

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Applicability	3A-5.001
Definitions	3A-5.002
Format of Schedule	3A-5.003

PURPOSE AND EFFECT: Chapter 2000-371, Laws of Florida, enacted the "Florida Single Audit Act" effective July 1, 2000. Section 215.97, F.S., requires the Comptroller to enact rules to provide guidance to state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance relating to the format of the Schedule of State Financial Assistance.

SUBJECT AREA TO BE ADDRESSED: The format of the Schedule of State Financial Assistance to be used by state awarding agencies, recipients and subrecipients, and independent auditors of state financial assistance.

SPECIFIC AUTHORITY: 17.29, 215.97(4) FS.

LAW IMPLEMENTED: 215.97 FS.

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

TIME AND DATE: 10:00 a.m., November 16, 2000

PLACE: Room 434, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Spooner, Chief, Bureau of Auditing, Room 448, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9194

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3A-5.001 Applicability.

These rules apply to state agencies awarding state financial assistance; recipients and subrecipients of state financial assistance; and to independent auditors of state financial assistance.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

3A-5.002 Definitions.

(1) The terms in Section 215.97(2), F.S., shall have the same meanings when used in this Chapter and are hereby incorporated by reference.

(2) "State agency" or "agency" as defined in Section 216.011(1)(qq), F.S., shall have the same meanings when used in this Chapter and are hereby incorporated by reference.

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

3A-5.003 Format of Schedule.

(1) The Schedule of Expenditures of State Financial Assistance shall be included on the nonstate entity's Schedule of Expenditures of Federal Awards and State Financial Assistance. If a nonstate entity does not receive federal financial assistance, a Schedule of Expenditures of State Financial Assistance shall be prepared. At a minimum, the Schedule of Expenditures of State Financial Assistance shall:

(a) List individual state projects by state agency, including identifying contract or grant number.

(b) For state financial assistance received as a subrecipient, the name of the pass-through entity and identifying contract/grant number assigned by the pass-through entity.

(c) Provide total state financial assistance expended for each individual state project and the CSFA number.

(d) Provide total state financial assistance transferred to subrecipients for each state project.

(e) Include as expenditures in the schedule, the value of state financial assistance expended in the form of non-cash assistance. The value of state non-cash assistance will be established in accordance with the rules of the Executive Office of the Governor.

(f) Include notes that describe the significant accounting policies used in preparing the schedule.

(2) The Schedule of Expenditures of Federal Awards and State Financial Assistance shall be in a format similar to the sample presented below:

NAME OF NONSTATE ENTITY SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS AND STATE FINANCIAL ASSISTANCE For the Fiscal Year Ended Month/Date/Year				
Federal/State Agency, Pass-through Entity Federal Program/State Project FEDERAL AGENCY NAME	CFDA CFSA No.	Contract Grant No.	Expenditures (in thousands)	Transfers to Subrecipients (in thousands)
Direct Programs XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Indirect Programs Passed through (insert name of entity) XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL FEDERAL AGENCY			XXXXX	XXXXX
TOTAL EXPENDITURES OF FEDERAL AWARDS			XXXXX	XXXXX
STATE AGENCY NAME				
Direct Projects XXXXX	XXXXX	XXXXX	XXXXX	XXXXX
Indirect Projects Passed through (insert name of entity) XXXXXX	XXXXX	XXXXX	XXXXX	XXXXX
TOTAL STATE AGENCY TOTAL EXPENDITURES OF STATE FINANCIAL ASSISTANCE			XXXXX	XXXXX

Specific Authority 215.97(4) FS. Law Implemented 215.97 FS. History—New

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES:	RULE NOS.:
Check Cashers	3C-560.704
Postdated Check	3C-560.803
Money Transmitters	3C-560.805

PURPOSE AND EFFECT: Provide clarification and enhancements of rules regarding the cashing of a postdated check.

SUBJECT AREA TO BE ADDRESSED: Postdated Checks.

SPECIFIC AUTHORITY: 560.105(3) FS.

LAW IMPLEMENTED: 655.86, 516.02, 560.309, 560.310, 687.03, 687.04, 687.071 FS.

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

TIME AND DATE: 10:00 a.m., November 16, 2000

PLACE: Room 547, The Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Saxon, Director, Division of Finance, The Fletcher Building, 101 East Gaines Street, Tallahassee, FL 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3C-560.704 Check Cashers.

(1) Every check casher shall maintain a records of all payment instruments cashed. The records shall include the following information with respect to each payment instrument accepted by the registrant:

- (a) The name of the maker;
- (b) The address of the maker;
- (c) The date appearing on the payment instrument;
- (d) The amount of the payment instrument;
- (e) The sequence number of the payment instrument accepted;
- (f) The date of deposit by the registrant;
- (g) The fee charged to cash the payment instrument;
- (h) The verification fee, if any, imposed on the customer;

and
(i) A line item description of the steps taken to verify the customer's identity.

(2) The following additional information shall be maintained:

(a) Records relating to all returned payment instruments that shall include, if applicable, the following: A daily business reconciliation; and

- 1. The date the payment instrument was returned to the registrant;
- 2. The name and address of the maker;
- 3. The sequence number of the payment instrument accepted;
- 4. The amount of the returned payment instrument;
- 5. The date of deposit by the registrant;
- 6. The amount of the payment instrument;
- 7. The charge-back fees imposed by the registrant's financial institution;
- 8. The date on which collection is made from the customer; and
- 9. A description of the method by which collection was ultimately achieved

(b) A daily summary of the business activities including the following documents: Records of all returned items.

- 1. Bank deposit receipts;
- 2. Photocopies of checks evidencing withdrawal of funds from accounts maintained by the registrant; and
- 3. A daily cash reconciliation summarizing each days activities and reconciling cash on hand at the close of business.

- (c) Monthly bank statements for all accounts maintained.
- (d) A copy, if applicable, of the customer's written authorization to electronically debit the customer's account.
- (e) A photocopy of all payment instruments accepted by the registrant.
- (f) A photocopy of the customer's verifiable means of identification, and any other documentation the money transmitter collects in order to verify the customer's identity.

Specific Authority 560.105(3) FS. Law Implemented 560.310 FS. History—New 9-24-97, Amended

3C-560.803 Postdated Check.

(1) A check casher may accept a postdated check, subject to the fees established in Section 560.309(4), F.S. For purposes of this rule "check" shall mean "payment instrument" as defined in Section 560.103(14), F.S.

(2) A check must be negotiated on the date appearing on the check. A check casher may not accept an undated check.

(3) An agreement to forego the negotiation of a check beyond the date appearing on the check is not permissible under the authority of Chapter 560, F.S. Negotiation for the purposes of this section means that a check is either deposited by the next business day in a financial institution or irrevocably transferred for value to another other than the drawer of the check.

(4) An agreement to extend, renew or continue a check cashing transaction, in any manner, with the imposition of additional fees, compensation, or any other benefit, is not permissible under the authority of Chapter 560, F.S.

(5) The termination of a check cashing transaction by the payment of fees due on the transaction to the check casher and the continued holding of the check beyond the date appearing on the check or the substitution of a new check drawn by the drawer pursuant to a new check cashing transaction shall constitute a rollover and is not permissible under the authority of Chapter 560, F.S. "Termination of a check cashing transaction" means the depositing of the check by the next business day of the date appearing on the check, the redemption for currency of the check pursuant to Rule 3C-560.803(6), F.A.C., or the irrevocable transfer for value to another other than the drawer of the check. One business day after the termination of an existing check cashing transaction, the drawer may enter into a separate check cashing transaction with the same check casher.

(6) A check casher may allow a check to be redeemed for currency only. If a check is redeemed for currency only, a check casher may not enter into another check cashing transaction with the drawer of the redeemed check until the next business day after the date appearing on the redeemed check.

(7) A check casher shall not renew, extend, or otherwise consolidate a check cashing transaction with either the proceeds of another check cashing transaction made by the same check casher, money transmitter-affiliated party, or wholly owned subsidiary or with the proceeds of a loan made by the same check casher, money-transmitter-affiliated party, or wholly owned subsidiary.

Specific Authority 560.105(3) FS. Law Implemented 655.86, 516.02, 560.309, 687.03, 687.04, 687.071 FS. History--New 9-24, 97, Amended _____.

3C-560.805 Money Transmitters.

A money transmitter, or money transmitter-affiliated party, whether licensed or unlicensed, may not accept a postdated check or agree to delay negotiating a check unless accomplished pursuant to Rule 3C-560.803, F.A.C. Nothing contained within Part II of Chapter 560, F.S. shall be construed as permitting a licensee to convert a Part II transaction into a loan.

Specific Authority 560.105(3) FS. Law Implemented 655.86, 560.309, 516.02, 687.03, 687.04, 687.071 FS. History--New _____.

