

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed action will cost the agency approximately \$60 for administrative preparation and \$24 for advertising. No other significant economic impacts are expected.

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: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

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

TIME AND DATES: 9:00 a.m., September 6-8, 2000

PLACE: Holiday Inn DeLand Convention Center, 350 East International Speedway Boulevard, DeLand, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS: Mr. James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-25.032 Regulations Governing the Establishment of Alligator Management Programs on Private Lands.

Alligator management programs designed for the taking of alligator eggs and hatchlings and the trapping of non-hatchling alligators on private lands may only be established under the following conditions:

(1) Alligator Management Program – Application and review procedures.

(a) The owner or authorized lessee of property containing alligator habitat (as described in FWC form 1000PW) shall make written application, on forms provided by the Commission (Alligator Management Program Application, FWC form 1000PW, effective April 12, 1998, is incorporated to the rule by reference and may be obtained from the Commission's Tallahassee and regional offices), for establishment of an Alligator Management Program each calendar year. A group of landowners or authorized lessees may apply jointly provided their properties are adjoining. Lands owned or leased by water control districts recognized per Chapter 298, F.S., excepting water management districts created per s. 373.069, F.S., shall be construed as private lands for purposes of this rule.

(b) through (f) No change.

(2) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.6672 FS. History—New 5-5-88, Amended 2-14-89, 4-11-90, 4-4-91, 4-15-92, 10-22-92, 4-29-93, 4-10-94, 3-30-95, 4-1-96, 9-15-96, 4-12-98, Formerly 39-25.032 Amended 5-29-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Timothy E. O'Meara

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Residual Markets and Special Risk Pools

RULE NO.:	RULE TITLE:
4J-1.001	FWUA Plan of Operation and Articles of Agreement Adopted
	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)l., Florida Statutes, published in Vol. 25, No. 15, April 16, 1999, of the Florida Administrative Weekly and amended in Vol. 26, No. 29, July 28, 2000:

The Person to be Contacted Regarding the Proposed Rule: should read "Steve Roddenberry, Deputy Director, Division of Insurer Services, Department of Insurance, 200 E. Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5104"

The remainder of the rule will read as published.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.03020	Special Programs for Students Who Are Homebound or Hospitalized
6A-6.03028	Development of Individual Educational Plans and Educational Plans for Exceptional Students
6A-6.03029	Development of Family Support Plans for Children with Disabilities Ages Birth Through Five Years
6A-6.03032	Procedures Safeguards for Children Ages Birth through Two Years with Disabilities
6A-6.0331	Identification and Determination of Eligibility of Exceptional Students
6A-6.03311	Procedural Safeguards for Students with Disabilities

- 6A-6.03312 Discipline Procedures for Students
with Disabilities
- 6A-6.03313 Procedural Safeguards for Students
Who are Gifted
- 6A-6.03411 Special Programs and Procedures
for Exceptional Students

NOTICE OF WITHDRAWAL

Notice is hereby given that the proposed rules as noticed in Vol. 26, No. 21, dated May 26, 2000; Vol. 26, No. 25, dated June 23, 2000; and Vol. 26, No. 27, dated July 7, 2000, have been withdrawn.

DEPARTMENT OF EDUCATION**State Board of Education**

- RULE NO.: RULE TITLE:
6A-14.0302 Community College
Concurrent-Use Articulation
Agreements

NOTICE OF WITHDRAWAL

Notice is hereby given that Rule 6A-14.0302, Community College Concurrent-Use Articulation Agreements, has been withdrawn. The rule was originally published in Vol. 26, No. 14 of the April 7, 2000, Florida Administrative Weekly. Notice of Continuation to June 13, 2000 was published in Vol. 26, No. 21, of the May 26, 2000, Florida Administrative Weekly. Notice of Continuation to July 25, 2000, was published in Vol. 26, No. 28, of the July 14, 2000, Florida Administrative Weekly.

DEPARTMENT OF REVENUE**Division of Child Support Enforcement**

- RULE NOS.: RULE TITLES:
12E-1.012 Consumer Reporting Agencies
12E-1.022 Payment Recovery

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Rule Chapters 12E-1.012 and 12E-1.022, FAC., as published in Vol. 26, No. 6, pp. 575-582, February 11, 2000, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee.

Paragraph (b) of subsection (1) of Rule 12E-1.012, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(b) "Consumer Reporting Agency". also referred to as a 'credit bureau' or a 'credit reporting agency'. means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose

of furnishing consumer reports to third parties, and which uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports.

