

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: RULE NO.:

Quarterly Report Filing Requirements 3D-40.022

PURPOSE AND EFFECT: The purpose of the rule is to prescribe the procedure for filing the quarterly reports required by Sections 494.004(6) and 494.0067(9), F.S., that identify those persons who became or ceased being an associate of the business during the previous quarter.

SUMMARY: Each mortgage lender, correspondent mortgage lender and mortgage lender pursuant to the saving clause, that was licensed prior to March 31, 2000, is required to file a quarterly report before April 1, 2000 and within 30 days of each subsequent calendar. Each mortgage lender, correspondent mortgage lender, and mortgage lender pursuant to the saving clause, that was licensed after March 31, 2000, is required to file a quarterly report within 30 days of the end of the calendar quarter in which the license was issued. The quarterly report may be submitted in writing or electronically to the Department's website.

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

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

SPECIFIC AUTHORITY: 494.0011(2), 494.004(6), 494.0067(9) FS.

LAW IMPLEMENTED: 494.004(6), 494.0067(9) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., August 21, 2000

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Tedcastle, Financial Administrator, Division of Securities and Finance, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-40.022 Quarterly Report Filing Requirements.

(1) Each mortgage brokerage business, correspondent mortgage lender, mortgage lender, and mortgage lender licensed pursuant to the savings clause, that was licensed with the Department on or before March 31, 2000, shall file an

initial quarterly report on or before April 30, 2000 as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S. Thereafter, a quarterly report shall be filed as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S., within 30 days of the end of each calendar quarter.

(2) Each mortgage brokerage business, correspondent mortgage lender, mortgage lender and mortgage lender licensed pursuant to the savings clause, that becomes licensed with the Department after March 31, 2000, shall file an initial quarterly report within 30 days of the end of the calendar quarter in which the original license is issued, and thereafter shall file a quarterly report as required by subsection 494.004(6), F.S., and subsection 494.0067(9), F.S.

(3) The report may be filed electronically on Form DBF-MX-QR-E by accessing the Department's website at www.dbf.state.fl.us, or the report may be filed on Form DBF-MX-QR in a typed format. Forms DBF-MX-QR and DBF-MX-QR-E are hereby incorporated by reference and are available from the Department of Banking and Finance, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(4) All reports, written or electronic, shall be received by the Department in Tallahassee within thirty (30) days after the last day of each calendar quarter. If the 30th day falls on a weekend or official holiday such reports will be considered timely received on the next business day.

(5) If a correct initial report or correct quarterly report thereafter is not timely received (incidental and isolated clerical errors or omissions shall not be considered a violation) as required by subsection 494.004(6), F.S., or subsection 494.0067(9), F.S., the penalty shall be the issuance of a "notice of noncompliance" for the first offense. Any subsequent finding of a violation of this rule shall be a fine of \$500. The penalty for any intentional violations of this rule shall be a fine of \$500 and suspension of the license.

Specific Authority 494.0011(2), 494.004(6), 494.0067(9) FS. Law Implemented 494.004(6), 494.0067(9) FS. History--New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Tedcastle, Financial Administrator, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Financial Statements and Reports
 RULE NO.: 3E-300.002

PURPOSE AND EFFECT: The purpose of the proposed amendments is to eliminate, in most instances, the requirement for dealers that are current members of the National Association of Securities Dealers to file financial statements with the Department.

SUMMARY: Dealer applicants or registrants who are current members of a securities association registered pursuant to Section 15A of the Exchange Act and which requires financial reports to be filed with such exchange do not have to file such financial reports with the Department.

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

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

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081, 517.12 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 21, 2000

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Haynes, Financial Examiner/Analyst Supervisor, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-300.002 Financial Statements and Reports.

(1) through (2) No change.

(3) Requirements for Dealers

(a) Every dealer applicant, unless exempted under paragraphs (3)(b) or (3)(e) of this Rule, shall file financial statements as of a date within ninety (90) days prior to the date of filing for registration, ~~which~~ These financial statements need not be audited provided that there shall also be filed audited financial statements as of said applicant's most recent fiscal year end.

(b) Those dealer applicants which have been in operation for a period of time less than twelve (12) months, and for whom an audited financial statement has not been prepared or is not available, shall be permitted to file unaudited financial statements provided the following conditions are met:

1. Such financial statements are as of a date within thirty (30) days prior to the date of filing for registration, and are prepared in accordance with the provision of paragraphs (2)(b), (2)(d) and (3)(c) of this Rule; and

2. Such applicant is effectively registered with the Securities Exchange Commission or National Association of Securities Dealers, Inc.

(c) No change.

(d) The Department shall deem those financial statements and reports, prepared and filed in accordance with the provisions of ~~SEC S.E.C.~~ Rule 17a-5 (17 CFR 240.17a-5) and ~~SEC S.E.C.~~ Rule 17a-10 (17 CFR 240.17a-10) (as such provisions existed on March 1, 1999), to be in compliance with, and fulfill the requirements of, this Rule as applicable to a dealer.

(e) The financial statements and reports required by subparagraphs ~~(a) through (e)~~ and (d) are not required to be filed with the Department, unless specifically requested by the Department, by a dealer applicant or registrant if the dealer registrant is a current member of a securities association registered pursuant to Section 15A of the Exchange Act and such association requires financial reports to be filed with it.

(4) through (7) No change.

Specific Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Haynes, Financial Analyst/Examiner Supervisor, Division of Securities and Finance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Division of Securities and Finance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 8, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2000

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLES: RULE NOS.:

Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser 3E-600.001

Application for Registration as Associated Person 3E-600.002

Central Registration Depository System 3E-600.0091

Notice of Civil, Criminal or Administrative Action 3E-600.010

Licenses to be Displayed 3E-600.018

PURPOSE AND EFFECT: The purpose of the proposed amendments is to revise the registration process to allow broker dealers that can evidence current membership in the

National Association of Securities Dealers ("NASD") to file the appropriate forms and fees with the Department through the Central Registration Depository ("CRD").

SUMMARY: Dealers that are current members of the NASD will no longer be required to designate a qualifying principal. Current NASD members and persons registered with the NASD will electronically file disciplinary updates through the CRD. Responses to requests for additional information made by the Department will be filed directly with the Department. The proposed amendments will also eliminate the requirement for registrants to display licenses evidencing registration with the Department.

