

~~[Refer to rule paragraph 65A-1.716(2)] for cash assistance; or, (b) are children living with their parent(s) and who, as children, would qualify for cash assistance except for their age; or, (e) are individuals disqualified from cash assistance due to failure to cooperate with work requirements.~~ The maximum resource limit of \$2,000 also applies to those coverage groups indicated in Rule 65A-1.703. However, there is no asset limit for the coverage groups specified in Rule 65A-1.703(3)(4) and (4)(5).
 (5) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History—New 10-8-97, Amended 12-9-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rodney McInnis
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2000
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 1999

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER NO.: 5L-3 RULE NOS.: 5L-3.001 5L-3.002 5L-3.003 5L-3.004 5L-3.005 5L-3.006 5L-3.007	RULE CHAPTER TITLE: Aquaculture Best Management Practices RULE TITLES: Purpose Definitions Requirement for an Aquaculture Certificate of Registration Aquaculture Best Management Practices Aquaculture Certificate of Registration Minimal Impact Aquaculture Facilities Failure to Comply With the Best Management Practices
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NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rules in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of rulemaking was published in Vol. 26, No. 24, June 16, 2000, issue of the

Florida Administrative Weekly. These changes resulted from a review of public comments and testimony at a public hearing held on July 10, 2000, in Tallahassee, Florida.

1. Rule 5L-3.002:
 - a. Section 5L-3.002 Law Implemented is changed to: 570.07(23), 597.002, 597.003(1)(a)(j), 597.004(2) F.S.
2. Rule 5L-3.004:
 - a. Section 5L-3.004(2) is changed to: “(2) Aquaculture Best Management Practices Manual, July May 2000.”
 To obtain a copy of the revised manual, contact Sherman Wilhelm, Director, Division of Aquaculture at (850)488-4033 or visit the division’s website at www.FloridaAquaculture.com.
3. Rule 5L-3.005:
 - a. Section 5L-3.005 is changed to:
 - (1) Any person engaging in aquaculture must be certified by the department. The applicant for a certificate of registration shall submit the following to the department: Any person seeking to be certified as an aquaculture producer shall complete and submit an aquaculture certificate of registration application form, which includes a signed statement of Notice of Intent to comply with the applicable best management practices adopted by the Department. Aquaculture producers shall contact the Department:
 - (a) Applicant's name/title. Prior to constructing a new individual production unit;
 - (b) Company name. Prior to modifying an existing individual production unit;
 - (c) Complete mailing address. To renew an existing aquaculture certificate of registration; or
 - (d) Legal property description of all aquaculture facilities. To be issued a new aquaculture certificate of registration-
 - (e) Actual physical street address for each aquaculture facility.
 - (f) Description of production facilities.
 - (g) Aquaculture products to be produced.
 - (h) Fifty dollar annual registration fee.
 - (2) The Department shall issue an aquaculture certificate of registration when an applicant:
 - (a) has submitted the required information pursuant to Chapter 597.004 (1), Florida Statutes. has submitted a complete application to the Department;
 - (b) signs a statement of intent to comply with the BMPs in 5L-3.003; and signs the certificate application statement of intent to comply with the BMPs in 5L-3.003; and
 - (c) pays the appropriate fee to the Department.
4. Rule 5L-3.006:
 - a. Section 5L-3.006(1) is changed to: “(1) When determined by the Division of Aquaculture’s evaluation of facility design and on site inspections, the following individual production units are deemed to have

minimal impacts on water resources and are not required to follow the effluent treatment BMPs in 5L-3.004. All other applicable 5L-3.004 applicable BMPs must be followed.”

b. Section 5L-3.006(1)(a) is changed to:

“(a) Recirculation systems that do not discharge to waters of ~~in~~ the state.”

5. Rule 5L-3.007:

a. Section 5L-3.007 is changed to:

If any aquaculture producer fails to comply with the best management practices required for certification, the Department shall take action consistent with its authority to assure proper implementation and compliance with s. 597.0041, F.S. Any person who violates any provision of Chapter 597, Florida Statutes, or Rule 5L-3, Florida Administrative Code, commits a misdemeanor of the first degree, and is subject to a suspension or revocation of his or her certificate of registration. The Department may, in lieu of, or in addition to the suspension or revocation, impose on the violator an administrative fine in an amount not to exceed \$1,000 per violation per day.

