occupants of the displacement dwelling move to a single comparable replacement dwelling, they shall be entitled to only one replacement housing payment under this subsection.

(f) Partial Ownership: When a single-family dwelling is owned by several persons, but not occupied by all of the owners, the replacement housing payment for the displaced owner-occupants is the lesser of the difference between the total acquisition price of the replacement dwelling and the amount determined by the Agency as necessary to purchase a comparable replacement dwelling or the actual cost of the replacement dwelling.

1. The displaced owner-occupants may choose a rent supplement payment instead of a purchase additive. The rent supplement shall be based on the Agency's determination of the fair market/economic rent of the displacement dwelling.

2. To receive the entire replacement housing payment, the owner-occupant must purchase and occupy a replacement dwelling for an amount equal to his or her share of the acquisition payment for the acquired dwelling plus the amount of the replacement housing payment.

(g) A 90-day tenant or owner-occupant displaced from a dwelling is entitled to a replacement housing payment as outlined in 49 C.F.R. Part 24, Subpart E.

(h) Any displaced person eligible for a rental assistance payment, except a 180-day owner occupant, may choose to use that payment as a down payment supplement, including incidental expenses, to purchase a replacement dwelling.

1. Payment shall be the amount of the down payment or percentage of the purchase price ordinarily required to obtain conventional, rather than VA or FHA, financing for the replacement dwelling in an amount that does not require private mortgage insurance ("required down payment"), not to exceed \$5,250. If the actual down payment required of the displaced person(s) exceeds the amount ordinarily required for a conventional loan, the "required down payment" shall be based upon the amount ordinarily required for a conventional loan.

2. If the actual required down payment, plus incidental expenses, exceeds the amount of rental assistance calculated and is no more than \$5,250, payment shall be for the amount of the actual required down payment. If the actual required down payment, plus incidental expenses, is less than the amount of the rental assistance calculated, the payment shall be for the amount of the rental assistance calculated.

3. If the required down payment on the replacement dwelling exceeds \$5,250 and the rental assistance payment allowable does not exceed \$5,250, the down payment supplement shall be limited to \$5,250. If the rental assistance payment allowable exceeds \$5,250, the full amount of the rental assistance payment shall be used as the down payment supplement under the provisions of Last Resort Housing as outlined in 49 C.F.R. Part 24.

4. If other than conventional financing (e.g., VA or FHA) is obtained by the displaced person, he or she shall be advised that, in order to claim the maximum payment benefits, a down payment equal to that required for conventional financing, up to \$5,250, must be paid for the replacement dwelling.

5. The full amount of the down payment assistance payment shall be applied to the purchase price of the replacement dwelling and related incidental expenses and shall be shown on an executed closing statement or similar documentation for the replacement dwelling.

6. The payment to a 90-day owner-occupant shall not exceed the amount the owner would receive as a purchase additive if he or she met the 180-day occupancy requirement.

(i) 90-day occupants may receive rental assistance payments as outlined in 49 C.F.R. Part 24, Subpart E.

(j) Displaced persons who are less than 90-day occupants are entitled to a replacement housing payment as outlined in 49 C.F.R., Part 24, Subpart E. Additionally, to be eligible for a replacement housing payment, displaced persons who are less than 90-day occupants must be in occupancy at the time the Agency obtains title to the property. The displaced person can

be allowed to relocate prior to the Agency taking title to the property if the Agency determines that continued occupancy would be a danger to the health, safety, and welfare of the displaced person or in situations where replacement housing is scarce as determined by the Agency and may not be available at the time the Agency obtains title to the property.

(k) The Agency shall inform a less than 90-day occupant that it is his or her obligation to provide verification of income. No such displaced person shall be determined to be eligible for a replacement housing payment under Section 14-66.007(7)(j), unless he or she documents income through a verifiable source, such as pay stubs, signed copies of income tax returns, an employer's statement, or a bank statement.

(9) Mobile Homes. In addition to the requirements governing the provision of relocation payments to persons displaced from a mobile home or mobile home site as outlined in 49 C.F.R. Part 24, Subpart F, the following provisions also apply:

(a) Under 49 C.F.R. Part 24, Subpart F, the term "acquired" refers to a mobile home that is either acquired as part of the real property and is included in the Agency's acquisition of the fee parcel or is purchased as personal property and not included in the acquisition of the fee parcel.

(b) If the mobile home is considered personal property, the Agency will determine whether or not the mobile home can be relocated.

(c) If the mobile home can be relocated, the owner is eligible for reimbursement for the cost to move the mobile home.

(d) If the Agency determines that the mobile home cannot be relocated, the mobile home is eligible for purchase and the Agency will make an offer to purchase, based on the fair market value of the mobile home. If the mobile home owner does not agree to sell the mobile home to the Agency and the displaced person is the owner-occupant of the mobile home, the price differential described in 49 C.F.R. Part 24, shall be:

1. The lesser of:

a. The reasonable cost of a comparable replacement dwelling; or

b. The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person;

2. Minus the higher of:

a. The salvage value, or

b. The trade-in value.

(e) If the Agency determines that it is practical to relocate the mobile home, but the owner-occupant elects not to do so, then, for the purposes of calculating a price differential under 49 C.F.R. Part 24, the cost of a comparable replacement dwelling shall be the sum of:

1. The fair market value of the mobile home;

2. The cost of any necessary modifications or repairs. Necessary modifications or repairs shall mean those needed to reestablish the mobile home to its previous state prior to displacement or to make it decent, safe, and sanitary; and

3. The estimated cost to move the mobile home to a replacement site, not to exceed a distance of 50 miles. The mobile home owner-occupant still owns the mobile home and is responsible for moving it from the acquired site. If the mobile home is abandoned, the Agency may remove it from the site.