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

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

SPECIFIC AUTHORITY: 517.03(1), 517.12 FS.

LAW IMPLEMENTED: 517.12, 517.1205, 517.161 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 21, 2000

PLACE: Room 664, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Haynes, Financial Examiner/Analyst Supervisor, Division of Securities and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

3E-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Department in Rule 3E-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Department may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Except as otherwise provided in Rule 3E-600.0091, F.A.C., the Department shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Banking and Finance. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Department through the Central Registration Depository (CRD) of the NASD in accordance with Rule 3E-600.0091, F.A.C.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD (Revised 7/99). For dealers that are members of the NASD, such application shall be filed with the Department through the CRD in accordance with Rule 3E-600.0091, F.A.C. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV (Revised 1/99);

2. Statutory fee in the amount required by Section 517.12(10), F.S.;

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 8/99), to register at least one principal as set forth in Rule 3E-600.002, F.A.C. Evidence of current membership as a dealer with the NASD shall satisfy this requirement. ~~For any dealer that is a member of the National Association of Securities Dealers ("NASD"), the application for registration of a principal shall be filed with the Central Registration Depository ("CRD") System as set forth in Rule 3E-600.002, F.A.C. However, such dealer must in conjunction with filing its Form BD with the Department provide the Department written notification of the principal's name, CRD number, and social security number;~~

4. Financial statements and reports required under Rules 3E-300.002, 3E-600.015, 3E-600.016, and 3E-600.017, F.A.C.;

5. Proof of SEC effective registration with the Securities and Exchange Commission (SEC). Where required by Section 517.12(16), F.S., applicants for registration as a dealer shall also provide the Department with proof of insurance coverage by the Securities Investor Protection Corporation. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;

6. through 8. No change.

9. When specifically requested by the Department, a copy of the ~~a~~Articles of incorporation and ~~a~~Amendments thereto, ~~or~~ if a ~~p~~Partnership, a copy of the ~~p~~Partnership ~~a~~Agreement, ~~or~~ if a limited liability company, a copy of the articles of organization.

(2) If the information contained in any application for registration as a dealer or investment adviser or in any amendment thereto, becomes inaccurate for any reason, the dealer or investment adviser shall promptly file an amendment on the Form BD or the Form ADV, respectively, correcting such information. For applicants and registrants that are ~~a~~ members of the NASD, each such amendment, including those required by Rule 3E-600.007, F.A.C., shall be filed with the Department through the CRD system. All other applicants and registrants shall file such amendments, including those required by Rule 3E-600.007, F.A.C., directly with the Department.

(3) through (4) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7), 517.1205 FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00.

3E-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or agent shall be filed on Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 8/99), which is hereby incorporated by reference, and shall include all information required by such form, any other information the Department may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 3E-600.0091, F.A.C., (The Department shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Banking and Finance. For dealers that are a members of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Department through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 3E-600.0091, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Uniform Application for Securities Industry Registration or Transfer, Form U-4 (Revised 8/99). As used on the Form U-4, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are a members of the NASD, such application shall be filed with the Department through the CRD ~~Central Registration Depository~~ of the NASD.

2. through 3. No change.

4. Evidence of examinations/disqualifications set forth in Rule 3E-600.005(2), F.A.C.

5. No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6),(7),(10) FS. History--New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98.

3E-600.0091 Central Registration Depository System.

Wherever the Rules of this Department require the filing of applications, fees, and other documents with the Department, in lieu thereof, all dealers registered with this state who are members of the National Association of Securities Dealers, Inc. (NASD) shall file such items as hereinafter specifically provided:

(1) All NASD member dealers requesting initial registration, renewal or termination of registration in this state shall file the appropriate Form BD or BDW and the assessment

fee required by Sections 517.12(10) or (11), F.S., with the Central Registration Depository System ("CRD") of the NASD. However, responses to requests by the Department for additional information shall be filed directly with the Department.

~~(2)(4)~~ All NASD member dealers registered in this state requesting initial registration, renewal, reaffiliation or termination of an associated person of such member dealer shall file the appropriate Form U-4 or U-5 and the assessment fee required by Sections 517.12(10) or (11), F.S. Florida Statutes, with the ~~Central Registration Depository System~~ (CRD) of the ~~National Association of Securities Dealers~~ (NASD). However, requests for additional information shall be filed directly with the Department ~~when requested by the Department.~~

~~(3)(2)~~ Any application for registration as an associated person of an NASD member dealer filed with the Department via the CRD shall be deemed received by the Department on the date designated in the "Status Date" field on the line notated "FL" with a "Registration Status" of "pending" as indicated on the CRD "Registrations with Current Employers" screen ~~indicated on the CRD ST-ALL screen as the "pending since" date on the line notated "FL".~~

~~(4)(3)~~ Any application for registration as a dealer filed with the Department via the CRD shall be deemed received by the Department upon receipt of the Form BD and the application fee. The application fee shall be deemed received by the Department on the "payment date" reflected on the CRD "disbursement detail" report. TAT REGISTRATIONS ~~— Except as otherwise provided herein, a dealer who is a member of the NASD and who has signed an undertaking with the NASD for participation in the Temporary Agent Transfer ("TAT") program may register associated persons with the Department pursuant to the TAT program provided that the associated person is eligible and qualifies for registration through the TAT program and provided further that the dealer has timely complied with all requirements of the TAT program with respect to the associated person's registration.~~

~~(a) Except as provided herein, the effective date of a TAT registration shall be the date indicated on the Central Registration Depository ("CRD") ST-ALL screen as the "Conditional On" date on the line notated "FL". No person seeking registration as a manager or a resident agent in charge of a branch office located in Florida shall act in the capacity of manager or resident agent in charge of a branch office located in Florida while the CRD ST-ALL screen indicates a "Conditional" registration on the line notated "FL".~~

~~(b) Any associated person who has applied for registration pursuant to the TAT program and whose TAT registration expires for failure to comply with the requirements of the TAT program or whose registration is terminated based upon ineligibility to register pursuant to the TAT program, agrees that in return for the privilege of utilizing the expedited~~

SUMMARY: Rule 25-6.0426 addresses the recovery of economic development expenses for public electric utilities. The rule provides that electric utilities shall be allowed to recover prudently incurred economic development expenses that are consistent with the criteria in subsection (7) and that do not exceed the monetary limitations in subsection (3). The rule also requires economic development expenditures to be included in each utility's earnings surveillance report. In addition, the rule states the procedure for changing the level of recovery of economic development expenses. Investor-owned electric utilities are allowed to recover 95 percent of economic development expenses from their ratepayers. Shareholders pay the remaining five percent.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement was 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: 288.035(3), 350.127(2) FS.

LAW IMPLEMENTED: 288.035 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE 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.

natural gas utilities are allowed to recover 95 percent of economic development expenses from their ratepayers. Shareholders pay the remaining five percent.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement was 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: 288.035(3), 350.127(2) FS.

LAW IMPLEMENTED: 288.035 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shevie Brown, Division of Competitive Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 16, April 21, 2000

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Miscellaneous Provisions	40E-7
RULE TITLES:	RULE NOS.:
Access to Management Areas; Closures	40E-7.523
Hunting; Possession and Use of Firearms	40E-7.527
Special Use Licenses	40E-7.534
Establishment of South Florida Water Management District Management Areas	
Open to the Public	40E-7.538

PURPOSE AND EFFECT: The proposed rule concerns revision so the document entitled, "Public Use Guide for Designated Land Management Areas" (PUG). This document is incorporated by reference in Rule 40E-7.520, FAC. The proposed revisions provide that lands acquired by the District under the Save Our Rivers and Preservation 2000 programs are made available to the public for recreational use and enjoyment, while protecting natural resources and ecosystems. Regulations concerning the use of certain existing management areas are to be amended and new management areas are to be added, and others may be deleted.

SUMMARY: The proposed changes to the PUG are to include the addition of new management areas, areas to be designated at Public Use Areas under a management agreement with the Florida Fish and Wildlife Conservation Commission, and to update information in the Special Provisions governing the use of these management areas.

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

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

SPECIFIC AUTHORITY: 373.019, 373.044, 373.113, 373.1395, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.056, 373.069, 373.079, 373.083, 373.103, 373.119, 373.139, 373.1395, 373.1401, 373.59 FS.

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

TIME AND DATE: 9:00 a.m., September 14, 2000

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janetta Worth, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6640 or (561)682-6640 (internet: jworth@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, at (561)682-6206 at least two business days in advance to make appropriate arrangements

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-7.523 Access to Management Areas; Closures.

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

(c) When necessary, in the District's judgement based upon available information at the time, on a temporary, seasonal or permanent basis to protect natural, historic or archaeological resources. Such closures, to the extent they exceed thirty (30) days, shall require advance public notice and approval by the Governing Board.

(c) through (3) No change.

Proposed Effective Date: January 1, 2001

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, 373.139, 373.59 FS. History--New 5-24-94, Amended 1-1-01.

40E-7.527 Hunting; Possession and Use of Firearms.

(1) Consistent with Chapter 790, F.S., and other applicable provisions of local, state and federal law, such as the rules and regulations of the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission and the United States Department of Interior, Fish and Wildlife Service, hunting, unlawful possession, discharge, and use of firearms, archery equipment, trapping devices and the releasing of free-running hunting dogs are prohibited on management areas unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations.

(2) Public hunting on management areas is administered by the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission, or the U.S. Department of the Interior, Fish and Wildlife Service in cooperation with the District. If a management area is included in a public hunting area, it shall be posted as prescribed by Chapter 810, F.S. Management areas currently established as public hunt areas are noticed in the Public Use Guide.

(3) Public hunting areas shall only be established on management areas with approval of the Board. Board approval shall be given at a public meeting, which shall be advertised as required by Chapter 120, F.S. The District may enter into management agreements with the entity to be responsible for managing the public hunting on the management area. Agreements between the District and the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission or the United States Fish and Wildlife Service are considered to be authorizations to remove designated game species. The agreements will be available at the District headquarters for review by the public.

Proposed Effective Date: January 1, 2001

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1401, 373.59, 790, 810.09 FS. History--New 5-24-94, Amended 9-10-98, 1-1-01.

40E-7.534 Special Use Licenses.

(1) No change.

(2) A Special Use Application and License shall be submitted to the District on Form #0830. Upon receipt of a properly completed Special Use Application and License Form #0830, the District's Department of Land Stewardship Management shall issue Special Use Licenses on a first come first served basis until the daily quota established by the District for that activity is reached.

(3) No change.

(4) Persons wishing to obtain a Special Use License, when required by the District, may apply in person, call, or write to request a copy of Special Use Application and License Form #0830 from the District at the following:

(a) ~~Land Stewardship Division~~

Department of Land Stewardship Management

South Florida Water Management District

Post Office Box 24680

3301 Gun Club Road

West Palm Beach, FL 33416-4680

Telephone: (516)686-8800 or Florida WATS 1(800)432-2045, or

(b) From the applicable service center as set forth in the special provisions for the specific management area.

(5) No change.

(6) No change.

(7) Special Use Licenses shall be issued by the District's Land Stewardship Division in accordance with the provisions of this section, for the purpose of providing mobility impaired persons the opportunity to use motorized vehicles to access portions of the management areas not otherwise open to motorized vehicles. Licenses for this purpose will be issued upon request, including proof of mobility impairment, as long as the requested use will not adversely impact the resource, impair the safety and welfare of the user, interfere with the reasonable use by others, or result in substantial financial obligations by the District to accommodate the user.

Proposed Effective Date: January 1, 2001

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.139, 373.59 FS. History—New 5-24-94, Amended 9-10-98, 1-1-01.

40E-7.538 Establishment of South Florida Water Management District Management Areas Open to the Public. The South Florida Water Management District does hereby establish the following areas as Management Areas that are open to the public under the General and Specific Rules of the District, and under Regulations and Ordinances of cooperating management entities.

(1) Tibet Butler Management Area located in Orange County.

(a) Public use of the management area is governed primarily by Regulations of the Orange County Parks and Recreation Department and Orange County Ordinance.

(b) District Public Use Rules are supplemental to Regulations of the Orange County Parks and Recreation Department and Orange County Ordinance.

(2) Shingle Creek Management Area located in Orange County.

(a) Persons may enter the management area from the Marriott Vista trail head and from Shingle Creek.

(b) Access to the management area is permitted only during daylight hours.

(c) Overnight camping is permitted only when in the possession of a Special Use License.

(d) Airboating is prohibited.

(e) Horseback riding is prohibited.

(f) Hunting is prohibited.

(3) Lake Marion Creek Management Area located in Osceola and Polk Counties.

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Persons may enter the management area at designated access points off County Road 580, Horseshoe Creek Road, and Adair Court.

(d) Bicycling is permitted only when in the possession of a Special Use License.

(e) Overnight camping is permitted only when in the possession of a Special Use License.

(f) Airboating is prohibited.

(g) Horseback riding is prohibited.

(4) Lake Walk-In-Water Management Area located in Polk County.

(a) Public use of the management area is governed primarily by Polk County Ordinance.

(b) The District's Public Use Rules are supplemental to Polk County Ordinance.

(5) Lower Reedy Creek Management Area located in Osceola and Polk Counties.

(a) Lake Russell Management Unit.

1. Public use of the management area is governed primarily by Rules of the Osceola County School Board and Osceola County Ordinance.

2. District Public Use Rules are supplemental to Rules of the Osceola County School Board and Osceola County Ordinance.

3. Camping is permitted only when in the possession of a Special Use License.

4. Airboating is prohibited.

5. Hunting is prohibited.

6. Vehicular travel is permitted only on the entrance roadway, or as authorized by Special Use License.

(b) Rough Island North and South and Johnson Island Units.

1. Hunting is prohibited beyond the blue District Management Area signs.

2. Airboating is prohibited beyond the blue District Management Area signs.

3. Foot travel only is permitted beyond the blue District Management Area signs.

4. The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

5. Horseback riding is permitted only when in the possession of a Special Use License.

6. Notwithstanding provisions i through iv above, public access is prohibited within the posted areas generally located above the divergence of Reedy Creek and the Dead River. Public access to Rough Island North is permitted from August 15 to February 15 only between the hours of 6:00 a.m. to 9:00 p.m. Users of this area must be in possession of a Special Use License, which can be obtained from the District's Orlando Service Center at 1(800)250-4250 (see 40E-7.534 of the General Rules and Regulations). A quota of fifty (50) annual licenses has been established by the District for public access to Rough Island North.

(6) Upper Reedy Creek Management Area

(a) Intercession City Management Unit

1. Hunting is prohibited.
2. Airboating is prohibited.
3. Overnight camping is prohibited.
4. Horseback riding is prohibited.
5. Bicycling is prohibited.

(b) Poinciana Management Unit.

1. Public use of the management area is governed primarily by Rules of the Osceola County School Board and Osceola County Ordinance.

2. District Public Use Rules are supplemental to Rules of the Osceola County School Board and Osceola County Ordinance.

3. Hunting is prohibited.
4. Airboating is prohibited.
5. Overnight camping is prohibited.
6. Horseback riding is prohibited.
7. Bicycling is prohibited.

(7) Catfish Creek Management Area located in Polk County.

(a) Persons may enter the management area from Lake Hatchineha.

(b) Hunting is permitted and regulated by state law and regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Airboating is prohibited only within upland hammock areas and is regulated by state law and Polk County ordinance.

(d) Horseback riding is allowed when in the possession of a Special Use License.

(8) Lake Kissimmee Management Area located in Osceola and Polk Counties.

(a) Hunting:

1. Is prohibited in Ike Hammock and from improved roadways in the Gardner-Cobb Marsh Unit.

2. Is prohibited in the Drasdo and Lightsey Units beyond the blue District Management Area signs.

(b) Airboating:

1. Is prohibited on or across improved roadways or within hammock areas, except that airboats may cross the main grade at the designated crossing points, in the Gardner Cobb Marsh Unit.

2. Is prohibited in the Drasdo and Lightsey Units beyond the blue District Management Areas signs.

(c) Horseback riding is allowed when in the possession of a Special Use License.

(d) Motorized vehicles other than airboats are prohibited.

(e) Bicycling is authorized in the management area.

(f) The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

(9) Lower Kissimmee River Management Area located in Polk, Osceola, Highlands, Glades, and Okeechobee Counties.

(a) KICCO Management Unit

1. Public use of the management area is governed primarily by Wildlife Management Area Type I Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) Hickory Hammock Management Unit.

1. Public use of the management area is governed primarily by Wildlife Management Area Type I Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

3. Persons may enter the management area from the Kissimmee River and from designated public access points at public roadways.

4. Airboating is prohibited within posted safety zones and beyond the blue District Management Area signs.

5. Camping is permitted only when in the possession of a Special Use License.

6. Motorized vehicles are prohibited except on named and numbered roads or as authorized by the District and/or the Florida Fish and Wildlife Conservation Commission during Special Opportunity hunts.

(c) Pool A-East, Pool C, Pool D, Pool E, and Paradise Run Management Units.

1. Public use of the management area is governed primarily by Public Use Area Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

3. Persons may enter the management area from the Kissimmee River and from designated public access points at public roadways.

4. Hunting is prohibited within posted safety zones.

5. Airboating is prohibited within posted safety zones and beyond the blue District Management Area signs.

6. Camping is permitted only in designated camping areas from February 1 through August 31 of each year.

7. Horseback riding is permitted only when in the possession of a Special Use License.

8. Bicycling is permitted only when in the possession of a Special Use License.

9. Motorized vehicles other than airboats are prohibited except on named and numbered roads as authorized by the District and/or the Florida Game & Fresh Water Fish Commission during Special Opportunity hunts.

10. The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

(10) Kissimmee Prairie Ecosystem Management Area located in Okeechobee County.

(a) Public use of the management area is governed by Regulations of the Florida Department of Environmental Protection.

(b) District Public Use Rules are supplemental to Regulations of the Florida Department of Environmental Protection.

(11) South Fork St. Lucie River Management Area located in Martin County.

(a) Persons may enter the management area on foot from the South Fork of the St. Lucie River.

(b) Overnight camping at the canoe landing is permitted when in the possession of a Special Use License.

(c) Hunting is prohibited.

(d) Horseback riding is prohibited.

(e) Airboating is prohibited.

(f) The use of motorized vehicles is prohibited.

(12) Loxahatchee River Management Area located in Palm Beach and Martin Counties.

(a) Northwest Fork Management Unit.

1. Public use of the management area is governed by Regulations of the Florida Department of Environmental Protection for Jonathan Dickinson State Park.

2. District Public Use Rules are supplemental to Regulations of the Florida Department of Environmental Protection.

3. Hunting is prohibited.

4. Horseback riding is prohibited.

5. Airboating is prohibited.

6. The use of motorized vehicles is prohibited.

7. Bicycling is prohibited.

8. Overnight camping is prohibited.

(b) Riverbend Management Unit.

1. Public use of the management area is governed primarily by Regulations of the Palm Beach County Parks and Recreation Department and Palm Beach County Ordinance.

2. District Public Use Rules are supplemental to Regulations of the Palm Beach County Parks and Recreation Department and Palm Beach County Ordinance.

(13) West Jupiter Wetlands Management Area located in Martin and Palm Beach Counties.

(a) Persons may enter the management area on foot at the designated access point off state road 706 (Indiantown Road).

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(d) Airboating is prohibited.

(e) Hunting is prohibited.

(f) Horseback riding is prohibited.

(g) Camping is allowed only on the rim of the spoil bank on the south side of the canal.

(h) Swimming, bathing and boating are prohibited in the canals.

(i) Canoeing is allowed only in the interior ponds.

(14) DuPuis Management Area located in Martin and Palm Beach Counties.

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) The use or possession of saddle animals is restricted to the equestrian center, designated equestrian trails, and named or numbered roads.

(d) Use of the Dupuis Management Area is restricted during hunting periods authorized by Florida Fish and Wildlife Conservation Commission. Call ahead for current conditions and information on special events.

(e) Airboating is prohibited.

(f) Frogging is prohibited.

(g) Motorized vehicles, horse buggies and bicycles are allowed on named and numbered roads and designated parking areas only.

(h) The use of off road vehicles is restricted to the designated disabled hunt in accordance with Commission Regulations.

(i) User registration is required to enter and use the DuPuis Management Area. Self-serve registration stations are located at the designated entry points; gates 1, 2, and 3.

(j) No dogs allowed on Dupuis except as authorized by the Florida Fish and Wildlife Conservation Commission.

(k) Camping at the family campsite:

1. Is only allowed at designated campsites.

2. Only tent camping or tent popup camping is allowed.

3. 8 people in 2 vehicles are allowed per campsite.

4. Generators are not allowed.

(l) A group campsite is available by Special Use License, call (561)924-5310 for information.

(m) Camping is not allowed at Governor House.

(15) Strazzulla Marsh Management Area located in Palm Beach County.

(a) Public use of the management area is governed primarily by Regulations of the United States Fish and Wildlife Service.

(b) The District's Public Use Rules are supplemental to Regulations of the United States Fish and Wildlife Service.

(16) Terrytown Management Area located in Palm Beach County.

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(17) Everglades Buffer Strip Management Area located Broward County.

(a) Persons may enter the management area on foot from U.S. Highway 27 or along the existing FP&L access road at the north end of the area.

(b) Overnight camping is prohibited.

(c) Hunting is prohibited.

(d) Motorized vehicles are prohibited.

(e) Airboating is prohibited.

(f) Horseback riding is prohibited.

(18) Southern Glades Management Area located in Dade County.

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(19) Crew Marsh Management Area located in Lee and Collier Counties.

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Persons may enter and exit the management area each day between sunrise and sunset from any established trailhead off State Road 850 (Corkscrew Road).

(d) Overnight camping is permitted at the designated primitive campsite when in the possession of a Special Use License from the District (See 40E-7.534) or as authorized by Florida Fish and Wildlife Conservation Commission. A quota of twenty (20) persons per night has been established by the District for use of the designated campsites. A copy of the special use license must be displayed in a readily visible location within the licensee's vehicle while parked on the management area.

(e) Airboating is prohibited.

(f) The use or possession of saddle animals is restricted to designated equestrian trails.

(g) Boating, other than kayaking and canoeing, is prohibited.

(h) Dogs must be on a leash and under control of the owner at all times.

(i) Bicycles are prohibited.

(j) Hunting is restricted to hunting periods authorized by the Florida Fish and Wildlife Conservation Commission.

(20) Bird Rookery Swamp Management Area located in Collier County.

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Persons may enter the management area on foot at the west end of NW 43 Avenue, Collier County.

(d) Airboating is prohibited.

(e) Boating, other than kayaking and canoeing, is prohibited.

(21) Okaloacoochee Slough Management Area located in Hendry County.

(a) Public use of the management area is governed primarily by Regulations of the Florida Division of Forestry.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Division of Forestry.

(22) Six Mile Cypress Management Area located in Lee County.

(a) Public use of the management area is governed primarily by Regulations of the Lee County Parks and Recreation Department and Lee County Ordinance.

(b) The District's Public Use Rules are supplemental to Regulations of the Lee County Parks and Recreation Department and Lee County Ordinance.

(23) Nicodemus Slough Management Area located in Glades County.

(a) Persons may enter the management area each day between sunrise and sunset; nighttime activities other than those specified in Special Provision 23(c) below are prohibited.

(b) Overnight camping is prohibited.

(c) Airboating and frogging are permitted on the management area. Airboaters operating on the management area must be in possession of a Special Use License. A quota of five airboats per day has been established by the District. A copy of the Special Use License must be displayed in a readily visible location within the licensee's vehicle while parked on the management area.

(d) Hunting is prohibited.

(e) Horseback riding is prohibited.

(f) The use of motorized vehicles is restricted to the designated access site.

Proposed Effective Date: January 1, 2001

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.139, 373.59 FS. History—New 1-1-01.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fred Davis, Director, Department Land Stewardship, Water Resource Operations

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: License Renewal Fee Waivers

RULE NO.: 61-5.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement the amendment made to section 455.219(1), Florida Statutes, passed during the 2000 Legislative Session in section 8 of chapter 2000-356, Laws of Florida (Senate Bill 1016). This amendment authorizes the Department to adopt rules which provide for the waiver of license renewal fees for professions which meet the statutory criteria.

SUMMARY: The proposed rule provides a one-time waiver for all, or a portion thereof, of the license renewal fee collected during a two year period for the following professions: electrical contracting, employee leasing, harbor piloting, real estate appraisers, veterinary medicine, certified public accountancy, architecture and interior design, auctioneering, real estate brokers and salespersons, landscape architecture, and surveying and mapping.

SPECIFIC AUTHORITY: 455.219(1) FS.

LAW IMPLEMENTED: 455.219(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61-5.005 License Renewal Fee Waivers.

(1) Pursuant to section 455.219(1), Florida Statutes, the Department of Business and Professional Regulation has determined, based on long-range estimates of the revenue required to implement all provisions of law relating to the regulation of professions, that certain professions have an excess of trust fund moneys required to cover the functions necessary to regulate those professions. These professions, as

outlined in subsections (2), (3), and (4) below, are therefore eligible to receive a waiver of license renewal fees for a period not to exceed two years. This is a one-time waiver and is available only in the two year period following the effective date of this rule.

(2) The full renewal fee for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule is waived. The following professions covered by this subsection are:

(a) electrical contracting, regulated pursuant to part II of chapter 489, F.S., and whose renewal fees are set in Rule 61G6-8.001, F.A.C.:

(b) employee leasing, regulated pursuant to part XI of chapter 468, F.S., and whose renewal fees are set in Rule 61G7-5.001, F.A.C.:

(c) harbor piloting, regulated pursuant to chapter 310, F.S., and whose renewal fees are set in Rule 61G14-14.004, F.A.C.:

(d) real estate appraisers, regulated pursuant to part II of chapter 475, F.S., and whose renewal fees are set in Rule 61J1-2.001, F.A.C.; and

(e) veterinary medicine, regulated pursuant to chapter 474, F.S., and whose renewal fees are set in Rules 61G18-12.005 and 61G18-12.009, F.A.C.

(3) One half of the full renewal fee for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule is waived. The following professions covered by this subsection are:

(a) certified public accountancy, regulated pursuant to chapter 473, F.S., and whose renewal fees are set in Rule 61H1-31.001, F.A.C.:

(b) architecture and interior design, regulated pursuant to part I of chapter 481, F.S., and whose renewal fees are set in Rules 61G1-17.001, 61G1-17.002, and 61G1-17.003, F.A.C.:

(c) auctioneering, regulated pursuant to part VI of chapter 468, F.S., and whose renewal fees are set in Rule 61G2-3.005, F.A.C.; and

(d) real estate brokers and salespersons, regulated pursuant to part I of chapter 475, F.S., and whose renewal fees are set in Rule 61J2-1.011, F.A.C.

(4) One fourth of the full renewal fee for licensees of professions named in this subsection renewing their license in the two year period following the effective date of this rule is waived. The following professions covered by this subsection are:

(a) landscape architecture, regulated pursuant to part II of chapter 481, F.S., and whose renewal fees are set in Rule 61G10-12.009, F.A.C.; and

(b) surveying and mapping, regulated pursuant to chapter 472, F.S., and whose renewal fees are set in Rule 61G17-8.0011, F.A.C.

(5) For renewals covered by this rule, the separate five dollar unlicensed activity fee collected pursuant to section 455.2281, F.S., must still be paid at the time of renewal by all licensees. Further, this rule does not waive any additional fees owed at the time of renewal, such as late renewal or penalty fees.

(6) This rule becomes effective on October 1, 2000.

Specific Authority 455.219(1) FS. Law Implemented 455.219(1) FS. History--New 10-1-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Thomas, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 26, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: General
RULE TITLE: License Fees

RULE CHAPTER NO.: 61C-1
RULE NO.: 61C-1.008

PURPOSE AND EFFECT: The purpose of this rule development is to modify the fee amounts for the inspection service of temporary public food service establishments and other vendors participating in 1 to 3 day temporary food service events and 4 through 30 day temporary food service events. Additionally, the division seeks to modify the fee amount for plan review services.

SUMMARY: These rules affect the licensure of all temporary public food service establishments and other vendors operating at temporary food service events and any planned new construction or remodeled public food service establishment. The proposed fee increase amounts reflect the actual cost to the division to perform these services.

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

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

SPECIFIC AUTHORITY: 509.032(6), 509.251 FS.

LAW IMPLEMENTED: 509.013, 509.032(2)(e), 509.032(3)(c), 509.251 FS.

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

TIME AND DATE: 10:00 a.m. (EST), Monday, August 21, 2000

PLACE: Secretary's Conference Room, Room 259, The Johns Building, 725 South Bronough Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Lee M.Cornman, Management Review Specialist, (850)488-9263. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, telephone (850)488-9263

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-1.008 License Fees.

(1) through (4) No change.

(5) Amount of License Fee – Public Food Service Establishment. The license fee for a public food service establishment shall be in accordance with the following schedule exclusive of the categories of fee adjustments set forth in rule 61C-1.008(1) and (3):

(a) Nonseating:

1.

	BASIC FEE	SERVICE TYPE FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Permanent	\$175	\$0	\$10	\$6	\$191
Mobile Food Dispensing Vehicle	\$140	\$135	\$14	\$6	\$295
Catering	\$140	\$55	\$10	\$6	\$211

2.

	BASIC FEE	EPIDEMIOLOGICAL FEE	HEP FEE	TOTAL FEE
Temporary Public Food Service Establishments and Vendors				
1-3 Day events	\$77 32	\$2	\$6	\$85 40
4 through 30-day events	\$95 65	\$4	\$6	\$105 75
Vending Machines	\$10	\$1	\$6	\$17

3. Theme Park Food Carts

No. of Carts	Basic Fee	Capacity Fee	Epidemiological Fee	HEP Fee	Total Fee
1-5	\$140	\$55	\$10	\$6	\$211
6-10	\$140	\$65	\$10	\$6	\$221
11-15	\$140	\$85	\$11	\$6	\$242
16-20	\$140	\$105	\$12	\$6	\$263
21-25	\$140	\$125	\$13	\$6	\$284
26 or more	\$140	\$145	\$14	\$6	\$305

(b) Seating:

No. of Seats	Basic Fee	Capacity Fee	Epidemiological Fee	HEP Fee	Total Fee
1-49	\$140	\$55	\$10	\$6	\$211
50-149	\$140	\$65	\$10	\$6	\$221
150-249	\$140	\$85	\$11	\$6	\$242
250-349	\$140	\$105	\$12	\$6	\$263
350-499	\$140	\$125	\$13	\$6	\$284
500 or more	\$140	\$145	\$14	\$6	\$305

(c) Plan review fees shall be \$150 ~~75~~; variance review process fees shall be:

1. Routine – \$150; and
2. Emergency – \$300.

(6) No change.

Specific Authority 509.032(6), 509.251 FS. Law Implemented 509.013, 509.032(2)(e), 509.032(3)(c), 509.251, 509.302(3) FS. History—New 7-31-79, Revised 9-1-80, Formerly 7C-1.08, Amended 5-10-89, 9-10-89, 10-31-89, 4-3-90, 12-31-90, 9-11-91, 2-27-92, 7-6-9, 8-23-92, 11-4-92, 4-4-93, Formerly 7C-1.008, Amended 9-20-93, 12-22-93, 6-29-95, 10-9-95, 9-25-96, 5-11-98,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lee M. Cornman, Management Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cynthia A. Henderson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: Exemption of Spouses of Members of Armed Forces from License Renewal Requirements

RULE NO.: 61G19-9.0015

PURPOSE AND EFFECT: The Board determined it is necessary to promulgate a new rule to address a spouse's exemption from license renewal if married to a member of the Armed Forces.

SUMMARY: This new rule sets the criteria of license renewal if the applicant is the spouse of a member of the Armed Forces.

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

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

SPECIFIC AUTHORITY: 455.02 FS.

LAW IMPLEMENTED: 455.02 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-9.0015 Exemption of Spouses of Members of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse's duties with the armed forces shall be exempt from all licensure renewal provisions under these rules during such absence. The licensee must show satisfactory proof to the Board of the absence and the spouse's military status.

Specific Authority 455.02 FS. Law Implemented 455.02 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Building Code Administrators and Inspectors Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Building Code Administrators and
 Inspectors Board
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: July 13, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 16, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Clinical Laboratory Personnel
 PURPOSE AND EFFECT: The Board proposes to update the
 existing rule text.

RULE NO.: 64B3-2.002

SUMMARY: The purpose of the rule amendments is to update
 the rule text with regard to the definition of "technician".

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(4) FS.
 LAW IMPLEMENTED: 483.035(1), 483.803, 483.811(3),(4)
 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Joe Baker, Jr., Executive Director,
 Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin
 #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-2.002 Clinical Laboratory Personnel.
 (1) through (3) No change.

(4) Technician means a person qualified as a technician
 pursuant to the Board's rules who practices the profession and
may perform tests classified as highly complex pursuant to 42
CFR 493.17 (September 7, 1999), incorporated by reference
herein, only when under direct supervision of a licensed
technologist, supervisor, or director unless the technician
meets the minimum qualifications contained in 42 CFR
493.1489 (September 7, 1999), incorporated by reference
herein, and the requirements contained in Rule 64B3-5.004(5)
~~under direct supervision~~ and fulfills the responsibilities
 specified in Rule 64B3-5.004(7).

(5) through (7) No change.

Specific Authority 483.805(4), 483.811(4) FS. Law Implemented 483.035(1),
 483.803, 483.811(3),(4) FS. History--New 11-4-93, Formerly 61F3-2.002,
 Amended 11-21-94, 7-12-95, 5-15-96, Formerly 59O-2.002, Amended
 3-19-98, 12-13-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Clinical Laboratory Personnel
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Board of Clinical Laboratory
 Personnel
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 27, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Technician
 PURPOSE AND EFFECT: The Board proposes to update the
 existing rule text.

RULE NO.: 64B3-5.004

SUMMARY: The rule defines the "Responsibilities of
 Technicians".

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823
 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809,
 483.811(2), 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULE IS: Joe Baker, Jr., Executive Director,
 Board of Clinical Laboratory, 4052 Bald Cypress Way, Bin
 #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.004 Technician.

(1) through (5) No change.

(6) Responsibilities of Technicians. The technician shall:

(a) Perform tests classified as highly complex pursuant to
42 CFR 493.17 (September 7, 1999), incorporated by reference
herein, only when under direct supervision of a licensed
technologist, supervisor, or director unless the technician
meets the minimum qualifications contained in 42 CFR
493.1489 (September 7, 1999), incorporated by reference
herein and the requirements contained in Rule 64B3-5.004(5)
~~perform procedures under direct supervision.~~

(b) through (f) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.004, Amended 5-26-98, 9-20-98, 9-20-98, 1-11-99, 8-31-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2000

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Responsibilities of Technicians RULE NO.: 64B3-13.004

PURPOSE AND EFFECT: The purpose of the rule is to provide procedures relating to technicians.

SUMMARY: The rule provides procedures for technicians.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory, 4052 Bald Cypress Way Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-13.004 Responsibilities of Technicians.

(1) The technician shall:

(a) Perform tests classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference herein, only when under the direct supervision of a licensed technologist, supervisor, or director unless the technician meets the minimum qualifications set forth in 42 CFR 493.1489 (September 7, 1999), incorporated by reference herein and the requirement contained in Rule 64B3-5.004(5)

~~Perform testing only when under direct supervision of a licensed technologist, supervisor or director except when provided otherwise by rule of the Board.~~

(b) No change.

~~(e) Not perform any test designated as highly complex as defined in 42 CFR 493.10 and 493.17 incorporated by reference unless directly supervised by a licensed technologist, licensed supervisor or director.~~

~~(c)(d)~~ Perform only those tests authorized by the director.

~~(d)(e)~~ Follow the clinical laboratory's procedures for specimen handling and processing, test analyses, reporting and maintaining records of patient test results.

~~(e)(f)~~ Notify a licensed technologist or supervisor whenever test systems are not within the clinical laboratory's defined acceptable levels of performance.

~~(f)(g)~~ Participate in proficiency testing samples and ensure that these samples are tested in the same manner as patient specimens.

~~(g)(h)~~ Adhere to the clinical laboratory's quality control policies and document quality control activities, instrument and procedural calibrations and maintenance performed.

~~(h)(i)~~ Be capable of identifying problems that may adversely affect test performance or reporting of test results and immediately notify a licensed technologist or supervisor.

~~(i)(j)~~ Document all corrective actions taken when test systems deviate from the clinical laboratory's established performance specifications.

~~(j)(k)~~ Follow the directives of directors, supervisors or technologists while exercising their duties and responsibilities.

~~(l) Shall not perform clinical laboratory testing classified as highly complex pursuant to 42 CFR 493.17 (September 7, 1999), incorporated by reference, unless the technician meets the minimum qualifications contained in 42 CFR 493.1489 (September 7, 1999), incorporated by reference.~~

~~(m) In the specialty of Cytology, in addition to the above responsibilities, the technician shall:~~

~~1. Perform only preparatory work and shall not screen any cytological smears.~~

~~2. Perform preparatory work only under direct supervision.~~

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History--New 12-6-94, Amended 3-28-95, 7-12-95, Formerly 590-13.004, Amended 1-27-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2000

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., Monday, August 21, 2000
 PLACE: 4042 Bald Cypress Way, Conference Room 225Q, Tallahassee, Florida

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the department at least seven days before the hearing by contacting the Bureau of Water Programs, (850)245-4240. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pepe Menendez, Bureau of Water Programs, HSEW, 4052 Bald Cypress Way, Bin #C-22, Tallahassee, FL 32399-1742, phone (850)245-4240

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-8.002 New Limited Use Public Water System Construction.

- (1) through (2)(b)1. No change.
- 2. Public drinking water supply wells servicing buildings or premises ~~that serve water systems~~ having total sewage flows greater than 2,000 gallons per day shall be placed no closer than 200 feet from on-site sewage treatment disposal systems (OSTDS's); public drinking water supply wells servicing buildings or premises ~~water systems~~ having total sewage flows of less than or equal to 2,000 gallons per day shall be placed no closer than 100 feet from OSTDS's based upon flows in Table I, rule 64E-6.008.
- 3. through (11) No change.

Specific Authority 381.0011(4),(13), 381.006, 381.0062(1),(3)(a),(6), 403.862(1)(f) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062(1),(2),(3), 403.862(1)(f) FS. History--New 1-1-93, Amended 8-20-96, Formerly 10D-4.025, Amended 1-26-98, 1-24-00, _____.

64E-8.003 New Private and Multi-Family System Construction.

- (1) No change.
- ~~(2) Private and multi-family water systems must construct a two-foot square concrete apron four inches thick centered on the well.~~
- ~~(2)(3)~~ No person shall construct or alter a multi-family water system without approval on Form DH 4093, 8/97; an applicant must complete and submit Form DH 4092B, 9/97, to the county health department with:
 - (a) Two sets of site plans drawn to scale and two sets of a construction plan, each drawing must be a minimum 8.5 × 11 inches and of sufficient clarity for reproduction; and
 - (b) A \$40 processing fee.

~~(3)(4)~~ Construction approval will be granted if the system meets the criteria in rules 64E-8.002(4), (5) and (6) and 64E-8.003(1).

~~(4)(5)~~ The applicant shall analyze the water per rule 64E-8.006(2)(d) and (e) and provide a copy of the results to the department. These results shall not exceed the MCL's in rule 64E-8.006.

~~(5)(6)~~ The department shall inspect to determine that the system has been constructed in compliance with the approved plans. Re-inspection requests must be accompanied by a \$25 fee.

~~(6)(7)~~ If the inspection and laboratory results are satisfactory, the department shall authorize operation using Form DH 4093.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062(1),(3), 403.862(1)(f) FS. History--New 1-1-93, Amended 8-20-96, Formerly 10D-4.026, Amended 1-26-98, 1-24-00, _____.

64E-8.004 Limited Use System Operating Permits.

- (1) through (3) No change.
- (4) A satisfactory sanitary survey conducted by the department in the last twelve months shall assure that:
 - (a) Setbacks in rule 64E-8.002 are met, except that a system supplied by a well constructed prior to January 1, 1993 ~~1972~~ that is between 50 and 100 feet from an OSTDS shall be permitted without a variance if:
 - 1. the well was constructed and approved as a potable water well;
 - 2. both the well and the OSTDS were permitted and approved at the time of construction for the proposed and existing use, and the OSTDS is otherwise in compliance with rule chapter 64E-6, F.A.C.;
 - (b) through (6) No change.

Specific Authority 403.862(1)(f), 381.0011(4),(13), 381.006, 381.0062(1),(3)(a),(6) FS. Law Implemented 381.0012, 381.0061, 381.0067, 381.006(1),(2), 381.0062, 403.862(1)(f) FS. History--New 1-1-93, Amended 8-20-96, Formerly 10D-4.027, Amended 1-26-98, 1-24-00, _____.

64E-8.006 Water Quality Standards and Monitoring.

- (1) through (4) No change.
- (5) Monitoring by Supplier – Rule chapter 62-524, F.A.C., precludes all persons, except department staff, from sampling water systems for initial compliance with delineated area listed chemical MCL's within DEP delineated areas. For initial clearance, the department shall charge the supplier \$50 for each delineated area chemical sampling site visit, \$50 for delineated area clearance processing, and each laboratory analysis fee required ~~in rule 64E-8.012~~; for the particular contaminant(s).

Specific Authority 403.862(1)(f), 381.0011(4),(13), 373.309, 381.006, 381.0062(1),(3)(a), 381.0202(3) FS. Law Implemented 381.0012, 381.0061, 381.0067, 373.309(1)(e)6., 381.006(1),(2), 381.0062, 403.862(1)(f), 381.0202(3) FS. History--New 1-1-93, Amended 8-20-96, Formerly 10D-4.029, Amended 1-26-98, 1-24-00, _____.