(1) First time offenders will receive written notice of the BMP deficiencies and given 60 days to comply.

(2) Operators not in compliance with BMPs after 60 days will be fined \$100 – \$500 per day per occurrence depending upon the type of violation and circumstances contributing to the violation. Failure to comply after 60 days may result in an administrative fine of up to \$1000 per day per occurrence until compliance is obtained.

(3) Second time violators will be fined \$500 – \$750 per day per occurrence depending upon the type of violation and circumstances contributing to the violation. Continued failure to comply may result in the suspension/revocation of the producer’s aquaculture certificate and an administrative fine of up to \$1000 per day per occurrence until compliance is obtained.

(4) Third time violators will be fined \$750 – \$1,000 per day per occurrence depending upon the type of violation and the circumstances contributing to the violation. Repeat offenders may be subject to suspension/revocation of the producers aquaculture certificate and an administrative fine of up to \$1000 per day per occurrence until compliance is obtained and the department will request that legal measures be initiated to impose misdemeanor charges.

(5) Continued failure to comply will result in the suspension/revocation of the producer’s aquaculture certificate and an administrative fine of \$1000 per day per occurrence until compliance is obtained. Any person failing to meet the BMPs and/ or refusing to implement the BMPs must obtain all necessary permits/authorizations required by the Department of Environmental Protection, Water Management District, Florida Fish and Wildlife Conservation Commission and any other appropriate regulatory authority.

(6) Repeat offenders will be subject to suspension/revocation of the producers aquaculture certificate and an administrative fine of \$1000 per day per occurrence until compliance is obtained and the department will request that legal measures be initiated to impose misdemeanor charges.

(7) Any person failing to meet the BMPs and/or refusing to implement the BMPs must obtain all necessary permits/authorizations required by the Department of Environmental Protection, Water Management District, Florida Fish and Wildlife Conservation Commission and any other appropriate regulatory authority.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:
61-6.015

RULE TITLE:
Monitoring of Continuing
Education Requirements

A RULE HEARING ON THE ABOVE REFERENCED PROPOSED RULE, WHICH PROPOSED RULE WAS PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY ON JULY 7, 2000, WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: Department of Business and Professional Regulation, Board Meeting Room (Room 130), Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE HEARING IS: Tom Thomas, Assistant General Counsel, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring a special accommodation to participate in this hearing is asked to advise the agency at least forty-eight (48) hours prior to the meeting by contacting Tom Thomas, (850)488-0062. If you are hearing or speech impaired, please contact the agency by using the Florida Dual Party Relay System, which can be reached by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.:
61-20.504

RULE TITLE:
Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 31, August 4, 2000, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.0035
 RULE TITLE: Certification of Registered Contractors

NOTICE OF ADDITIONAL PUBLIC HEARING

The Electrical Contractors' Licensing Board hereby gives notice of an additional public hearing on the above-referenced rule to be held on September 12, 2000 at 10:00 a.m., at Windham Miami, 1601 Biscayne Boulevard, Miami, Florida 33132, (305)374-0000. The rule was originally published in Vol. 26, No. 24, of the June 16, 2000 issue of the Florida Administrative Weekly. This meeting is scheduled due to public interest and comments, and this Notice is to give all persons affected the opportunity to present evidence and argument on the issues concerning this rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

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

RULE NO.: 64B4-5.001
 RULE TITLE: Disciplinary Guidelines

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 24, June 16, 2000, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee. The Board held its regularly scheduled board meeting on July 24-25, 2000, and determined that subsection (2) of the rule shall be changed to read as follows:

(2) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. The Board shall consider as aggravating or mitigating factors the following:

- (a) the danger to the public;
- (b) the length of time since the date of the violation(s);
- (c) prior discipline imposed upon the licensee;
- (d) the length of time the licensee has practiced;