(f) If a mobile home owner-occupant retains and re-occupies a mobile home which is not decent, safe, and sanitary, the costs necessary to bring it up to decent, safe, and sanitary standards may be claimed from the available price differential or down payment supplement. The amount claimed may not exceed the amount allowed in the replacement housing payment computation. The Agency will not disburse a payment until the mobile home meets decent, safe, and sanitary standards.

(g) If the Agency acquires or purchases a mobile home as personal property, the mobile home owner shall provide, upon request, a bill of sale and a transfer of the title for the mobile home to the Agency.

(10) Claim Filing and Documentation. Each relocation payment claim shall be accompanied by complete documentation supporting expenses incurred, such as bills, receipts, and appraisals. The Agency shall ensure that each displaced person receives reasonable assistance necessary to complete and file any required claim for payment.

(a) Displaced persons shall provide the Agency with valid copies of the closing statement for the replacement dwelling or other documentation of expenses incurred in order to receive reimbursement for incidental closing expenses. Reimbursable expenses which are incurred by the origination of a new mortgage for the replacement dwelling shall be based upon the lesser of the balance of the mortgage on the acquired dwelling or the balance of the new mortgage on the replacement dwelling. Eligible expenses are reimbursable regardless of the length of time a mortgage has been in effect on the acquired dwelling.

(b) In order for a displaced person to receive reimbursement for a rent supplement, the displaced person shall provide the Agency with evidence of rent and utility costs at the displacement dwelling, rent and utility costs at the replacement dwelling, and gross monthly household income.

(c) In order to receive reimbursement for a down payment supplement the displaced person(s) shall provide the Agency with a copy of the purchase contract and a copy of the closing statement for the replacement dwelling.

(d) The eligible displaced person(s) shall certify that the displacement dwelling is the domicile of the displaced person(s) and the length of time he or she has occupied the displacement dwelling. The displaced person(s) shall also

certify the date that the replacement dwelling was occupied and shall state to the best of his or her knowledge, the replacement dwelling meets decent, safe, and sanitary requirements.

(e) Payments shall be made after the move is completed unless a hardship exists.

(f) When advance payments due to hardship are made, displaced persons shall demonstrate the need therefor by providing evidence of low funds, and shall certify in writing that the payment satisfies any further claim for reimbursement of items for which that claim is intended, and that the displaced person will comply with applicable provisions in the move of their personal property.

(g) Displaced persons shall provide written authorization in the application if a replacement housing payment is to be made to other parties on their behalf. If an eligible displaced person wishes the payment for moving costs to be made directly to a vendor, such request must be made in writing.

(h) If a condemnation suit has been filed, prior to receiving a replacement housing payment, the displaced person(s) must agree to a condemnation clause in the written claim for payment. The condemnation clause requires:

1. Upon final determination of the condemnation proceedings, the replacement housing payment shall be recomputed using the acquisition price established by the court or by stipulated settlement and the lesser of the actual price of the decent, safe, and sanitary replacement dwelling or the cost of a comparable replacement dwelling.

2. If the amount awarded exceeds the actual price of a decent, safe, and sanitary replacement dwelling or comparable replacement dwelling, the displaced person(s) shall refund to the Agency an amount equal to the amount of the excess. The refund will not exceed the full amount of the initial replacement housing payment calculation.

(i) In the event the Department determines that the acquisition of a portion of property will require a displacement, the Department will offer to relocate the affected person.

(11) Appeal Rights. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's claim for assistance under this rule. Such assistance may include those provisions outlined in 49 C.F.R. Part 24, and include the person's eligibility for, or the amount of, a payment required under moving and related expenses, or replacement housing payments. The written appeal shall be filed no later than 60 days after the person receives written notification from the Agency of the claim determination. A person may have legal or other representation in connection with his or her appeal, but solely at his or her expense. The Agency shall consider a written appeal regardless of form. If full relief requested is not granted, a notice of denial shall be issued, providing notice of appeal rights in accordance with 120.569



and 120.57, Florida Statutes, and Rule Chapter 28-106, F.A.C. The aggrieved person may file a request for administrative hearing.

(a) If a request for administrative hearing is not timely filed, the notice of denial shall be conclusive and final Agency action. Requests for administrative hearing must be filed within 21 calendar days of receipt of the notice of the Department's or Agency's denial. A request for administrative hearing is filed when it is received by the Clerk of Agency Proceedings.

(b) All requests for administrative hearings shall conform to the requirements of Rule Chapter 28-106, F.A.C., and be in accordance with Chapter 120, Florida Statutes. Requests may be for a formal hearing in accordance with Section 120.57(1), Florida Statutes, or an informal hearing pursuant to Section 120.57(2), Florida Statutes. Requests for an administrative hearing shall be made in writing and filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Requests for an administrative hearing for all other Agencies shall be made in writing and filed with the Clerk of Agency Proceedings for the Agency issuing the denial.

Specific Authority ~~20.05~~, 334.044(2) FS. Law Implemented 339.09(2),(3), 421.55 FS. History—New 8-9-72, Formerly 14-66.07, Amended 11-24-92, \_\_\_\_\_.

14-66.008 Moving and Related Expenses.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 8-9-72, Formerly 14-66.08, Amended 11-24-92, Repealed \_\_\_\_\_.

14-66.009 Replacement Housing Payments.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3), 421.55(3) FS. History—New 8-9-72, Amended 1-12-83, Formerly 14-66.09, Amended 11-24-92, 8-17-93, Repealed \_\_\_\_\_.

14-66.010 Mobile Homes.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 11-24-92, Repealed \_\_\_\_\_.

14-66.011 Claim Filing and Documentation.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 11-24-92, Repealed \_\_\_\_\_.

14-66.012 Appeal Rights.

Specific Authority 20.05, 334.044(2) FS. Law Implemented 339.09(2),(3) FS. History—New 11-24-92, Repealed \_\_\_\_\_.

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

DOCKET NO.: 00-10R

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

Sovereignty Submerged Lands  
Management

18-21

RULE TITLES:	RULE NOS.:
Definitions	18-21.003
Management Policies, Standards, and Criteria	18-21.004
Procedures – Forms of Consent	18-21.005
Payments and Fees	18-21.011

PURPOSE AND EFFECT: The primary purpose of this rulemaking is to clarify and amend the existing provisions and thresholds used in determining the appropriate form of authorization needed from the Board of Trustees to conduct activities on sovereign submerged lands. Issues to be discussed include definitions; management policies, standards, and criteria, including general consent conditions that would apply to all forms of authorization; and provisions related to riparian rights. It is the intent of this rulemaking to provide more clarity to the public so that the appropriate form of authorization needed can be more easily determined.

SUBJECT AREA TO BE ADDRESSED: The forms of authorization that are required to conduct activities on sovereign submerged lands, including possible revisions to definitions and management policies, standards, and criteria. During the rule development process, the Department may decide to amend any or all of the rule sections identified above or in Chapter 18-21 of the Florida Administrative Code.

SPECIFIC AUTHORITY: 161.055, 253.002, 253.03, 253.03(7), 253.0345, 253.12, 253.73, 253.77, 258.43, 370.021, 370.021(1), 373.026, 373.043, 373.044, 373.418, 373.427 FS., Art. X, Sec. 14, Fla. Const.

LAW IMPLEMENTED: 120.60, 161.041, 161.055, 253.002, 253.02, 253.03, 253.034, 253.0345, 253.04, 253.041, 253.077, 253.115, 253.12, 253.1221, 253.129, 253.141, 253.43, 253.431, 253.47, 253.51, 253.512, 253.52-.54, 253.61, 253.67-.75, 253.77, 258.42, 258.43, 370.16, 373.026, 373.413, 373.414(11)-(16), 373.416, 373.427, 373.4275 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, WHEN AVAILABLE, IS: Alice Heathcock, Department of Environmental Protection, MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9899, e-mail Alice.Heathcock@dep.state.fl.us.

This rule development was preceded with a series of meetings of a technical advisory committee. A draft of the proposed rule amendments to be discussed in the rule development workshop is not yet available.

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

**PUBLIC SERVICE COMMISSION**

DOCKET NO: 000418-PU

RULE TITLE: Recovery of Economic Development Expenses      RULE NO.: 25-6.0426

PURPOSE AND EFFECT: To insert the Department of Commerce economic development criteria into the Commission’s rule.

SUBJECT AREA TO BE ADDRESSED: Recovery of economic development expenses for electric investor-owned utilities.

SPECIFIC AUTHORITY: 288.035(3), 350.127(2) FS.

LAW IMPLEMENTED: 288.035 FS.

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

TIME AND DATE: 1:00 p.m., Monday, May 15, 2000

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Elisabeth Draper, Division of Electric and Gas, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0426 Recovery of Economic Development Expenses.

(1) Pursuant to Section 288.035, Florida Statutes, the Commission shall allow a public utility to recover reasonable economic development expenses subject to the limitations contained in subsections ~~(3)(2)~~ and ~~(4)(3)~~, provided that such expenses are prudently incurred and are consistent with the criteria established in subsection (7) by Rules 8E-15.001, 8E-15.002, and 8E-15.003, Florida Administrative Code.

(2) Definitions

(a) “Economic Development” means those activities designed to improve the quality of life for all Floridians by building an economy characterized by higher personal income, better employment opportunities, and improved business access to domestic and international markets.

(b) “Economic development organization” means a state, local, or regional public or private entity within Florida that engages in economic development activities, such as city and county economic development organizations, chambers of commerce, Enterprise Florida, the Florida Economic Development Council, and World Trade Councils.

(c) “Trade show” means an exhibition at which companies, organizations, communities, or states advertise or display their products or services, in which economic development organizations attend or participate to identify potential industrial prospects, to provide information about the locational advantages of Florida and its communities, or to promote the goods and services of Florida companies.

(d) “Prospecting mission” means a series of meetings with potential industrial prospects at their business locations with the objectives of convincing the prospect that Florida is a good place to do business and offers unique opportunities for that particular business, and encouraging the prospect to commit to a visit to Florida if a locational search is pending or in progress.

(e) “Strategic plan” means a long-range guide for the economic development of a community or state that focuses on broad priority issues, is growth-oriented, is concerned with fundamental change, and is designed to develop and capitalize on new opportunities.

(f) “Recruitment” means active efforts to encourage specific companies to expand or begin operations within Florida.

~~(3)(2)~~ Prior to each utility's next rate change enumerated in subsection ~~(6)(5)~~, the amounts reported for surveillance reports and earnings review calculations shall be limited to the greater of (a) the amount approved in each utility's last rate case escalated for customer growth since that time, or (b) 95 percent of the expenses incurred for the reporting period so long as such does not exceed the lesser of 0.15 percent of gross annual revenues or \$3 million.

~~(4)(3)~~ At the time of each utility's next rate case and for subsequent rate proceedings enumerated in subsection ~~(6)(5)~~ the Commission will determine the level of sharing of prudent economic development costs and the future treatment of these expenses for surveillance purposes.

~~(5)(4)~~ Each utility shall report its total economic development expenses as a separate line item on its income statement schedules filed with the earnings surveillance report required by Rule 25-6.1352, Florida Administrative Code. Each utility shall make a line item adjustment on its income

statement schedule to remove the appropriate percentage of economic development expenses incurred for the reported period consistent with subsections (3)(2) and (4)(3).

(6)(5) Requests for changes relating to recovery of economic development expenses shall be considered only in the context of a full revenue requirements rate case or in a limited scope proceeding for the individual utility.

(7) All financial support for economic development activities given by public utilities to state and local governments and organizations shall be pursuant to a prior written agreement. Recoverable economic development expenses shall be limited to the following:

(a) Expenditures for operational assistance, including:

1. Planning, attending, and participating in trade shows;
2. Planning, conducting, and participating in prospecting missions designed to encourage the location in Florida of domestic and foreign companies;
3. Providing financial support to economic development organizations to assist with their economic development operations;
4. Providing financial support to economic development programs or initiatives identified or developed by Enterprise Florida, Inc.;
5. Participating in joint economic development efforts, including public-private partnerships, consortia, and multi-county regional initiatives;
6. Participating in downtown revitalization and rural community developmental programs;
7. Supporting state and local efforts to promote small and minority-owned business development efforts; and
8. Supporting state and local efforts to promote business retention and expansion activities.

(b) Expenditures for assisting state and local governments in the design of strategic plans for economic development activities, including:

1. Making financial contributions to state and local governments to assist strategic planning efforts; and
2. Providing technical assistance, data, computer programming, and financial support to state and local governments in the design and maintenance of information systems used in strategic planning activities.

(c) Expenditures of marketing and research services, including:

1. Assisting state and local governments and economic development organizations in marketing specific sites for business and industry development or recruitment;
2. Assisting state and local governments and economic development organizations in responding to inquiries from business and industry concerning the development of specific sites within the utility's service area;

3. Providing technical assistance, data, computer programming, and financial support to state and local governments in the design and maintenance of geographic information systems, computer networks, and other systems used in marketing and research activities;

4. Providing financial support to economic development organizations to assist with their research and marketing activities;

5. Sponsoring publications, conducting direct mail campaigns, and providing advertising support for state and local economic development efforts;

6. Participating in cooperative marketing efforts with economic development organizations;

7. Helping state and local businesses identify suppliers, markets, and sources of financial assistance;

8. Helping economic development organizations identify specific industries and companies for targeting and recruitment;

9. Working with economic development organizations to identify businesses in need of help for expansion, going out of business, or at risk of leaving the area;

10. Providing site and facility selection assistance, including lists of commercial or industrial sites, computer databases, toll-free telephone numbers, maps, photographs, videos, and other activities in cooperation with economic development organizations; and

11. Supporting state and local efforts to promote exports of goods and services, and other international business activities.

Specific Authority 288.035(3), 350.127(2) FS. Law Implemented 288.035 FS. History—New 7-17-95, Amended 6-2-98.

## **PUBLIC SERVICE COMMISSION**

DOCKET NO: 000418-PU

RULE TITLE:

RULE NO.:

Recovery of Economic Development Expenses 25-7.042  
PURPOSE AND EFFECT: To insert the Department of Commerce economic development criteria into the Commission's rule.

SUBJECT AREA TO BE ADDRESSED: Recovery of economic development expenses for investor-owned natural gas utilities.

SPECIFIC AUTHORITY: 288.035(3), 350.127(2) FS.

LAW IMPLEMENTED: 288.035 FS.

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

TIME AND DATE: 1:00 p.m., Monday, May 15, 2000

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE COMMISSION'S DIVISION OF RECORDS AND REPORTING, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting at (850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shevie Brown, Division of Electric and Gas, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-7.042 Recovery of Economic Development Expenses.

(1) Pursuant to Section 288.035, Florida Statutes, the Commission shall allow a public utility to recover reasonable economic development expenses subject to the limitations contained in subsections ~~(3)(2)~~ and ~~(4)(3)~~, provided that such expenses are prudently incurred and are consistent with the criteria established in subsection (7) by ~~Rules 8E-15.001, 8E-15.002, and 8E-15.003, Florida Administrative Code.~~

(2) Definitions

(a) "Economic Development" means those activities designed to improve the quality of life for all Floridians by building an economy characterized by higher personal income, better employment opportunities, and improved business access to domestic and international markets.

(b) "Economic development organization" means a state, local, or regional public or private entity within Florida that engages in economic development activities, such as city and county economic development organizations, chambers of commerce, Enterprise Florida, the Florida Economic Development Council, and World Trade Councils.

(c) "Trade show" means an exhibition at which companies, organizations, communities, or states advertise or display their products or services, in which economic development organizations attend or participate to identify potential industrial prospects, to provide information about the locational advantages of Florida and its communities, or to promote the goods and services of Florida companies.

(d) "Prospecting mission" means a series of meetings with potential industrial prospects at their business locations with the objectives of convincing the prospect that Florida is a good place to do business and offers unique opportunities for that

particular business, and encouraging the prospect to commit to a visit to Florida if a locational search is pending or in progress.

(e) "Strategic plan" means a long-range guide for the economic development of a community or state that focuses on broad priority issues, is growth-oriented, is concerned with fundamental change, and is designed to develop and capitalize on new opportunities.

(f) "Recruitment" means active efforts to encourage specific companies to expand or begin operations within Florida.

~~(3)(2)~~ Prior to each utility's next rate change enumerated in subsection ~~(6)(5)~~, the amounts reported for surveillance reports and earnings review calculations shall be limited to the greater of (a) the amount approved in each utility's last rate case escalated for customer growth since that time, or (b) 95 percent of the expenses incurred for the reporting period so long as such does not exceed the lesser of 0.15 percent of gross annual revenues or \$3 million.

~~(4)(3)~~ At the time of each utility's next rate case and for subsequent rate proceedings enumerated in subsection (5) the Commission will determine the level of sharing of prudent economic development costs and the future treatment of these expenses for surveillance purposes.

~~(5)(4)~~ Each utility shall report its total economic development expenses as a separate line item on its income statement schedules filed with the earnings surveillance report required by Rule 25-7.1352, Florida Administrative Code. Each utility shall make a line item adjustment on its income statement schedule to remove the appropriate percentage of economic development expenses incurred for the reported period consistent with subsections ~~(3)(2)~~ and ~~(4)(3)~~.

~~(6)(5)~~ Requests for changes relating to recovery of economic development expenses shall be considered only in the context of a full revenue requirements rate case or in a limited scope proceeding for the individual utility.

(7) All financial support for economic development activities given by public utilities to state and local governments and organizations shall be pursuant to a prior written agreement. Recoverable economic development expenses shall be limited to the following:

(a) Expenditures for operational assistance, including:

1. Planning, attending, and participating in trade shows;

2. Planning, conducting, and participating in prospecting missions designed to encourage the location in Florida of domestic and foreign companies;

3. Providing financial support to economic development organizations to assist with their economic development operations;

4. Providing financial support to economic development programs or initiatives identified or developed by Enterprise Florida, Inc.;

5. Participating in joint economic development efforts, including public-private partnerships, consortia, and multi-county regional initiatives;

6. Participating in downtown revitalization and rural community developmental programs;

7. Supporting state and local efforts to promote small and minority-owned business development efforts; and

8. Supporting state and local efforts to promote business retention and expansion activities.

(b) Expenditures for assisting state and local governments in the design of strategic plans for economic development activities, including:

1. Making financial contributions to state and local governments to assist strategic planning efforts; and

2. Providing technical assistance, data, computer programming, and financial support to state and local governments in the design and maintenance of information systems used in strategic planning activities.

(c) Expenditures of marketing and research services, including:

1. Assisting state and local governments and economic development organizations in marketing specific sites for business and industry development or recruitment;

2. Assisting state and local governments and economic development organizations in responding to inquiries from business and industry concerning the development of specific sites within the utility's service area;

3. Providing technical assistance, data, computer programming, and financial support to state and local governments in the design and maintenance of geographic information systems, computer networks, and other systems used in marketing and research activities;

4. Providing financial support to economic development organizations to assist with their research and marketing activities;

5. Sponsoring publications, conducting direct mail campaigns, and providing advertising support for state and local economic development efforts;

6. Participating in cooperative marketing efforts with economic development organizations;

7. Helping state and local businesses identify suppliers, markets, and sources of financial assistance;

8. Helping economic development organizations identify specific industries and companies for targeting and recruitment;

9. Working with economic development organizations to identify businesses in need of help for expansion, going out of business, or at risk of leaving the area;

10. Providing site and facility selection assistance, including lists of commercial or industrial sites, computer databases, toll-free telephone numbers, maps, photographs, videos, and other activities in cooperation with economic development organizations; and

11. Supporting state and local efforts to promote exports of goods and services, and other international business activities.

Specific Authority 288.035(3), 350.127(2) FS. Law Implemented 288.035 FS. History--New 7-17-95, Amended 6-2-98,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Special Management Meal

RULE NO.: 33-602.223

PURPOSE AND EFFECT: The proposed rule is needed in order to correct titles of staff responsible for implementing special management meal procedures, and to correct addresses and update forms associated with the rule.

SUBJECT AREA TO BE ADDRESSED: Special management meal.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

TIME AND DATE: 9:00 a.m., May 17, 2000

PLACE: Law Library Conference Room, Room B-404, 2601 Blair Stone Road, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.223 Special Management Meal.

(1) through (3) No change.

(4) Placement on the Special Management Meal.

(a) When any employee observes inmate behavior that he believes meets the criteria for application of the special management meal, the employee shall prepare Form DC6-218 ~~DC3-013~~, Special Management Meal Report, and forward the report to the Chief of Security ~~Correctional Officer~~ for review. Form DC6-218 ~~DC3-013~~, Special Management Meal Report, is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel ~~Operations~~, Department of Corrections, 2601 Blair Stone Road ~~1311 Winewood Boulevard~~, Tallahassee, Florida 32399-2500. If forms are to be mailed, the

~~request must be accompanied by~~ a self-addressed stamped envelope must accompany the request. The effective date of this form is \_\_\_\_\_ ~~the same as the effective date of this rule~~.

(b) If the cChief of security ~~Correctional Officer~~ determines that the behavior cannot be corrected through routine counseling or by established disciplinary procedures, a discussion shall take place at the inmate's cell between the inmate, the oOfficer in cCharge, and the reporting officer, if needed. The oOfficer in cCharge shall complete the discussion section of the report. The Special Management Meal Report shall document the reasons for recommending the special management meal and shall include a summary of the inmate's comments or objections. When an inmate has been recommended for placement on the special management meal, the cChief hHealth oOfficer or other designated health care medical staff member shall indicate on the Special Management Meal Report whether there is any medical reason that would prohibit placing the inmate on special management meal status. When there is a medical problem, the cChief hHealth oOfficer or other designated medical staff member shall ~~then~~ determine whether the inmate can be placed on the special management meal or whether an alternative special meal can be prescribed. No inmate shall be placed on special management meal status without medical approval. The cChief of security Correctional Officer shall then forward the report to the warden for approval.

(c) The warden or duty warden ~~his designee~~ shall approve or disapprove all recommendations for placement on the special management meal based on the criteria set forth in subsection (2) above.

(5) Canteen privileges authorized by 33-602.220(8)(n), ~~(9)(m), 33-602.221(9)(j),~~ and 33-601.803(3)(f) for inmates in administrative confinement, ~~protective confinement,~~ and close management status shall be suspended for the duration of the period that an inmate is on special management meal status.

(6) The cChief of security ~~Correctional Officer~~ and a clinical health care person ~~representative of the medical staff~~ shall visit each inmate on special management meal status on a daily basis, except in case of riot or other institutional emergency. The shift supervisor shall act as the chief of security's ~~correctional officer's~~ designee and shall conduct the daily visit in the chief's absence. The purpose of the daily visit is to follow the inmate's progress while on the special management meal and to determine when the inmate should be removed from the special management meal status.

(7) An inmate may be removed from special management meal status at any time based on:

(a) The recommendation of the cChief of security ~~Correctional Officer~~ and the approval of the warden; or

(b) Medical reasons as determined by the cChief hHealth oOfficer or other designated health care medical staff.

(8) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-11-88, Amended 3-4-92, 5-27-97, 11-25-98, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Experience Requirement  
RULE NO.: 61J1-6.001

PURPOSE AND EFFECT: To determine if a Summary Appraisal Report or Restricted Use Appraisal Report may be considered as a narrative report to show appraisal experience for those persons who apply for a state certified general real estate appraiser license.

SUBJECT AREA TO BE ADDRESSED: The Board will discuss what constitutes a narrative report for purposes of claiming experience to be a state certified general real estate appraiser. In particular, the Board will examine Summary Appraisal Reports and Restricted Use Appraisal Reports and whether either type of report may be used as a narrative report. In addition, the Board will review the entire experience rule to determine if other changes are necessary.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.617 FS.

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

TIME AND DATE: 9:00 a.m., June 6, 2000

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, 400 West Robinson Street, Suite 308, North Tower, Orlando, Florida 32801

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 00-11R

RULE CHAPTER TITLE: New Potable Water Well Permitting  
in Delineated Areas  
RULE CHAPTER NO.: 62-524

RULE TITLE: Maps Containing Delineated Areas  
RULE NO.: 62-524.430

PURPOSE AND EFFECT: To reduce the extent of delineation and reconfigure the area near the former Silvex site in St. Johns County, Picolata Quadrangle, based on new ground water monitoring data to define the contaminant plume.

SUBJECT AREA TO BE ADDRESSED: Reduction of area delineated because of previously known ground water contamination, now updated with new monitoring data.

SPECIFIC AUTHORITY: 373.309, 403.061 FS.

LAW IMPLEMENTED: 373.309 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: David James, Department of Environmental Protection, Bureau of Watershed Management, MS 3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9911

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLES:	RULE NOS.:
Demonstrating Knowledge of Laws and Rules for Licensure	64B4-3.0035
Examination Review Procedures	64B4-3.007

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B4-3.0035 to update the rule text. The Board proposes to repeal Rule 64B4-3.007 because the rule is no longer necessary.

SUBJECT AREA TO BE ADDRESSED: Demonstrating knowledge of laws and rules for licensure; examination review procedures.

SPECIFIC AUTHORITY: 455.574(2), 491.004(5) FS.

LAW IMPLEMENTED: 455.574(2), 491.005(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling**

RULE TITLE:	RULE NO.:
Approved Courses for Continuing Education	64B4-6.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to the programs offered by providers.

SUBJECT AREA TO BE ADDRESSED: Approved courses for continuing education.

SPECIFIC AUTHORITY: 455.564(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 455.564(6), 491.0085(1), 491.007(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE:	RULE NO.:
Teaching Permits	64B5-7.005

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to teaching permits.

SUBJECT AREA TO BE ADDRESSED: Teaching Permits.

SPECIFIC AUTHORITY: 466.002(6), 466.004(4) FS.

LAW IMPLEMENTED: 466.002(6), 466.017(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.005 Teaching Permits.

(1) A teaching permit may be issued by the Board of Dentistry to a faculty member of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or a medical school accredited by the American Medical Association's Liaison Committee for Medical Education upon the request of the dean of the school if the faculty member:

- (a) through (c) No change.
(2) through (3) No change.

(4) Prior to issuance of a teaching permit, each faculty member must provide proof of current CPR certification. If otherwise eligible, the faculty member will be granted a permit with the requirement that current CPR certification be obtained within 60 days. Each faculty member holding a teaching faculty permit shall maintain current CPR certification.

Specific Authority 466.002(6), 466.004(4) FS. Law Implemented 466.002(6), 466.017(4) FS. History--New 4-30-80, Amended 1-13-81, Formerly 21G-7.05, Amended 1-29-89, Formerly 21G-7.005, 61F5-7.005, Amended 10-16-96, 3-16-97, Formerly 59Q-7.005, Amended 11-10-98.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: RULE NO.:

Citations 64B10-14.006

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.617, 455.621 FS.

LAW IMPLEMENTED: 455.617 FS.

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

TIME AND DATE: 2:00 p.m., May 11, 2000

PLACE: Ramada Inn, 2900 N. Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: RULE NO.:

Certified Optometrist Examination 64B13-10.0015

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to reduce the number of examination questions from 100 to 80.

SUBJECT AREA TO BE ADDRESSED: The certified optometrist examination.

SPECIFIC AUTHORITY: 463.005(1), 455.574(1),(2) FS.

LAW IMPLEMENTED: 463.0055, 455.574(1),(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-10.0015 Certified Optometrist Examination.

The Certified Optometrist Examination shall be the Board approved examination developed and administered by the Department of Health Office of Examination Services.

(1) The examination shall consist of 80 400 questions which test the applicant's knowledge of general and ocular pharmacology with particular emphasis on the topical application and side effects of pharmaceutical agents. Each question on the examination shall be given equal weight. A raw score of 70 correct answers shall be required to pass the certification examination.

(2) through (4) No change.

Specific Authority 463.005(1), 455.574(1),(2) FS. Law Implemented 463.0055, 455.574(1),(2) FS. History--New 3-16-89, Amended 5-29-90, 7-10-91, Formerly 21Q-10.0015, 61F8-10.0015, Amended 10-4-94, Formerly 59V-10.0015, Amended 3-21-00.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE TITLE: RULE NO.:

Pinellas County Boating Restricted Areas 68D-24.010

PURPOSE AND EFFECT: This Notice of Proposed Rule Development was originally published in the May 21, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 20. We were unable to proceed with the rulemaking process when the Florida Department of Environmental Protection, Division of Law Enforcement, Office of Planning & Policy Coordination merged July 1, 1999 with what is now the Florida Fish and Wildlife Conservation Commission (FWC), and the rule development was withdrawn on June 25, 1999, of Vol. 25, No. 25, June 25, 1999 issue of the Florida Administrative Weekly.



This rule has been in continuous existence for the past ten years. The City of Clearwater cites as justification for amendment, vessel traffic congestion, public boat ramps and a marina that provides fuel. The purpose of this amendment is to protect vessel traffic safety. The effect of this rule will be to reduce vessel speed over the portion of the Gulf Intracoastal waterway extending 2,680 feet north of the existing restricted area.

The local office of the Florida Fish and Wildlife Conservation Commission has concurred with this action. This action is being coordinated with the City of Clearwater, United States Army Corps of Engineers and the United States Coast Guard.

**SUBJECT AREA TO BE ADDRESSED:** The amendment of the existing Slow Speed Minimum Wake zones is as follows: the waters of the Florida Intracoastal Waterway 500 feet southwest of the S. R. 60 (Memorial Causeway) to 3,180 feet northeast of the centerline of S. R. 60 (Memorial Causeway) including all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater. The City of Clearwater will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain "Slow Speed Minimum Wake" and "Resume Normal Safe Operation" markers at the boundaries of the boating restricted areas.

**SPECIFIC AUTHORITY:** 327.04, 327.46 FS.

**LAW IMPLEMENTED:** 327.46 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Planning & Policy, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Extension 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.010 Pinellas County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in Pinellas County, Florida, the following boating restricted areas are established ~~is amended~~:

(a)1. through 6. No change.

7. Memorial Causeway, ~~S. R. State Road~~ 60 – A Slow Speed Minimum Wake zone from the centerline of S. R. 60, to 500 feet southwest of S. R. 60 to 3,180 feet northeast of the centerline of S. R. 60 to include all waters from the western right-of-way of the Florida Intracoastal Waterway to the shoreline of the City of Clearwater. All waters lying within the right-of-way of the Intracoastal Waterway between a line drawn perpendicular to the center line of the waterway 500 feet northeast of the Memorial Causeway at Clearwater and a line drawn perpendicular to center line of the waterway 500 southwest of said bridge, as depicted in drawing G.

8. through (b) No change.

(2) Pinellas County and the City of Clearwater are ~~is~~ authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, and shall install and maintain the "Slow Speed Minimum Wake" and "Resume Normal Safe Operation" markers at the southwest and northeast boundaries of the boating restricted areas.

(3) The boating restricted areas are depicted in the following drawings:

Drawings A through F – No change.

INSERT MAP  
(68D-24.010)

Drawing H – No change.

Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 9-18-88, Amended 12-7-89, Formerly 16N-24.010, Amended 10-1-96, Formerly 62N-24.010, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Vessel Registration and Boating Safety**

RULE TITLE: Okeechobee Waterway Boating Restricted Areas

RULE NO.: 68D-24.011

PURPOSE AND EFFECT: Martin County has requested that the Commission establish boating restricted areas along the Okeechobee Waterway portion of the Florida Intracoastal Waterway as it makes its way through Martin County. United States Army Corps of Engineers requested that the Commission establish a boating restricted area in Glades County. These areas will be at the Timer Powers Park and boat ramp, the Palm City Bridge, the Florida Turnpike Bridge, the I-95 Bridge and the Moore Haven Lock Structure. The wakes from speeding vessels present a danger to vessels being launched or recovered at the public boat ramps located at the Timer Powers Park, Phipps Park and Leighton Park. Obstruction of visibility is also a concern in the areas around the Florida Turnpike Bridge, I-95 Bridge, the St. Lucie Lock and Dam, the Moore Haven Lock Structure.

The local offices of the Florida Fish & Wildlife Conservation Commission have confirmed that hazardous conditions exist at these locations.

This action is being coordinated with the Martin and Glades County Commissions, the Moore Haven City Council, the United States Army Corps of Engineers and the United States Coast Guard. The purpose of the rule development is to protect vessel traffic safety. The affect of the rule will be to slow vessel traffic within the areas specified in the rule.

SUBJECT AREA TO BE ADDRESSED: The establishment of Slow Speed Minimum Wake zones are as follows: 300 feet east of the centerline of the Timer Powers Boat Ramp, shoreline to shoreline, to 300 feet west of the centerline of the Timer Powers Boat Ramp at Timer Powers Park. The St. Lucie Lock and Dam easterly, shoreline to shoreline, to 300 feet east of the high tension power line transmission lines adjacent to the eastern span of the northbound traffic lane of I-95, 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of island located east of Leighton Park at the public boat

ramp in the Florida Intracoastal Waterway. The Moore Haven Lock Structure 1,000 feet north of the lock gates to 500 feet southwest of the lock gates within Martin County.

Martin County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain “Slow Speed Minimum Wake” and “Resume Normal Safe Operation” markers at the boundaries of the boating restricted areas.

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED FOR A LATER DATE TO BE ANNOUNCED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Division of Law Enforcement, Office of Planning & Policy, 620 South Meridian Street, Tallahassee, Florida 32399-3000, (850)488-5600, Extension 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.011 Okeechobee Waterway Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a)1. through 3. No change.

4. Palm City Bridge (C. R. 714) – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park and the public boat ramp as depicted in drawing D.

5. St. Lucie Lock and Dam Structure, the Florida Turnpike and I-95 Bridges – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the St. Lucie Lock and Dam easterly to 300 feet east of the high tension power transmission lines adjacent to the eastern span of the northbound traffic lane of I-95, as depicted in drawing E.

6. Timer Powers Park and Boat Ramp – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 300 feet

east of the centerline of the Timer Powers Boat Ramp to 300 feet west of the centerline of the Timer Powers Boat Ramp, as depicted in drawing F.

7. Moore Haven Lock Structure – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as in depicted marker G.

(b) Martin, Palm Beach County, the City of Clewiston (in coordination and cooperation with the South Florida Water Management District), and Glades County are authorized to

install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These local governmental entities may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas ~~described in 68D-24.011~~ are depicted on the following drawings:

Drawings A through C – No change.

INSERT DRAWINGS  
(68D-24.011 – 1 of 4)

INSERT DRAWINGS  
(68D-24.011 – 2 of 4)

INSERT DRAWINGS  
(68D-24.011 – 3 of 4)

INSERT DRAWINGS  
(68D-24.011 – 4 of 4)



Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, Amended 1-8-96, Formerly 62N-24.011, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

**RULE TITLE:** Noncompliance **RULE NO.:** 1S-1.008

**PURPOSE AND EFFECT:** Pursuant to chapter 99-379, Laws of Florida (HB 107), the Division of Elections reviewed its administrative rules in 1999 to determine which ones comply with the new rulemaking standards of section 120.536, Florida Statutes. During the course of its review, the Division determined that the above rule is no longer necessary and is adequately addressed in another rule. It is therefore, being repealed.

**SUMMARY:** Repeals Rule 1S-1.008, Florida Administrative Code.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A SERC has not 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:** 120.55(1)(d) FS.

**LAW IMPLEMENTED:** 120.54(3)(e), 120.55(1)(d) 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., May 16, 2000

**PLACE:** Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Bucky Mitchell, Senior Attorney, Division of Elections, (850)413-9720

**THE FULL TEXT OF THE PROPOSED RULE IS:**

1S-1.008 Noncompliance.

Specific Authority 120.55(1)(d) FS. Law Implemented 120.54(3)(e), 120.55(1)(d) FS. History—New 5-29-80, Formerly 1-7.01, Repealed \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Bucky Mitchell

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** L. Clayton Roberts, Division Director

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 7, 2000

### DEPARTMENT OF STATE

#### Division of Elections

**RULE TITLES:** Petition Criteria **RULE NOS.:** 1S-2.0081

Certification of Supervisors of Elections 1S-2.011

**PURPOSE AND EFFECT:** Pursuant to chapter 99-379, Laws of Florida (HB 107), the Division of Elections reviewed its administrative rules to determine which ones comply with the new rulemaking standards of section 120.536, Florida Statutes. During the course of its review, the Division determined that the above rules were no longer supported by adequate rulemaking authority and were unnecessary. Thus, the rules are being repealed.

**SUMMARY:** Repeals Rules 1S-2.0081 and 1S-2.011, Florida Administrative Code.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A SERC has not 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:** 15.13, 97.012, 189.405 FS.

**LAW IMPLEMENTED:** 97.012(1), 145.09 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., May 16, 2000

**PLACE:** Director's Conference Room, Room 1801, The Capitol, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Bucky Mitchell, Senior Attorney, Division of Elections, (850)413-9720

**THE FULL TEXT OF THE PROPOSED RULES IS:**

1S-2.0081 Petition Criteria.

Specific Authority 189.405 FS. Law Implemented 97.012(1) FS. History—New 10-3-90, Repealed \_\_\_\_\_.

1S-2.011 Certification of Supervisors of Elections.

Specific Authority 15.13, 97.012 FS. Law Implemented 145.0 FS. History—New 2-3-81, Amended 10-7-82, Formerly 1C-7.11, Amended 7-7-86, 11-20-88, Formerly 1C-7.011, Amended 1-25-96, Repealed \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Bucky Mitchell

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** L. Clayton Roberts, Division Director

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 7, 2000