Paragraph (b) of subsection (2) of Rule 12E-1.012, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(b) If a consumer reporting agency or lending institution requests that the department verify the amount of overdue support owed by an obligor who has been reported by the department pursuant to section (3) of this rule, the information shall be provided to the consumer reporting agency or lending institution without complying with section (4) of this rule. A request from a lending institution must be accompanied by a written authorization signed by the obligor authorizing the department to disclose the information.

Subsection (3) of Rule 12E-1.012, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(3) Periodic Reporting to Consumer Reporting Agencies. Pursuant to section 61.1354(2), F.S., the department shall report to consumer reporting agencies periodically, no more frequently than monthly, the names, social security numbers, and amounts of overdue support owed by obligors. The initial report concerning an obligor shall not be released until the department has complied with section (4) of this rule; subsequent periodic reports which update the amounts owed by an obligor shall be released without complying with section (4). The department shall use the following criteria in determining whether an obligor's overdue support shall be periodically reported pursuant to this section:

Paragraph (a) of subsection (4) of Rule 12E-1.012, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(a) The department shall give notice to the obligor by regular mail at his or her last known address with Department of Revenue Form CS-EF32, 'Notice of Report to Consumer Reporting Agencies', incorporated herein by reference with a revision date of February 2000. Members of the public may obtain a copy of this form by a written request to: Department of Revenue, Child Support Enforcement Program, attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030. Form CS-EF32 shall provide notice to the obligor of the intent of the department to release the following information to one or more consumer reporting agencies: the obligor's name, social security number, and the amount of overdue support owed by the obligor.

Subsection (6) of Rule 12E-1.012, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(6) Department Requests for Consumer Reports. The department is authorized to request consumer reports from consumer reporting agencies pursuant to section 61.1354(3) and (4), F.S., according to the following procedures:

Paragraph (a) of subsection (6) of Rule 12E-1.012, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(a) Before the department submits any requests for consumer reports to a consumer reporting agency, the executive director of the Department of Revenue or his or her designee shall certify one-time to the consumer reporting agency that every subsequent request for a consumer report from that agency will meet the requirements set forth in section 61.1354(3), F.S.

Paragraph (b) of subsection (6) of Rule 12E-1.012, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(b) The department shall provide notice to an individual whose consumer report is sought by sending Department of Revenue Form CS-EF10, 'Notice of Consumer Report Inquiry', by certified mail to the individual's last known address at least 15 days prior to transmitting the request to the consumer reporting agency. Form CS-EF10 is incorporated herein by reference with a revision date of January 1999. Members of the public may obtain a copy of this form by a written request to: Department of Revenue, Child Support Enforcement Program, attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030.

Rule Title of Rule 12E-1.022, FAC., has been changed, so that, when adopted, the title will read as follows:

Overpayment ~~Payment~~ Recovery.

Paragraph (d) of subsection (2) of Rule 12E-1.022, FAC., has been changed, so that, when adopted, the paragraph will read as follows:

(d) that the custodial parent must contact the department to establish a repayment agreement to allow for recovery in installments by the department from future support payments as agreed to by the custodial parent, or through other repayment options agreed to by the custodial parent, until the overpayment has been repaid; and

Subsection (5) of Rule 12E-1.022, FAC., has been deleted.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NOS.:	RULE TITLES:
12E-1.005	Collection and Distribution of Payments
12E-1.023	Suspension of Drivers License; Suspension of Motor Vehicle Registration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 6, February 11, 2000, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

NOTICE OF CABINET AGENDA ON

SEPTEMBER 12, 2000

The Governor and Cabinet, on September 12, 2000, sitting as head of the Department of Revenue, will consider approval of amendments to Rules 12E-1.012 and 12E-1.022, FAC., for adoption. The proposed amendments to Rule 12E-1.012, FAC., are needed to clarify the procedures for responding to a request from a consumer reporting agency for information about overdue support owed by an obligor, to incorporate the procedures for periodic reporting of overdue support to consumer reporting agencies and the procedures for requesting consumer reports from consumer reporting agencies. The proposed amendments to Rule 12E-1.022, FAC., are necessary to revise the Department's procedures for establishing repayment to the Department when a payment disbursement error occurs. The proposed rules were originally noticed in the Florida Administrative Weekly of February 11, 2000, Vol. 26, No. 6, pp. 575-582. A public hearing on the proposed rules was held on March 6, 2000. No comments were received at the public hearing. Written comments were received from the Joint Administrative Procedures Committee regarding the proposed amendments to Rules 12E-1.012 and 12E-1.022, FAC. In response to these comments, a Notice of Change will be published in the August 4, 2000, edition of the Florida Administrative Weekly.