- (e) the actual damage, physical or otherwise, to the patient;
- (f) the deterrent effect of the penalty imposed;
- (g) the effect of the penalty upon the licensee's livelihood;
- (h) any efforts for rehabilitation;
- (i) the actual knowledge of the licensee pertaining to the violation;
- (j) attempts by the licensee to correct or stop violations or failure of the licensee to correct or stop violations;
- (k) related violations against the licensee in another state, including findings of guilt or innocence, penalties imposed and penalties served;
- (l) any other mitigating or aggravating circumstances.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.002
 RULE TITLE: Educational Requirements

CORRECTED NOTICE OF CHANGE

The Board of Speech-Language Pathology and Audiology hereby gives notice of this correction to the Notice of Change which was recently published in the July 28, 2000 issue of the Florida Administrative Weekly, Vol. 26, No. 30. The rule was originally published in the November 12, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 45. Subsection (3)(a) shall now read as follows:

(3)(a) For the speech-language pathologist, hours in the evaluation and treatment of speech disorders in children and adults, evaluation and treatment of language disorders in children and adults, and hearing disorders as required by an accredited institution or an institution with equivalent curricula. Experience in both evaluation and management shall be gained within each area.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C-08, Tallahassee, Florida 32399-3258

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE: Forms Used by Public
 RULE NO.: 12BER00-2

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Communications Services Tax Simplification Law (Chapter 2000-260, L.O.F.) requires that communications services providers and local governments file information returns with the Department of Revenue on forms provided by the Department. The statute mandates that such returns be filed by September 20, 2000, and September 30, 2000, respectively. Failure to promptly implement this statutory mandate poses an immediate danger to the public health, safety or welfare.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized promulgation of emergency rules to administer the provisions of the Communications Services Tax Simplification Law. Additionally, an emergency rule is the most appropriate means of adopting public use forms that are required under the specific provisions of the Communications Services Tax Simplification Law to be available for filing with the Department of Revenue on or prior to September 30, 2000.

The Department of Revenue has sought comment on the forms to the extent possible within the time restraints resulting from the statutory requirements. The forms, which are designed to be available both in hardcopy form and on computer disks, have been reviewed by members of the Florida League of Cities, Florida Association of Counties, Florida Telecommunication Industry Association, and the Revenue Estimating Conference. Diskette copies of the form were reviewed and tested in detail by two local governments and two industry members.

SUMMARY OF THE RULE: This emergency rule adopts and incorporates by reference two forms required to be available by the Communications Services Tax Simplification Law. Those forms are DR-700010, "Communication Providers Revenue Estimating Conference Data Report," and DR-700011, "Local Taxing Jurisdictions Revenue Estimating Conference Data Report." The emergency rule also provides information as to how copies of the forms may be obtained.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Office of the General Counsel, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443

THE FULL TEXT OF THE EMERGENCY RULE IS:

12BER00-2 Forms Used by Public.

The following public use forms and instructions are utilized by the Department of Revenue, dated below, and are made part of this rule by reference. The instructions on the forms listed below have the same authority as the rules. Copies may be obtained by: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax On Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at 1(800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://sun6.dms.state.fl.us/dor/revenue.html>). Persons with hearing or speech impairments may call the Department's TDD at 1(800)367-8331. For those with other disabilities, please inform the Department as to how your inquiry may be reasonably accommodated.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
(1) DR-700010	<u>Communication Providers Revenue Estimating Conference Data Report</u>	<u>7/00</u>
(2) DR-700011	<u>Local Taxing Jurisdictions Revenue Estimating Conference Data Report</u>	<u>7/00</u>

Specific Authority 202.26(2)(4) FS., s. 18, Ch. 2000-260, L.O.F. Law Implemented 202.20(3)(a),(c) FS., s. 12, Ch. 2000-260, L.O.F. History—New 7-27-00.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
 EFFECTIVE DATE: July 27, 2000

DEPARTMENT OF THE LOTTERY

RULE TITLE: Florida Lottery MEGA MONEY™ Promotion
 RULE NO.: 53ER00-33

SUMMARY OF THE RULE: This emergency rule sets forth the provision for the Florida Lottery MEGA MONEY™ Promotion which players may enter for a chance to win \$250,000 cash and/or one of fifty (50) personal computers and \$1,000 cash.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS: