

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Colonel Robert Edwards

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Dr. Allan L. Egbert

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 2, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN THE FAW: April 21, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-5.0016	Certificate of Authority; Financial Requirements

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Funeral and Cemetery Services hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on July 18, 2000 at 10:00 a.m., at Hotel Royal Plaza, 1905 Hotel Plaza Blvd., Lake Buena Vista, FL 32830-2203, phone (407)828-2828. This hearing is being held in response to a request from the public. The rule was originally published in Vol. 26, No. 21, of the May 26, 2000, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-176.022	Mediation of Bodily Injury and Property Damage Claim

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 25, No. 33, August 20, 1999, of the Florida Administrative Weekly:

4-176.022(h) second line, add after 'Form DI4-1121', and before "Invoice" (rev. 11/99).

The remainder of the rule reads as previously published.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.004	Production and Market Standards
5L-1.005	Shellfish Processing Plant Certification
5L-1.009	Shellfish Relaying
5L-1.019	Laboratory Procedures and Sample Testing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 18, May 5, 2000, issue of the Florida Administrative Weekly:

5L-1.004(8) Shellfish or shellfish products determined to be adulterated, or misbranded shall be subject to recall by the certified dealer responsible for distribution of the products. For a first offense in a certification license year, the department will apply mitigation measures if applicable. Mitigation measures include on-the-spot correction and reconditioning. For repeat violations, and where mitigation measures are not available, the department shall issue an order to stop the sale or to condemn, and destroy, shellfish or shellfish containers found to be adulterated, misbranded, or found to be held in non-compliance with any of the provisions of this Chapter. Reconditioning shall be a mitigation option only if the products will meet the safety standards of Rule 5L-1.004, F.A.C., and the labeling standards of Rule 5L-1.007~~6~~, F.A.C. Stop sale, condemnation, or reconditioning of products or containers shall be based on individual conditions found during inspections and shall be conducted using a Stop Sale Notice, DACS DEP Form 15001 34-013, revision 7/2000 2/96. This form is herein incorporated by reference, and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399.

5L-1.005(1) Upon request, the Department shall provide an application form entitled Shellfish Processing Plant Certification License Application, Form Number DACS DEP 15007 34-006 revision 7/2000 6/94, herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399, necessary for certification licensing of shellfish establishments. The following information shall be requested: (a) the name and address of the

firm, corporation, or establishment; (b) the name and address of the owner and operator; (c) the plant classification; and (d) the type of product to be processed.

5L-1.005(3) Certification is granted only to firms who meet the following inspection requirements: ~~4)~~ no "Critical" item deficiencies; not more than two (2) "Key" item deficiencies; and ~~3)~~ not more than three (3) "Other" item deficiencies. Failure of a certification inspection requires reapplication by the applicant. After successful inspection of the facility and the applicant's meeting the requirements of Rule 5L-1.005, F.A.C., a shellfish certification license, DACS DEP Form 15002 34-011 revision 7/2000 3/96, will be issued. This form is herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399. After a firm is certified, unannounced inspections using the DACS DEP plant inspection forms 15009 34-004 Revision 7/2000 6/94, and 15012 34-003 Revision 7/2000 6/94, and 34-002 Revision 2/96, if necessary, shall be conducted during periods of operation and at such frequency as necessary to assure that adequate operational and sanitary conditions are maintained. These forms are herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399. At the completion of each inspection, a copy of the completed inspection forms shall be issued to the plant supervisor or the plants designated representative a responsible individual at the firm.

5L-1.005(5)(~~4~~) In the event that a licensed certified shellfish processing plant changes its name, changes owners, changes location, changes address, or changes classifications ~~When the name of an establishment location, or owner changes~~, a new application, DACS DEP form 15007 34-006, revision 7/2000 must be completed and submitted to the department. The firm will be required to go through the complete certification process and recertification license, DEP form 34-011, shall be required.

5L-1.005(9)(~~7~~) Each applicant for a shellfish certification license shall have conducted a Hazard Analysis to determine whether there are food safety hazards that are reasonably likely to occur for ~~of the~~ shellfish products produced at the location listed on DACS DEP form 15007 34-006, revision 7/2000 Shellfish Processing Plant Certification License Application. Each certified dealer shall prepare a written HACCP plan. The HACCP plan shall incorporate critical control points that will eliminate, prevent, or control the hazards identified in the hazard analysis. Critical control points shall have established critical limits for parameters to ensure when exceeded the dealer takes corrective actions. The HACCP plan shall include

the procedures, and frequency thereof that will be used to monitor each of the critical control points to ensure compliance with the critical limits. The HACCP plan shall provide for a recordkeeping system that documents the monitoring of the critical control points. The records shall contain the actual values and observations obtained during monitoring. The plan shall be signed and dated by the owner or corporate officers of the firm at the time of its implementation, and after any modification. Each establishment shall develop or adopt acceptable sanitation monitoring records to meet the requirements in 5L-1.013(12).

5L-1.009(3) Anyone wishing to conduct shellfish relaying operations shall provide the Department, upon application form entitled "Application for A Special Activity License to Relay Shellfish", Form Number DACS DEP 15109 34-110, effective 7/2000 12-30-94, available from the Department of Agriculture and Consumer Services Environmental Protection, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Tallahassee, FL 32399, and herein incorporated by reference, with the following information:

(a) through (j) No change.

5L-1.009(4)(p) If shellfish are relayed to a lease in Approved or Conditionally Approved areas, they shall not be harvested without written permission from the Department. Permission will be granted only after a minimum of 15 days have elapsed to allow the shellfish to cleanse themselves, and this cleansing is verified by laboratory analysis. The fifteen days will commence when the Department receives the licensee's "Special Activity License to Relay Shellfish" for cancellation. The fifteen day period does not include days that shellfish harvesting areas have been temporarily closed to harvest. Laboratory analysis shall consist of a minimum of five samples (each sample to consist of a minimum of 12 individual shellfish), collected by an employee of a laboratory with a current Department certification letter or staff of the Department. Four samples are to be collected from four corners of the lease and one sample collected from approximately the center of the lease. High-density aquaculture lease areas will be treated as a single entity pursuant to subsection 5L-1.009(4)(s)3. and 8., F.A.C. for ~~bacteriological~~ sampling. The laboratory must be certified by the Department State Laboratory Certification Officer pursuant to Guidance document A.11 Appendix E of the National Shellfish Sanitation Program Model Ordinance Manual of Operations, Part I (1990), and the Shellfish Laboratory Evaluation Checklist (1995) (~~1992~~), published by the U.S. Food and Drug Administration, which is hereby incorporated by reference and available for inspection at the Department's offices located at 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. Laboratory analysis shall include approved methods for fecal coliform bacteria and standard plate count.

The bacteriological quality of the relayed shellfish shall be equal to or better than shellfish of the same species harvested from nearby Approved or Conditionally Approved areas. The holder of the "Special Activity License to Relay Shellfish" must coordinate with the certified laboratory and other persons or agencies that these criteria are met and communicate this information to the Department. Upon verification that the criteria have been met the Department will issue the written permission in the form of a letter.

5L-1.019(1) Samples of shellfish, processing water, or ice, may be taken at any reasonable time or place by the Department and examined for compliance with sections of this Chapter. Samples of shellfish shall be furnished by processors of such shellfish upon request of the Department. Samples will be collected and appropriate sample collection and receipt forms will be used by Department staff to document sample collections. Forms include DACS DEP 15005 34-008, Collection/Analysis Water Report, Revision 7/2000 6/94, DACS 15004 34-009, Shellfish Sample Collection Report, Revision 7/2000 6/94, and DACS DEP 15013 34-014, Receipt for Samples, Revision 7/2000 2/94. These forms are herein incorporated by reference, and obtainable by writing the Department of Agriculture and Consumer Services, Division of Aquaculture, 1203 Governors Square Boulevard, 5th Floor, Tallahassee, Florida 32301 3900 Commonwealth Boulevard, Mail Station #205, Tallahassee, Florida 32399.

DEPARTMENT OF TRANSPORTATION

Florida Seaport Transportation and Economic Development Council

RULE NOS.:	RULE TITLES:
14B-1.001	Definitions
14B-1.002	Port Project Funding Application Procedures and Requirements
14B-1.003	Measuring Economic Benefits
14B-1.004	Determination of Funding; Council/Agency Review
14B-1.005	Council Procedures
14B-1.006	Eligible Port Funding Requirements
14B-1.007	Reporting Requirements

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., Florida Statutes, published in the Vol. 26, No. 3, January 21, 2000, issue of the Florida Administrative Weekly. The changes have been made to address concerns expressed by the Joint Administrative Procedures Committee. The proposed rule is revised to read as follows:

14B-1.001 Definitions.

(1) "Council" means the Florida Seaport Transportation and Economic Development Council as provided in s. 311.09(1), F.S.

(2) "Program Funds" are those funds identified in s. 311.07(2), F.S., derived from the State Transportation Trust Fund and funds derived from the provisions of ss. 320.20(3) and (4), F.S. ~~"Trust Fund" means the Florida Seaport Transportation and Economic Development Trust Fund as provided in s. 311.07(2), F.S.~~

(3) "Eligible Port" means deepwater ports listed in s. 403.021(9)(b), F.S., which are governed by a public body, or any other deepwater port which is governed by a public body which complies with the water quality provisions of s. 403.061, F.S., the comprehensive master plan requirements of s. 163.3178(2)(k), F.S., the local financial management and reporting provisions of Part III of Chapter 218, F.S., and the auditing provisions of s. 11.45(3)(a)(4), F.S.

(4) "Port Transportation Project" means:

(a) Transportation facilities within the jurisdiction of the port; or

(b) The dredging or deepening of channels, turning basins, or harbors; or

(c) The construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing; or

(d) The acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce; or

(e) The acquisition of land to be used for port purposes; or

(f) The acquisition, improvement, enlargement, or extension of existing port facilities; or

(g) Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; defined in s. 376.22, F.S., or which result from the funding of eligible projects listed herein; or

(h) Transportation facilities as defined in s. 334.03(31)(27), F.S., which are not otherwise part of the Department of Transportation's adopted work program; ~~or-~~

(i) Seaport intermodal access projects identified in the 5-year Florida Seaport Mission Plan as provided in s. 311.09(3), F.S.

(5) "Port Master Plan" means a comprehensive master plan prepared by each eligible deepwater port ~~listed in s. 403.021(9), F.S.,~~ which addresses existing port facilities and any proposed expansions and which adequately addresses the applicable requirements of s. 163.3178(2)(k), F.S., or other provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163.

(6) "Florida Seaport Mission Plan" means the mission statement developed by the Council which defines the goals and objectives of the Council concerning the development of port facilities and an intermodal transportation system. The five year plan shall be updated annually and shall include specific recommendations for the construction of intermodal transportation projects which connect a port to another transportation mode and port transportation projects which enhance international commerce and provide economic benefits to the state.

(7) "Matching Funds" for an approved port transportation project other than seaport intermodal access projects are those funds provided by the eligible port from any source other than the Florida Department of Transportation which shall, at a minimum, be an amount equal to the program funds each contribution provided by the Trust Fund to fund the approved project. "Matching Funds" for seaport intermodal access projects as described in s. 341.053(5), F.S., that are identified in the Seaport Mission Plan shall be as mutually determined by the Council and the Department of Transportation, provided a minimum of 25 percent of total project funds shall come from any port funds, local funds, private funds, or specifically earmarked federal funds. "Matching Funds" for seaport intermodal access projects that involve the dredging or deepening of channels, turning basins, or harbors; or the rehabilitation of wharves, docks, or similar structures shall be 25 percent of the total project funds coming from any port funds, federal funds, local funds, or private funds.

(8) "Approved Project" means a port transportation project which has been determined by the Department of Community Affairs to be consistent, to the maximum extent feasible, with an approved local government comprehensive plan and with the port master plan; determined by the Department of Transportation to be consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program; and determined by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ to be consistent with the Florida Seaport Mission Plan and to have an economic benefit to the state.

(9) "Eligible Costs" means costs that may be incurred and paid by program funds ~~funds from the Trust Fund~~. Eligible costs include: design and engineering, permitting costs, environmental mitigation, construction of the port transportation project, security, right-of-way acquisition, relocation of electrical utilities, drainage, railroad spurs, water lines, sewer lines, ~~and~~ other infrastructure costs associated with construction of the port transportation project, and the acquisition of trade data information products. Eligible costs may include improvements or fixtures constructed or placed on leased property so long as the useful life of the improvements or fixtures is equal to or less than the length of the lease, or so long as the improvements or fixtures remain under the control

and use of the port after the termination of the lease. Costs associated with preparation of the application or administration of the project fund are not eligible costs.

(10) "Acquisition" means the legal acquisition of real or personal property and may be by purchase, lease, gift, devise, grant, bequest, or eminent domain.

(11) "Existing Port Facilities" shall mean facilities, and improvements of every kind, nature, and description to property or facilities as defined in s. 311.07, F.S.

(12) "Trade Data Information Products" are products related to the purchase of information related to any or all of the following:

- (a) Market intelligence;
- (b) Economic activity;
- (c) Economic and natural resources;
- (d) Transportation infrastructure;
- (e) Navigational and shipping issues;
- (f) Environmental issues.

(13) "Material Project Modification" shall mean a modification to the facility or project that is reasonably expected to have the following impact:

- (a) Increases the cost of the facility or project by more than 10 percent of its original estimated cost;
- (b) Increases the capacity of heavy truck traffic, railcar, passenger car or changes in the configuration of internal roadways or rail lines by more than 5% of the capacity in the original estimate;
- (c) Leads to a new or substantially different type of facility or project, including any operational change or other changes that impact the reported level of service on any affected roadway; or
- (d) Any land acquisition.

Specific Authority ~~420.536~~, 311.09(4) FS. Law Implemented 311.07, 311.09, 315.02, 320.20 FS. History--New 12-19-90, Amended _____.

14B-1.002 Port Project Funding Application Procedures and Requirements.

(1) An application shall be accepted only from an eligible port. The port shall apply for the grant by submitting to the Council an application entitled "Florida Seaport Transportation and Economic Development Project Application", Form FSTED-1, hereby incorporated by reference, effective _____, which contains five separate elements as described in (7) below. Applications shall be submitted by the appropriate duly authorized official of such port. ~~Beginning in 1991, the period for submitting applications for the applicable fiscal year funding shall be from January 1 to August 1~~ February 15 in each calendar year. Application forms may be obtained from and completed applications submitted in five (5) copies to:

Florida Seaport Transportation and Economic Development Council, P. O. Box 10137, Tallahassee, FL 32302; or, 315 South Calhoun Street, Suite 712, Tallahassee, FL 32301.

(2) The applicant must provide information in application format so that it may be determined whether the proposed port transportation project is consistent, to the maximum extent feasible, with an approved local government comprehensive plan and port master plan. The applicant must provide its current updated port master plan both to the Council and to the Department of Community Affairs.

(3) The application must be accompanied by a drawing or map which depicts the port transportation project in relation to the port and the local community.

(4) The applicant must provide information in application format so that it may be determined whether the project provides an economic benefit and is consistent with the Florida Seaport Mission Plan.

(5) The applicant must provide information in application format so that it may be determined whether the project is consistent with the policies and needs contained in the Florida Transportation Plan.

(6) The Council will have fifteen (15) days from receipt of an application to examine the application and notify the applicant ~~in writing~~ of any apparent errors or omissions and to request any needed additional information. The applicant shall then have fifteen (15) days from receipt of the request to provide the additional information. The application shall not be considered to be properly completed if the additional information is not provided. If technical changes are necessary, the Council or Administrative Staff can make those changes with approval of the applicant port.

(7) The project information required to be submitted by the applicant port is contained in the application Form FSTED-1, consisting of the following ~~seven~~ five units or forms:

(a) Form A. The cover sheet summary of the Council's application contains the summary information: name of applicant, authorized representative, brief project description (project number, amount requested/fiscal year), plan information, economic benefit analysis, map/drawing, and signature of authorized official of the applicant port. Attached to Form A is a description of "Project Eligibility Requirements."

(b) Form B – Means of Financing. Incorporated herein by reference is a copy of Form B which requires a detailed description of the project, estimated number of years for project completion, phase or year of request, state funds requested, and source of port matching funds.

(c) Form C – Port Development Candidate File. Incorporated herein by reference is Form C which is a five year forecast of funding requests for capital improvements at the applicant port. If the port's total capital improvement program for the five year period is different than the five year forecast of funding requests, a description of the total five year capital

improvement program should also be provided. This latter information will be used for the reporting requirements of the Florida Seaport Mission Plan.

(d) Form D – Plan Information. Incorporated herein by reference is Form D which requires information from the applicant port about its port master plan and local government comprehensive plan so that the Department of Community Affairs may review the project to determine whether it is consistent to the maximum extent feasible with the local government comprehensive plan and the port master plan. The applicant must certify that both the Department of Community Affairs and the FSTED Council have a ~~provide two (2) copies of its~~ current updated port master plan of the port ~~when submitting the applications.~~

(e) Form E – Economic Benefit Analysis. Incorporated herein by reference is Form E which requires economic benefit information related to the project so that the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ may determine whether the project provides an economic benefit to the state and is consistent with the Florida Seaport Mission Plan.

(f) Form F – Transportation Impact Information. Incorporated herein by reference is Form F which requires transportation impact information related to the project so that the Department of Transportation may determine the transportation impact to the state. Prior to submitting Form F to the Council, the port applicant is encouraged to submit the project description and Form F to the local government of jurisdiction upon whose transportation facility the proposed project would impact in order to highlight any possible transportation problems relating to level of service requirements.

(g) Form G – Status Report and Resubmittal of Previously Submitted Projects. Incorporated herein by reference is Form G which requires information related to the status of projects and resubmission of previously submitted project applications to the Council. Previously submitted projects that have a material project modification shall require new or additional project information to be submitted on forms A through F.

(8) All forms and form instructions are incorporated herein by reference and are available by writing to the address provided in subsection (1) above.

(9) The Council will consider the submittal by an eligible port of an application for funding of an emergency project at any time during the calendar year. An emergency project is defined as a project which requires the maintenance or reconstruction of an eligible project which contributes to or enables the port to continue to perform an essential service at the same level of service which it has previously provided in the movement of cargo or passengers; or is a project which, because of changing circumstances, new opportunities, or a material project modification is considered by the Council to

be an eligible project which can not wait until the next application period without causing harmful effects to the port or the citizens of the state.

Specific Authority ~~420.53~~; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.003 Measuring Economic Benefits.

(1) The Council shall review each properly completed application to determine the economic benefit of the port transportation project measured by the potential for the proposed project to increase or maintain cargo flow, cruise passenger movement, international commerce, port revenues, and the number of jobs for the port's local community.

(2) The minimum criteria to be utilized by the Council in specifying and identifying a port transportation project as facilitating the economic benefit of Florida shall consist of satisfaction of the following:

(a) Each application must indicate the amount of the port's capital investment in the port transportation project and the source of port matching funds.

(b) Each application must provide a separate port analysis of how the port transportation project will support international commerce, increase or maintain cargo flow through the port or improve cruise passenger movements. The analysis must provide specific assumptions about demand for additional service or capacity on which the project is based; type of employment to include the average hourly wage that will be created by the project or reasons the port project is needed to support existing employment; expected life of the project; expected port revenue stream resulting from the project; and a description of how the port project will affect and enhance the local, regional and state economies. The applicant shall, upon request by the Council, provide any other economic impact information which would assist the Council and the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ to determine the economic benefit of the port transportation project.

Specific Authority ~~420.53~~; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.004 Determination of Funding; Council/Agency Review.

(1) The Council shall review and take action on approve or disapprove each project eligible for funding ~~from the Trust Fund~~ within one hundred twenty (120) days of the application deadline. After such determination, the Council shall annually submit to the Secretary of Transportation, the Office of Tourism, Trade, and Economic Development ~~Secretary of Commerce~~, and the Secretary of Community Affairs a list of projects which have been approved by the Council. The list shall specify the recommended funding level for each project; and, if staged implementation of the project is appropriate, the

funding requirements for each stage shall be specified. ~~The decision to fund a project at any funding level is within the sole discretion of the Council.~~

(2) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Community Affairs shall review the projects to determine consistency, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the port is located and with the port master plan. Within forty-five (45) days from receipt of the list of projects and supporting applications, the Department of Community Affairs shall notify the Council of those projects which are not consistent, to the maximum extent feasible, with such comprehensive plans and port master plans. Should additional information be requested from one or more applicants by the Department of Community Affairs to permit the Department of Community Affairs to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(3) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Department of Transportation shall review the list of projects for consistency with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program. In evaluating the consistency of a project, the Department shall determine whether the transportation impact of the proposed project is adequately handled by existing state highway facilities or by the construction of additional state highway facilities as identified in the Department's adopted work program. In reviewing for consistency a transportation facility project as defined in s. 334.03(31)(27), F.S., which is not otherwise part of the Department's work program, the Department shall evaluate whether the project is needed to provide for projected movement of cargo or passengers from the port to the State Highway System or local road. If the project is needed to provide for projected movement of cargo or passengers, the project shall be approved for consistency as a consideration to facilitate the economic development and growth of the state in a timely manner. Within forty-five (45) days from receipt of the list of projects, the Department of Transportation shall identify those projects which are not consistent with the policies and needs contained in the Florida Transportation Plan and, as appropriate, the Department's adopted work program and shall notify the Council of projects found to be inconsistent. Should additional information be requested from one or more applicants by the Department of Transportation to permit the Department of Transportation to evaluate project consistency, the time limit for the Department's review and notice to the Council shall be extended fifteen (15) days following receipt of the requested information.

(4) Upon receipt of the list of projects approved by the Council and the appropriate related project information, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall review the list of projects to evaluate the economic benefit of the project and to determine whether the project is consistent with the Florida Seaport Mission Plan. The Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall evaluate the economic benefits of each project based upon the information required by the Council Rule No. 14B-1.003 and, in so doing, may conduct any appropriate investigation to determine the accuracy of the information. Within forty-five (45) days from receipt of the list of projects, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~ shall identify those projects which it has determined do not offer an economic benefit to the state or are not consistent with the Florida Seaport Mission Plan and shall notify the Council of its findings. Should additional economic impact information be requested from the applicant by the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~, the time limit for the Department's review of the project shall be extended fifteen (15) days following receipt of the requested information.

(5) The Council shall review the findings of the Department of Community Affairs, the Office of Tourism, Trade, and Economic Development ~~Department of Commerce~~, and the Department of Transportation. Projects found to be inconsistent pursuant to subsections (2), (3), and (4) above and projects which have been determined not to offer an economic benefit to the state pursuant to subsection (4) shall not be included in the list of projects to be funded. However, the list of proposed projects may include projects which have been determined inconsistent, where such inconsistency determination was wholly unrelated to the proposed project itself, but was made on the basis that the local government comprehensive plan was not in compliance with the requirements of Chapter 163, F.S. Such projects are eligible for funding at the time the local government comprehensive plan is determined by the Department of Community Affairs or the Administration Commission to be in compliance with Chapter 163, F.S.; provided, however, that no amendments to the local comprehensive plan which brought it into compliance altered or modified the plan in relation to the impacts of the project itself.

(6) The Council shall submit to the Department of Transportation a list of approved projects for funding ~~from the Trust Fund~~. The Department of Transportation shall include in its annual legislative budget request a Florida Seaport Transportation and Economic Development grant program ~~for expenditure of funds in the Trust Fund~~. Such budget request shall request funding for the list of approved projects submitted by the Council based upon the funds expected to be available ~~in the Trust Fund~~ during the ensuing budget year. Additionally, the Council may submit to the department a list of unfunded

approved projects that could be made production-ready within the biennium and for which program trust funds are not available in that budget year. ~~The list of unfunded approved projects shall be submitted by the Department of Transportation as part of the project list prepared pursuant to s. 339.135(4)(j), F.S., and the needs list prepared pursuant to s. 339.155(5)(b), F.S.~~

Specific Authority ~~420.53~~; 311.09(4) FS. Law Implemented 311.09 FS. History—New 12-19-90, Amended.

14B-1.005 Council Procedures.

~~(1) The Council shall meet at the call of its chairperson, at the request of a majority of its membership, or at such times as may be prescribed in its bylaws. However, the Council must meet at least semiannually. A majority of voting members of the Council constitutes a quorum for the purpose of transacting the business of the Council. All members of the Council are voting members except for members representing the Department of Transportation, the Department of Community Affairs, and the Office of Tourism, Trade, and Economic Development Department of Commerce. A majority vote of the voting members present is sufficient for any action of the Council, unless the bylaws of the Council require a greater vote for a particular action.~~

~~(1)(2) The Council shall allocate prioritize funding for approved projects. A majority vote of the voting Council members present is sufficient to approve funding for a specific port transportation project and is sufficient for the Council to allocate prioritize funding for all approved projects. A Certification of Project Acceptance which certifies that the Council has reviewed the port projects pursuant to the requirements of applicable Florida law must be executed by the Chairman of the Council, witnessed, and attested to by the Assistant Secretary prior to submission of the approved project candidate list to the Department of Transportation. Said certification in the form approved by the Department of Transportation shall accompany the project list submittal. A majority vote of the voting Council members present is sufficient to disapprove funding for a specific port transportation project.~~

~~(2)(3) The Council shall submit a summary of port transportation projects with pertinent information to the Council members no less than five (5) seven (7) working days prior to the date of the meeting at which such projects will be considered for funding approval.~~

~~(3)(4) Applicants whose port transportation projects are not recommended for funding in any given year may reapply for subsequent funding consideration by the Council.~~

~~(4)(5) The Council shall publish in the Florida Administrative Weekly, at least seven (7) days prior to Council meetings or workshops, notification of the time and place the Council will meet. Such meetings or workshops shall be open to the public. At least seven (7) days prior to a meeting, the Council shall prepare and make available an agenda for~~

distribution on request of any interested person. The Council also shall provide seven (7) days prior notification of Council meetings or workshops by mailing a notice to each eligible port applicant whose port transportation project is to be considered.

~~(5)(6)~~ Emergency Special meetings of the Council may be held at the call of the Chairman or shall be called by the Chairman at the written request of a majority of the voting members for the purpose of acting on emergency matters affecting the public health, safety, or welfare, or to consider an application for funding of an emergency project as provided in Chapter 14B-1.002(9), F.A.C. Emergency meetings may be conducted by telephone conference call so long as the public may participate. Whenever an emergency meeting is scheduled to be held, notice shall be given by any procedure that is fair under the circumstances and necessary to protect the public interest, such as notifying at least one major newspaper of general circulation in the area where the meeting will take place; and the agency may also notify all major wire services of the time, date, place, telephone conference call number, and purpose of the meeting. Following an emergency meeting, notice of the time, date, and place of the meeting; a statement setting forth the reasons why an emergency meeting was necessary; and a statement setting forth the action taken at the meeting shall be published in the appropriate publication prescribed by Section 120.54(3), F.S. Upon seven (7) days public notice, a special meeting may be conducted by a telephone conference call with members of the Council in accordance with the provisions of Chapter 28-8, F.A.C., Model Rules of Procedure.

~~(7)~~ Emergency meetings of the Council may be held at the call of the Chairman in accordance with the provisions of Chapter 28-2.007, F.A.C., Model Rules of Procedure.

~~(6)(8)~~ Members of the Council shall serve without compensation but are entitled to receive reimbursement for per diem and traveling expenses as provided in s. 112.061, F.S. The Council may elect to provide an administrative staff, by contract or otherwise, to provide services to the Council on matters relating to the program Trust Fund and the Council. The cost for such administrative services shall be paid by all ports that receive program funds funding from the Trust Fund, based upon a pro rata formula measured by each recipient's share of the funds as compared to the total program trust funds disbursed to all recipients during the year. The share of costs for administrative services shall be paid in full by the recipient port upon execution by the port and the Department of Transportation of a Joint Participation Agreement or as otherwise directed by the FSTED Council. at the time the first payment of trust funds are disbursed to it. Such administrative services payment is in addition to the matching funds required to be paid by the recipient port.

Specific Authority ~~420.53~~, 311.09(2),(11) FS. Law Implemented 311.09 FS. History--New 12-19-90, Amended _____.

14B-1.006 Eligible Port Funding Requirements.

(1) Except for projects funded pursuant to ss. 320.20(3) and (4), F.S., a ~~A~~ port eligible for matching funds ~~from the Trust Fund~~ may receive a grant of program funds from the Trust Fund of not more than \$7 million during any one calendar year and grants of not more than \$30 million during any five calendar year period.

(2) Any port which receives funding from the Council Trust Fund shall institute procedures to ensure that jobs created as a result of the state funding shall be subject to equal opportunity hiring practices in the manner provided in s. 110.112, F.S.

(3) The Department of Transportation shall subject any project that receives funds pursuant to this section to a final audit. The Department may adopt rules and perform such other acts as are necessary or convenient to ensure that the final audits are conducted and that any deficiency or questioned costs noted by the audit are resolved.

(4) Funds received by eligible ports from the Council Trust Fund shall be expended on eligible costs only. If program funds are not expended on eligible costs, then the port shall immediately reimburse the Council for its share of the ineligible expenditures.

(5) Except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., u~~Upon~~ legislative approval of the Department of Transportation's budget request as provided in Rule 14B-1.004 and upon entering into the Department of Transportation's a written Joint Participation Agreement (JPA) grant agreement with an eligible port, the Department of Transportation will reimburse the eligible port an amount equal to 50 percent of eligible costs incurred on an approved project. This reimbursement will be made upon receipt of an invoice showing total eligible costs incurred to date, less the port's 50 percent share, less reimbursements received to date. These reimbursements will be made in compliance with the payment requirements set forth in s. 215.422, F.S. The final reimbursement to the port will be released upon the satisfactory completion of a final audit conducted by the Florida Department of Transportation.

(6) For projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the reimbursement procedures will be as set forth in the Master Agreement, the Indenture of Trust, the Loan Agreement, which are incorporated herein by reference, and any other agreement with another applicable governmental entity.

Specific Authority ~~420.53~~, 311.07(4) FS. Law Implemented 311.07, 320.20(3),(4) FS. History--New 12-19-90, Amended _____.

14B-1.007 Reporting Requirements.

(1) If the port transportation project, except for seaport intermodal access projects and projects funded pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., is to be funded in annual phases, the Council shall require

the port to submit an annual written report which describes the work completed per the project schedule, the status of the project, a description of any change orders which change the nature of the project and a budget summary detailing the amount of financial contribution to the project by the port. A phased project shall be considered by the Council as one project and shall be annually prioritized accordingly. An approved phased project shall be awarded separate annual grants until complete; provided, however, that no change order has been requested by the recipient port. Change orders requested for previously approved projects will require resubmission of a revised project application for Council and agency consistency review.

(2) Except for seaport intermodal access projects and projects pursuant to bonds issued under the provisions of ss. 320.20(3) and (4), F.S., the ~~The~~ eligible port shall enter into the Department of Transportation's a Joint Participation Agreement (JPA) with the Department of Transportation which sets forth the duties and obligations of the parties thereto regarding the expenditure and receipt of funds prior to any expenditure of state funds. The recipient port also shall provide a signed letter stating that the port accepts total responsibility and ownership of the port transportation project.

Specific Authority ~~120.53~~, 311.09(4) FS. Law Implemented 311.07 FS. History—New 12-19-90, Amended.

COMMISSION ON ETHICS

RULE NO.: 34-5.0043
 RULE TITLE: Investigation of Facts and Parties
 Materially Related to Complaint
 NOTICE OF CHANGE

Pursuant to Subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 18, May 5, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee. Subsection (4) of the proposed rule shall now read as follows:

Whenever the investigation of the complaint at issue indicates the existence of a party materially related to the complaint, the Executive Director shall order an investigation of that party. The investigator shall maintain a separate investigatory file and prepare a separate investigative report, neither of which shall be made available to the complainant or to the original respondent. ~~The Advocate may recommend and the Commission may order a public hearing as to those violations of Art. II, Sec. 8, Fla. Const., or the Code of Ethics which are indicated by the investigator's report to have been committed by such a party.~~ Separate proceedings from the original complaint at issue shall be commenced against such a party, who shall be deemed a "respondent," by sending to that person a copy of the Executive Director's order to investigate. From the date the investigation is ordered until final disposition of the matter, the charges against such a party (respondent) shall

be treated as if they had been included in a complaint filed against such party. A separate public hearing shall be held on the matter unless consolidation with the original complaint is ordered as provided in Rule 34-5.016.

COMMISSION ON ETHICS

RULE NOS.: 34-13.212
 RULE TITLES: Specific Examples of What May Constitute a Gift
 34-13.250 "Procurement Employee" Defined
 NOTICE OF CHANGE

Pursuant to Subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 18, May 5, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments provided by the staff of the Joint Administrative Procedures Committee.

34-13.212 Specific Examples of What May Constitute a Gift.

A "gift" includes ~~may include, but is not limited to,~~ any of the following:

(1) through (14) No change.

34-13.250 "Procurement Employee" Defined.

A "procurement employee" is defined in Sections 112.3148(2)(e) and 112.3149(1)(e), F.S. ~~means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of State government who participates in the procurement of contractual services or commodities costing more than \$1,000 in any year through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity.~~

(1) No change.

(2) "Contractual service" is defined in Section 287.012(7), F.S. ~~means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to: evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services, such as services rendered by architects, engineers, and other professionals regulated by the Department of Business and Professional Regulation, as well as attorneys regulated by the Supreme Court of Florida. "Contractual service" does not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of~~

~~building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255, F.S.~~

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NO.: RULE TITLE:
64B5-14.009 Parenteral Conscious Sedation
CORRECTED NOTICE OF CHANGE

The Board of Dentistry hereby gives notice of this correction to the Notice of Change which was recently published in the May 12, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 19. The rule was originally published in the March 3, 2000 issue of the Florida Administrative Code, Vol. 26, No. 9. Subsection (3)(e) of the rule shall now read as follows:

(e) As of July 1, 2001, the facility must have defibrillator equipment appropriate for the patient population being treated. THE PERSON TO BE CONTACTED REGARDING THE ABOVE PROPOSED CHANGE IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE NO.: RULE TITLE:
64B5-14.010 Pediatric Conscious Sedation
CORRECTED NOTICE OF CHANGE

The Board of Dentistry hereby gives notice of this correction to the Notice of Change which was recently published in the May 12, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 19. The rule was originally published in the March 3, 2000 issue of the Florida Administrative Code, Vol. 26, No. 9. Subsection (3)(f) of the rule shall now read as follows:

(f) As of July 1, 2001, the facility must have defibrillator equipment appropriate for the patient population being treated. THE PERSON TO BE CONTACTED REGARDING THE ABOVE PROPOSED CHANGE IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256.

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:
64B8-30.002 Application for Licensure
NOTICE OF RULE WITHDRAWAL

The Board of Medicine hereby gives notice that it is withdrawing the above-referenced rule amendment which was published in Vol. 26, No. 6, of the February 11, 2000, Florida Administrative Weekly. The person to be contacted regarding the rule is: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES**Economic Self-Sufficiency Program Office**

RULE NO.: RULE TITLE:
65A-1.725 Medicaid for Pregnant Women
Pilot Project
NOTICE OF WITHDRAWAL

Notice is hereby given the above rule, as noticed in Vol. 25, No. 38, (September 24, 1999) Florida Administrative Weekly, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION**Marine Fisheries**

RULE CHAPTER TITLE: Miscellaneous
RULE NO.: RULE TITLE:
68B-5.005 Landing of Finfish with Heads and
Tails Intact; Exception;
Definitions
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION**Marine Fisheries**

RULE CHAPTER TITLE: King Mackerel Resource Renewal
RULE NO.: RULE TITLE:
68B-12.0035 Size Limit
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish
RULE NO.: RULE TITLE:
68B-14.006 Other Prohibitions
NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Snook

RULE NO.: RULE TITLE:
68B-21.005 Size Limits**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Red Drum (Redfish)

RULE NO.: RULE TITLE:
68B-22.006 Other Prohibitions; Applicability**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Spanish Mackerel

RULE NO.: RULE TITLE:
68B-23.0035 Size Limit**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: King Mackerel – Atlantic Fishery

RULE NO.: RULE TITLE:
68B-30.0025 Size Limit**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Pompano, African Pompano, and Permit

RULE NO.: RULE TITLE:
68B-35.003 Size and Bag Limits; Prohibition of Sale**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Black Drum

RULE NO.: RULE TITLE:
68B-36.005 Other Prohibitions**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Spotted Seatrout

RULE NO.: RULE TITLE:
68B-37.003 Size Limits**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Dolphin

RULE NO.: RULE TITLE:
68B-41.003 Size Limit, Prohibition of Sale**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Bluefish

RULE NO.:	RULE TITLE:
68B-43.003	Size Limit

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Weakfish

RULE NO.:	RULE TITLE:
68B-47.002	Size Limits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Flounder and Sheepshead

RULE NO.:	RULE TITLE:
68B-48.003	Size and Bag Limits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Marine Fisheries**

RULE CHAPTER TITLE: Tripletail

RULE NO.:	RULE TITLE:
68B-49.002	Size and Bag Limits, Daily Commercial Vessel Limit, Designation as Restricted Species

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding requiring finfish to be landed in whole condition, published in Florida Administrative Weekly, Vol. 26, No. 16, April 21, 2000, has been withdrawn.

**FISH AND WILDLIFE CONSERVATION
COMMISSION****Manatees**

RULE CHAPTER TITLE: Manatees

RULE NO.:	RULE TITLE:
68C-22.027	Duval County and Associated County (Parts of Clay and St. Johns) Zones

NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.027, in accordance with § 120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 26, No. 16) on April 21, 2000. Public hearings were held in Jacksonville (on May 2, 2000) and in Pensacola (on May 24, 2000).

The proposed 700-foot Slow Speed shoreline buffers for the St. Johns River south of the Fuller Warren Bridge and in the Doctors Lake vicinity have been changed to a variable-width buffer. The proposed 300-foot Slow Speed shoreline buffers along the western shoreline of the Ortega River between Fishing Creek and the Timuquana Bridge and along the western shoreline of Ortega Island have been removed. The final amendment language for these zones, as changed, is shown below, followed by the updated maps that cover the areas affected by the changes. For additional information, or for a copy of the final amendments and maps in their entirety, please contact Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330.

68C-22.027 Duval County and Associated County (Parts of Clay and St. Johns) Zones.

(1) No change from original proposal

(a) No change from original proposal

~~(b)(4)~~ **SLOW SPEED SHORELINE BUFFER ZONE (Year-round) –**

1. through 4. No change from original proposal

5.4. St. Johns River, Fuller Warren Bridge to the South Duval County Line ~~Acosta Bridge to Julington Creek Area – Those waters of the St. Johns River lying within 300 feet of the general contour of the easterly and westerly shorelines of the St. Johns River, southwesterly of the centerline of the Fuller Warren Acosta (State Road 13) Bridge, northerly of the centerline of the Buckman (Interstate 295) Bridge (the Duval County/Clay County line) on the western westerly shore, and westerly and north of the centerline of the San Jose Boulevard (State Road 13) Bridge crossing Julington Creek on the eastern easterly shore, including to include: those waters of Big Fishweir Creek east, easterly of the centerline of the Herschel Street Bridge; those waters northeast of and within 500 feet of the centerline of the Ortega (Grand Avenue) Bridge; those waters of the Ortega River lying within 300 feet of the general~~

contour of the northwesterly and southeasterly shorelines, northeasterly of the centerline of the Ortega (Grand Avenue) Bridge, to include all waters within 300 feet north of said bridge; those waters of Pirates Cove (also referred to as the Venetia Yacht Basin); those waters of Mulberry Cove northwest of a line that runs from a point (approximate latitude 30° 13' 05" North, approximate longitude 81° 40' 31" West) on the northern shoreline of the cove to another point (approximate latitude 30° 12' 56" North, approximate longitude 81° 40' 46" West) on the southern shoreline; those waters of Marco Lake; and those waters of Craig Creek, westerly of the centerline of the Hendricks Avenue (State Road 13) Bridge; and those waters of Goodby's Creek. Except for the waters northeast of the Ortega (Grand Avenue) Bridge as described above, the waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in section (2) of this rule;

6. Ortega River Area – Those waters within 300 feet of the general contour of the shorelines of the Ortega River, including all associated waterways, south of the centerline of the Ortega (Grand Avenue) Bridge, north of the centerline of the Timuquana Bridge for the buffer along the eastern shoreline, and east of the southernmost point (approximate latitude 30° 15' 57" North, approximate longitude 81° 43' 36" West) of the peninsula that forms the northern shoreline of the Cedar River for the buffer along the western shoreline, including all waters within 300 feet south of the centerline of the Ortega (Grand Avenue) Bridge and all waters within 300 feet of either side of the Roosevelt Boulevard Bridge;

7. No change from original proposal

8. St. Johns River in St. Johns County, Julington Creek to Nature's Hammock Road North – Those waters of the St. Johns River in St. Johns County, west and south of the centerline of the San Jose Boulevard (State Road 13) Bridge, and north of the western extension of Nature's Hammock Road North. The waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in section (2) of this rule;

9. St. Johns River in Clay County, Buckman Bridge to Peter Branch – Those waters of the St. Johns River in Clay County, south of the centerline of the Buckman (Interstate 295) Bridge and north of a line that bears 90° from a point on the shoreline (approximate latitude 30° 06' 05" North, approximate longitude 81° 41' 24" West) located 300 feet south of Peter Branch. The waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in section (2) of this rule;

10. Doctors Lake and Doctors Inlet Area – Those waters of Doctors Lake, Duck Creek, and Swimming Pen Creek, and including those waters of Doctors Inlet within 500 feet of either side of the centerline of the U.S. Highway 17 Bridge. Except for the waters of Doctors Inlet described above, the waters described in this paragraph shall be subject to a variable-width shoreline buffer whose width is as set forth in section (2) of this rule.

(2) The width of the variable-width shoreline buffer referenced in paragraphs (1)(b)5., 8., 9., and 10., above is as follows: The buffer includes at a minimum all waters within 500 feet of the general contour of the shoreline. Where there are docks that extend out farther than 300 feet into the waterway, the buffer extends out beyond the 500-foot line to include all waters shoreward of a line that runs 200 feet beyond and parallel to the dock line. For the purposes of this rule, the dock line shall be defined as a line that runs between the ends of successive docks.

(3)(2) The zones described in 68C-22.027(1) above herein are depicted on the following maps, ~~labeled (numbered 1-10 and labeled "Duval and Associated County Manatee Protection Zones") dated October 1992 for identification. The maps~~ ~~provided~~ ~~are intended to be as~~ depictions of the above-described zones. In the event of conflict between the two, the above descriptions shall prevail ~~The October 1992 maps shall become effective for purposes of this rule concurrent with its effective date.~~

INSERT MAPS

68C-22 – 1 OF 3

INSERT MAPS

68C-22 – 2 OF 3

INSERT MAPS

68C-22 – 3 OF 3

Section IV Emergency Rules

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLE:

Sales of Clothing During the Period July 29
through August 6, 2000

RULE NO.:

12AER00-1

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of an emergency rule to administer the provisions of the Florida Residents' Tax Relief Act of 2000. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the Florida Residents' Tax Relief Act of 2000.

SUMMARY OF THE RULE: This emergency rule notifies the general public and retailers of the Florida Residents' Tax Relief Act of 2000 (Chapter 2000-175, Laws of Florida) granting a nine day exemption from sales tax on the sales of clothing, and certain accessories, that have a sales price of \$100.00 or less. The nine day exemption begins at 12:01 a.m. on July 29, 2000, and expires at midnight on August 6, 2000. The exemption does not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), F.S., or within a public lodging establishment as defined in s. 509.013(4), F.S., or within an airport as defined in s. 330.27(2), F.S. The rule defines "clothing," "theme park or entertainment complex," "public lodging establishment," "airport," and "mail order sales"; describes the items that are included in the exemption; and explains how various transactions are to be handled for purposes of the exemption, including returns, refunds, exchanges, layaways, reporting requirements, documentation to be maintained, and merchant's license fees.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Sara D. Faulkenberry, Tax Law Specialist, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER00-1 Sales of Clothing During the Period July 29 through August 6, 2000.

(1) Exempt clothing sales.

(a) Beginning 12:01 a.m. July 29, 2000, and ending midnight August 6, 2000 (the exemption period), no tax is due on the sale or purchase of any article of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$100.00 or less. This exemption

does not apply to sales of clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item selling for \$100.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$60.00 each. Both items will qualify for the exemption, even though the customer's total purchase price (\$120.00) exceeds \$100.00.

(c)1. The exemption does not apply to the first \$100.00 of price of an eligible item selling for more than \$100.00.

2. Example: A customer purchases a pair of pants costing \$110.00. Tax is due on the entire \$110.00.

(2) Definitions.

(a) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, in-line skates, and other skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(b) "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(c)1. "Public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103, F.S.

2. The following are excluded from the definition in subparagraph 1.:

a. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

b. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;

c. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;

d. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a