PUBLIC SERVICE COMMISSION

DOCKET NO. 980643-EI

RULE NOS.:	RULE TITLES:
25-6.0436	Depreciation
25-6.135	Annual Reports
25-6.1351	Cost Allocation and Affiliate Transactions

NOTICE OF ADDITIONAL PUBLIC HEARING

Notice is hereby given that at the agenda conference to be held on August 29, 2000, in Room 148 of the Easley Building, 4075 Esplanade Way, Tallahassee, Florida 32399-0850, (850)413-6098, the Public Service Commission will consider the record of the rulemaking proceedings and the proposed rules in the above docket, and will adopt, reject, or modify the proposed rules. The rule was originally published in Vol. 26, No. 18, of the May 5, 2000, Florida Administrative Weekly.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Office of Greenways and Trails**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62S-1 Acquisition and Designation

NOTICE OF WITHDRAWAL

Notice is hereby given that the following rules 62S-1.100 and 62S-1.600 as noticed in Vol. 25, No. 36 (September 10, 1999), Florida Administrative Weekly are hereby withdrawn.

Section IV Emergency Rules

DEPARTMENT OF INSURANCE

RULE TITLE:

RULE NO.:

Emergency Restrictions and Limitations on
Construction Materials Mining Activities
in the City of Plantation, Florida

4ER00-3

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare:

1. This emergency rule is necessitated by the action of the Florida Legislature in passing CS/SB 772, which gives the State Fire Marshal the sole and exclusive authority to promulgate standards, limits, and regulations regarding the use of explosives in conjunction with construction materials mining activities. Previously the counties or municipalities established these standards.

2. This rule relates directly to public safety in that the subject of the regulation is an inherently dangerous activity.

3. The legislation was enacted by the legislature on May 5 and became effective on June 14 upon signature by the Governor. The legislation did not afford the Department sufficient time to implement rules through the normal rule adoption process. At this time the State Fire Marshal has 4ER00-1, Emergency Restrictions and Limitations on Construction Materials Mining Activities, in place. Four rule development workshops were conducted following the filing of 4ER00-1, during which it was determined that the City of Plantation, Florida had an applicable ordinance which had not been incorporated, necessitating this emergency rule.

4. The bill upon its effective date rendered the county and municipal standards null and void. This emergency rule adopts the local standards of the City of Plantation, Florida for a period of 90 days to allow the permanent rulemaking process to occur. This emergency rule does not supersede 4ER00-1.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Department of Insurance believes that adopting an emergency rule is the fairest method to protect the public because CS/SB 772 became effective immediately upon the Governor's

signature. Even with the initiation of the rule development workshop procedure prior to the Governor's action, there was not sufficient time to accomplish standard rulemaking. Standard rulemaking is in progress, giving parties the ability to participate in the rulemaking. Where consistent with law implemented, the division has crafted the emergency rule in a way that preserves the status quo by maintaining standards equivalent to those previously enacted by local authorities. In jurisdictions where there are no properly enacted standards, the State Fire Marshal will continue to enforce the requirements of Chapter 552, Florida Statutes.

SUMMARY OF THE RULE: This emergency rule adopts the local standards of the City of Plantation, Florida for a period of 90 days to allow the permanent rulemaking process to occur.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Terry Hawkins, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, phone (850)413-3624

THE FULL TEXT OF THE EMERGENCY RULE IS:

4ER00-3 Emergency Restrictions and Limitations on Construction Materials Mining Activities in the City of Plantation, Florida.

(1) The Division of State Fire Marshal adopts the following City of Plantation ordinances which are in effect as of the effective date of section 552.30, Florida Statutes, and which are applicable to the use, handling, and licensure of explosives generally as the standards, limits, and regulations applicable to the use, handling, and licensure of explosives in conjunction with construction materials mining operations as defined in section 552.30, Florida Statutes, conducted within the applicable jurisdiction, except to the extent that ground vibration limits established in such ordinances do not conform with subsection (2) of this rule. Any person or company using explosives in conjunction with construction materials mining activities as defined in section 552.30, Florida Statutes, shall continue to abide by, and be fully and completely bound by, such ordinances of local government in all respects, as if the local government's ordinance regarding the operation and handling of explosives were still in full force and effect:

LOCAL GOVERNMENT ORDINANCECity of PlantationCity of Plantation Code ofOrdinances, Article III.Explosives, Section 8-51 through and including Section 8-67

The above ordinance is hereby incorporated by reference, and are obtainable from the respective local government.

(2) Each person or company engaged in construction materials mining activities shall conduct their activities such that ground vibration resulting from such activities conforms to those limits established in the United States Bureau of Mines Report of Investigations 8507, Appendix B – Alternative