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Scope	4-156.002
Definitions	4-156.003
Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992	4-156.006

Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992	4-156.007
Guaranteed Issue for Eligible Persons	4-156.0095
Loss Ratio Standards and Refund or Credit of Premium	4-156.011
Filing and Approval of Policies and Certificates and Premium Rates	4-156.012

PURPOSE AND EFFECT: The rules are being amended to reflect changes in the June 11, 2000 draft of the NAIC Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.

SUBJECT AREA TO BE ADDRESSED: Changes in the NAIC Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.

SPECIFIC AUTHORITY: 624.308, 624.308(1), 627.674(2), 627.674(2)(a), 627.6741(5) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.411, 627.673, 627.674, 627.674(2), 627.6741, 627.6745, 627.6746 FS.

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

TIME AND DATE: 9:30 a.m., November 14, 2000

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-156.002 Scope.

(1)(a) These rules shall apply to all Medicare supplement insurance policies, including certificates issued or delivered in this state under a group Medicare supplement policy which has been effectuated within or outside this state, and other Medicare supplement health benefit plans offered by private entities and issued, delivered or issued for delivery in this state on and after January 1, 1992 ~~the effective date hereof~~.

(b) For Medicare supplement policies and certificates issued before January 1, 1992 being issued solely as renewal policies, only 4-156.006, 4-156.010, 4-156.011, and 4-156.018 shall apply.

~~(2) This regulation shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination thereof, of the labor organizations.~~

~~(2)(3)~~ Provisions of these rules that are in conflict with the provisions of any other rule previously promulgated shall, with respect to Medicare supplement insurance, be superior and controlling.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674(2) FS. History--New 1-1-81, Formerly 4-51.02, Amended 11-7-88, 9-4-89, Formerly 4-51.002, Amended 1-1-92, 7-14-96, _____.

4-156.003 Definitions.

For purposes of this rule:

(1) through (11) No change.

(12) "Medicare+Choice plan" means a plan of coverage for health benefits under Medicare Part C as defined in ~~Section 1859 found in Title IV, Subtitle A, Chapter 1 of P.L. 105-33,~~ 42 U.S.C. Section 1395w-28(b)(1) ~~(1999 Supplement)~~ which is hereby incorporated by reference, and includes:

(a) Coordinated care plans which provide health care services, including but not limited to health maintenance organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans;

(b) Medical savings account plans coupled with a contribution into a Medicare+Choice medical savings account; and

(c) Medicare+Choice private fee-for-service plans.

(13) through (18) No change.

Specific Authority 624.308(1), 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History--New 1-1-81, Formerly 4-51.03, Amended 11-7-88, 9-4-89, 12-9-90, Formerly 4-51.003, Amended 1-1-92, 7-14-96, 7-26-99, _____.

4-156.006 Minimum Benefit Standards for Policies or Certificates Issued for Delivery Prior to January 1, 1992.

No policy certificate may be advertised, solicited, issued, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it meets or exceeds the following minimum standards. These are minimum standards and do not preclude the inclusion of other provisions or benefits which are not inconsistent with these standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) through (f)1. No change.

2.a. If a group Medicare supplement insurance policy is terminated by the group policyholder and not replaced as provided in Rule 4-156.006(1)(f)4., the issuer shall offer

certificateholders an individual Medicare supplement policy. The issuer shall offer the certificateholder at least the following choices:

~~(I)a.~~ An individual Medicare supplement policy currently offered by the issuer having comparable benefits to those contained in the terminated group Medicare supplement policy; and

~~(II)b.~~ An individual Medicare supplement policy which provides only such benefits as are required to meet the minimum standards as defined in Rule 4-156.008(5)(a) or (b) 4-156.006(2) of this Chapter.

b. In either case, if the group policy was issued on an issue age basis, the individual Medicare supplement policy is issued at the original issue age of the terminated certificateholder, and is at the duration of the terminated certificate at the time of conversion.

3. through 4. No change.

(g) No change.

(2) Minimum Benefit Standards.

(a) through (e) No change.

(f) Coverage for the coinsurance amount or in the case of hospital outpatient department services under a prospective payment system, the copayment amount, of Medicare eligible expenses under Part B regardless of hospital confinement, subject to a maximum calendar year out-of-pocket amount equal to the Medicare Part B deductible [\$100]. Coverage for the coinsurance amount of Medicare eligible expenses for covered outpatient drugs used in immunosuppressive therapy subject to the Medicare deductible amount is included herein.

(g) No change.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674, 627.6741 FS. History--New 1-1-81, Formerly 4-51.05, Amended 9-4-89, 12-9-90, Formerly 4-51.005, Amended 1-1-92, _____.

4-156.007 Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after January 1, 1992. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) through (d) No change.

(e) Each Medicare supplement policy shall be guaranteed renewable; and

1. through 2. No change.

3.a. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under section 4-156.007(1)(e)5., the issuer shall offer certificateholders an individual Medicare supplement policy which, at the option of the certificateholder:

i. Provides for continuation of the benefits contained in the group policy, or

ii. Provides for such benefits as otherwise meets the requirements of this rule.

b. In either case, if the group policy was issued on an issue age basis, the individual Medicare supplement policy is issued at the original issue age of the terminated certificateholder, and is at the duration of the terminated certificate at the time of conversion.

4. through 5. No change.

(f) through (g)2. No change.

3. Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended (for the period provided by federal regulation) at the request of the policyholder if the policyholder is entitled to benefits under Section 226(b) of the Social Security Act and is covered under a group health plan (as defined in Section 1862(b)(1)(A)(v) of the Social Security Act). If suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, the policy shall be automatically reinstated (effective as of the date of loss of coverage) if the policyholder provides notice of loss of coverage within 90 days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

~~4.3.~~ No change.

(2) Standards for Basic ("Core") Benefits Common to All Benefit Plans. Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic "core" package, but not in lieu thereof.

(a) through (d) No change.

(e) Coverage for the coinsurance amount, (or in the case of hospital outpatient department services under a prospective payment system, the copayment amount,) of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

(3) Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans (B) through (J) only as provided by Rule 4-156.008 ~~of this Chapter.~~

(a) through (h) No change.

(i) Preventive Medical Care Benefit: Coverage for the following preventive health services:

1. No change.

2. Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:

a. ~~Fecal occult blood test and/or~~ Digital rectal examination;

~~b. Mammogram;~~

~~b.e.~~ Dipstick urinalysis for hematuria, bacteriuria and proteinuria;

~~c.d.~~ Pure tone (air only) hearing screening test, administered or ordered by a physician;

~~d.e.~~ Serum cholesterol screening (every five (5) years);

~~e.f.~~ Thyroid function test;

~~f.g.~~ Diabetes screening.

3. ~~Influenza vaccine administered at any appropriate time during the year and~~ Tetanus and Diphtheria booster (every ten (10) years).

4. through 5. No change.

j. through k. No change.

Specific Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History--New 1-1-92, Amended 7-26-99,

4-156.0095 Guaranteed Issue for Eligible Persons.

(1) Guaranteed Issue.

(a) Eligible persons are those individuals described in subsection (2) who, subject to subsection (2)(b)2.:

1. Apply to enroll under the policy not later than sixty-three (63) days after the date of the termination of enrollment described in subsection (2); and

2. Submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

(b) No change.

(2) Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

(a) No change.

(b)1. The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a Program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare+Choice plan:

~~a.1. The certification of the organization or plan under this part has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or The organization's or plan's certification [under this part] has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;~~

b. The organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuance of such plan;

~~c.2.~~ The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in Section 1851(g)(3)(B) of the federal Social Security Act, ~~42 U.S.C. Section 1395w-21 (1999 Supplement)~~ which is hereby incorporated by reference (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under Section 1856, ~~42 U.S.C. Section 1395w-26 (1999 Supplement) and 42 CFR 422.74 (1998)~~ which ~~is~~ are hereby incorporated by reference), or the plan is terminated for all individuals within a residence area;

~~d.3.~~ The individual demonstrates, in accordance with guidelines established by the Secretary, that:

~~(I)a.~~ The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

~~(II)b.~~ The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual, or

e. The individual meets such other exceptional conditions as the Secretary may provide.

2.a. An individual described in subparagraph (b) may elect to apply subsection (1) by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.

b. In the case of an individual making the election in subparagraph (c)1. above, the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under subsection (1) shall only become effective upon termination of coverage under the Medicare+Choice plan involved.

(c)1. No change.

2. The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under Rule 4-156.0095(2)(b) ~~and under Section 1851(e)(4) of the Federal Social Security Act, 42 U.S.C. Section 1395w-21 (1999 Supplement) which is hereby incorporated by reference.~~

(d) No change.

(e)1. The individual was enrolled under a Medicare supplement policy and terminated enrollment and subsequently enrolled, for the first time, with:

a. through b. No change.

c. Any PACE program under section 1894 of the Social Security Act, which is incorporated in 4-156.0095.

c. through d. renumbered d. through e. No change.

2. No change.

(f) The individual, upon first becoming eligible for benefits under Part A of Medicare at age 65, enrolls in a Medicare+Choice plan under Part C of Medicare, or in a PACE program under Section 1894, and disenrolls from the plan or program by not later than twelve (12) months after the effective date of enrollment.

(3) through (4) No change.

Specific Authority 624.308, 627.674(2), 627.6741(5) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 7-26-99, Amended.

4-156.011 Loss Ratio Standards and Refund or Credit of Premium.

(1) through (2) No change.

(3) Annual Filing of Premium Rates.

(a)1. No change.

2. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The demonstration shall exclude the change in active life reserves as a component of incurred claims or earned premiums. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years.

(b) through (c) No change.

(4) No change.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 1-1-92, Amended 7-14-96, 12-17-96, 7-26-99, _____.

4-156.012 Filing and Approval of Policies and Certificates and Premium Rates.

(1) through (3) No change.

(4)(a) Except as provided in Rule 4-156.012(4)(a)1., an issuer shall continue to make available for purchase any policy form or certificate form issued after the effective date of this Rule Chapter that has been approved by the Department. A policy form or certificate form shall not be considered to be available for purchase unless the issuer has actively offered it for sale in the previous twelve (12) months.

1. No change.

2. An issuer that discontinues the availability of a policy form or certificate form pursuant to Rule 4-156.012(4)(a)1. shall not file for approval a new policy form or certificate form

of the same type for the same standard Medicare supplement benefit plan as the discontinued form for a period of five (5) years after the issuer provides notice to the Department of the discontinuance. The period of discontinuance may be reduced if the Department determines that a shorter period is appropriate.

(b) through (5) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 627.410, 627.411, 627.674 FS. History—New 1-1-92, Amended 7-14-96,_____.

DEPARTMENT OF INSURANCE

RULE TITLE: RULE NO.:

Effect of Law Enforcement Records on 4-211.031
Applications for Licensure

PURPOSE AND EFFECT: The rule is to be amended to make standards for the effect of law enforcement records on the licensure of insurance agents, adjusters, and other licensees more reasonable, and to better tie the rule to existing statutory authority.

SUBJECT AREA TO BE ADDRESSED: The effect of law enforcement records on licensure of insurance agents, adjusters, and other licensees.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS.

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

TIME AND DATE: 9:30 a.m., November 27, 2000

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Shirley Kerns, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: RULE NO.:

Food Permits; Requirements and Fees 5K-4.020

PURPOSE AND EFFECT: The rule amendment changes the fee schedule for annual permit fees charged to food establishments. The amendment also requires a new owner of a previously existing food establishment to apply for a food permit and pay the corresponding fee. Currently, a food permit is transferrable from the old owner to the new owner of a food establishment. This amendment no longer provides for the transfer of permits upon a change of ownership.

SUBJECT AREA TO BE ADDRESSED: Food permits, requirements and Fees.

SPECIFIC AUTHORITY: 500.09, 500.12(1)(b), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.10, 500.12(1)(a),(b), (c),(d), 500.171, 500.172, 500.177 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 14, 2000

PLACE: Florida Department of Agriculture and Consumer Services, Conner Complex, George Eyster Auditorium, 3125 Conner Boulevard, Tallahassee, FL, telephone (850)488-3951

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. John Fruin, Chief, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply:

(a) through (i) No change.

(j) Limited Sales. Any business fitting any of the ~~above~~ definitions in this subsection with gross food sales less than \$10,000.00 annually.

(k) through (x) No change.

(2) through (4) No change.

(5) Food Permit Fees.

(a) One food permit shall be issued to and one fee shall be charged to all food operations at a single location, regardless of whether the location may qualify for two or more permits. If a location qualifies for two or more permits, only the largest applicable fee shall be charged to that location, except that any location qualifying for a Limited Sales permit shall only be charged the fee applicable to a Limited Sales permit. ~~No additional fee will be charged if~~ If the name or ownership of a firm changes during a calendar year, requiring a new food permit application, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(5) is required before a food permit shall be issued. Other license or permit fees as may apply to a business, however, are not voided by payment of the food permit fee. Fees charged new food permit

applicants shall be the entire applicable fee if the completed application is submitted January 1 through June 30 and shall be 1/2 of the applicable fee if the completed application is submitted July 1 through December 31.

(b) The following schedule of charges is established for each food permit.

Retail Bakery	\$ 325 300
Wholesale Bakery	350
Canning Plant	350
Bottling Plant	350
Rabbit or Game Processor	350 300
Fish or Seafood Processor	350 300
Processor, Other Perishable Foods	350 300
Processor, Other Non-perishable Foods	275 250
Food Storage Warehouse	325 300
Food Salvage Center	350
Salvage Store	350 250
Convenience Store	275 250
Convenience Store with Food Service	350 300
Meat Market	350 150
Seafood Market	350 150
Grocery Store	350 300
Supermarket	350
Minor Food Outlet	275 250
Minor Food Outlet with Food Service	325 300
Health Food Store	275 250
Mobile Vendor	275 75
Limited Sales	75 50

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.10, 500.12(1)(a),(b),(c),(d), 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Interim Measures and Best Management Practices for Indian River Area Citrus Groves	5M-2

PURPOSE AND EFFECT: The Department proposes to adopt by rule the Water Quality/Quantity BMPs for Indian River Area Citrus Groves manual developed by the Indian River Citrus BMP Steering Committee working in conjunction with the Indian River Citrus League. Formal adoption of this manual will provide a mechanism to ensure its widespread implementation and lead to improved water quality in the Indian River system.

SUBJECT AREA TO BE ADDRESSED: The adoption by rule of the Indian River area citrus growers best management practices manual.

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 373.4595 (3)(c), 403.067(7)(d) FS.

A SERIES OF THREE RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED AND NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wm. Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy, 3125 Conner Blvd., Mail Stop C-28, Tallahassee, Florida 32399-1650, (850)488-6249

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Right of Way Acquisition	14-102
RULE TITLES:	RULE NOS.:
Real Property Acquisition	14-102.0011
Reports of Estimates of Probable Business Damages	14-102.0037

PURPOSE AND EFFECT: The Rule Chapter title is changed from “Right of Way Acquisition and Reports of Estimates of Probable Business Damages” to “Real Property Acquisition” and references to “Right of Way Acquisition” have been changed to “Real Property Acquisition” throughout Rule 14-102.0011. Definitions and procedures are amended, and applicability of the rule and Relocation requirements are clarified. Rule 14-102.0037 on Right of Way Acquisition is Repealed.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Rule 14-102.0011 and the repeal of Rule 14-102.0037.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 73.015, 73.071(3)(b), 337.25 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-102.0011 Real Property Right of Way Acquisition.

This rule sets forth the requirements ~~and procedures~~ for the acquisition ~~by the Florida Department of Transportation~~ of real property and the interests therein necessary for transportation purposes by Agencies on transportation projects or project phases having funding by or through the Florida Department of Transportation (Department). This rule does not apply to projects on or intended to be on the State Highway System which are funded by Department long term loan programs to governmental entities which have independent statutory authority to provide transportation projects on the State Highway System. The requirements of this rule chapter are not applicable to the relocation of nonconforming signs on non-federal projects, pursuant to Section 479.15, Florida Statutes.

(1) Definitions. The following words and phrases as used in these rules shall have the following meanings except where the context clearly indicates a different meaning:

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

(b) ~~(a)~~ “Administrative Settlement” means an agreement between a property owner or business owner and the Agency Department to pay an amount in excess of the Agency’s determination of just and full approved compensation for the affected parcel, which agreement is closed prior to finalizing an Order of Taking by a court deposit.

(c) ~~(b)~~ “Business Owner” means the individual or legal entity holding an interest in a business enterprise that is located on any part of the affected parcel property being acquired for transportation purposes.

(d) ~~(c)~~ “Closing” means the execution and delivery to the Agency Department (grantee), of the documents that convey title to real property or an interest therein, and the delivery to the property owner (grantor) of the consideration for the property. Closing may also mean the delivery of the document executed by the business owner evidencing satisfaction of the business damage claim and delivery to the business owner of the consideration for the claim.

(e) ~~(d)~~ “Closing Agent” means an Agency a Department employee, an attorney who is a member in good standing of the Florida Bar, an employee of a right of way acquisition consultant firm under contract to the Agency Department, or a representative of a title insurance company who is responsible for conducting the activities necessary to transfer title to real

property or an interest therein, from the grantor to the grantee, as well as delivering the warrants to the grantor for payment for the acquisition.

(f) ~~(e)~~ “Department” means the State of Florida Department of Transportation, also known as “the agency.”

(f) ~~“Estimator” means the individual or firm under whose direction a written estimate of probable business damage is being prepared.~~

(g) “Negotiated Settlement” means an agreement between the property owner or the business owner and the Agency Department that results in a closing, including donations and administrative settlements.

(h) “Parcel” means a specific piece of real property, or an interest therein, that which the Agency Department is acquiring for transportation purposes.

(i) “Property Owner” means the owner of record of real property, or an interest therein, that is being acquired for transportation purposes.

(2) The provisions of 49 C.F.R., Part 24, Uniform Relocation Assistance and Real Property Acquisition Policies Act (Effective March 15, 1999) and 23 C.F.R., Part 710 (Effective January 20, 2000) are incorporated into this rule by reference. The Department shall require, as a condition of financial participation, that the requirements of the C.F.R. provisions incorporated herein and this rule be met by the administering Agency on transportation projects or project phases:

(a) Having federal financial assistance on any phase of the project, or

(b) For which there is any anticipation of, or intent to have, federal financial assistance. (Anticipation includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project).

(c) That are on the State Highway System, or

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

~~The areas addressed in this rule include: donations, good faith negotiations, administrative settlements, closings, and business damage reporting requirements. The requirements of this rule chapter are not applicable to acquisitions that will not further development of a transportation project.~~

(3) ~~(2)~~ Donation of Right of Way.

(a) If a property owner wishes to donate all or part of all of his or her land, or an interest therein, for transportation purposes right of way, and the Agency Department elects to accept the donation, then the property owner must sign a written statement state, in writing:

1. That he or she waives all rights to receive fair market value for the real property or interest therein being donated based on an appraisal and that this right has been fully explained to him by an Agency a Department representative; and

2. That all rights under 49 C.F.R., Part 24, the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, have been fully explained and the property owner voluntarily waives those rights.

~~3.(b) That the property owner requests the Agency to provide an appraisal of the real property or interest therein being donated or, alternatively, releases the Agency from its obligation to provide The Department is responsible for providing an appraisal of the real property or interest therein being donated affected unless the property owner releases the Department from this obligation in writing.~~

~~(e) The property owner(s)' signature(s) and date of signature must appear on the above written statements.~~

~~(4)(3) Good Faith Negotiations – Representative Authorization. If a property owner or business owner chooses to be represented by an attorney or other agent during negotiations, including service of legal process, a written authorization including the following must be provided by the owner or his or her agent to the Agency Department and be received by the Agency Department prior to negotiating with the agent:~~

~~(a) The name of the owner(s);~~

~~(b) The name of the owner(s)' attorney or other agent;~~

~~(c) A signed and dated acknowledgment of this authorization from the attorney or other agent including, if applicable, the agent's agreement, authorized by the owner, to accept service of process on behalf of the owner(s);~~

~~(d) the signature of the owner(s); and~~

~~(e) and the date of signature.~~

~~(5)(4) Requirements for Negotiated Settlements. When a negotiated settlement is reached, the property owner or business owner must enter into a written purchase agreement with the Agency Department. The agreement must include, at a minimum, the following items, as applicable:~~

~~(a) The name(s) of the owner(s) of record;~~

~~(b) The Agency's Department's assigned project number and identification number for the parcel;~~

~~(c) The real property type of interest being acquired;~~

~~(d) An itemization of all personal property being acquired, if any;~~

~~(e) An itemization of the amount of compensation to be paid to the owner at closing and, if applicable, the amount of any compensation that may be withheld, the total purchase price including fees and costs to be paid to the owner with an itemization of the amount of compensation for land and improvements, the amount of compensation for business damages, the amount of compensation for severance damages, the amount to be paid for the owner's attorney's fees if known at the time of settlement, the amount to be paid for the owner's appraisal fees if known at the time of settlement, and any other applicable amounts of compensation to be paid.~~

(f) A statement that the agreement is subject to final agency acceptance. Final ~~A~~agency acceptance denotes final approval of the purchase price and all ~~of its~~ terms and conditions of the agreement by the authorized representative of the ~~Agency Department~~. Final ~~A~~agency acceptance constitutes the effective date of the purchase agreement. A closing on the agreement shall not be transacted prior to the granting of final ~~A~~agency acceptance.

(g) A statement of the owner's responsibility for and agreement to pay the ad valorem taxes due on the parcel;

(h) A statement that the owner is responsible for the delivery of an unencumbered title to the ~~Agency Department~~, and that any sums that the ~~Agency Department~~ must pay to clear the title will be deducted from the total purchase price;

(i) A statement that any extension of occupancy on the property beyond the closing must be agreed to in writing by the ~~Agency Department~~, and that the occupant of the parcel must provide insurance and exercise diligent care in the maintenance and upkeep of the property during the period of occupancy.

(j) A statement of whether the property is or is not being acquired under threat of condemnation, ~~as applicable~~;

(k) A statement that the transaction shall be closed and the instrument of conveyance delivered within 60 days of final ~~A~~agency acceptance;

(l) A statement that the taxpayer identification information pursuant to the Internal Revenue Service Code, Section 6045(e), will be provided prior to, or at, closing;

(m) A statement that typewritten or handwritten provisions inserted into the purchase agreement or attached to the purchase agreement as addenda, and initialed by all parties, shall control all printed provisions that are in conflict, and that all such provisions or addenda must be signed, or initialed by both the owner and the ~~Agency Department~~ representative;

(n) The signature of the owner as the seller with ~~and~~ the date of signature, the signature of the ~~Agency Department~~ representative as the purchaser denoting conditional acceptance of the purchase agreement with ~~and~~ the date of the signature, and the signature of the ~~Agency Department~~ representative who is authorized to grant final ~~A~~agency acceptance with ~~and~~ the date the final ~~A~~agency acceptance is granted.

(o) If the fees and costs are not known at the time of the written purchase agreement settlement, ~~then~~ they must be provided for in placed on a supplemental purchase agreement at the time that they are known. The supplemental purchase agreement must contain, at a minimum, the requirements listed in ~~of~~ Sections 14-102.0011(5)(4)(a),(b),(c) ~~including only an itemization of fees and costs covered by the supplemental purchase agreement~~, (f), (m), and (n). Additionally, the supplemental purchase agreement must contain an itemization of the fees and costs covered by the supplemental purchase agreement.

~~(6)(5)~~ Administrative Settlements. On parcels with an administrative settlements, the written purchase agreement shall not be granted settlement, final Agency acceptance will not be granted until the following conditions have been met:

(a) The settlement is determined to be reasonable, prudent, and in the public's best interest, and

(b) The owner is apprised of the effect of an administrative settlement on his or her relocation benefits prior to his acceptance of the offer.

~~(7)(6)~~ Negotiated Settlements/Retention of Improvements/Retention of Funds.

(a) If the property owner remains in occupancy of the parcel subsequent to the Agency acquisition of the real property or interest therein, ~~Department taking title~~ and a portion of the total compensation has been withheld by the Agency Department, ~~the withheld these retained~~ funds will be released to the property owner upon vacation and surrender of the parcel.

(b) On each parcel where improvements are to be retained, an addendum must be attached to the purchase agreement. The addendum must include, at a minimum;:

1. An itemized list of the improvement(s) to be retained;

2. The date by which the ~~owner of the~~ improvements must be removed ~~it~~ from the parcel right of way;

3. A statement that if the improvements are is not removed by the owner ~~of the improvement~~ on or before the date set forth therein, the improvement(s) will be considered abandoned property and will become subject to demolition and removal by the Agency Department; and

4. A statement that the provisions of the this addendum survive the closing.

(c) If there is a partial acquisition of improvements, and the owner(s) of the remaining property and the Agency Department agree that certain improvements on the remaining lands should be moved or demolished, the property owner must execute a written right of entry that which, at a minimum, must contain:

1. The name of the owner(s) of record,

2. The Agency's Department's assigned project number and identification number for the parcel,

3. A statement that there are certain improvements affected by the referenced project which are remaining, in part, on the property owner's remainder property,

4. A statement that it is determined to be in the best interest of the owner and the Agency Department to remove these improvements,

5. A statement that the property owner and Agency Department agree that the Agency, Department or its authorized representative, shall have the right to enter upon the property owner's remaining lands for the purpose of removing or demolishing the referenced improvements;:

6. A statement that the property owner and Agency Department agree that the Agency, Department or its authorized representative, will restore the affected part of the remaining lands to a safe and sanitary condition after the demolition or removal of the improvements;:

7. The signatures of the property owner(s) and the Agency Department representative, and the date of the signatures, which must be no later than the day of closing.

~~(8)(7)~~ Closing Requirements.

(a) A closing will be conducted on each negotiated settlement parcel.

(b) The property owner must convey to the Agency Department a clear, unencumbered title to the parcel unless otherwise stated in the purchase agreement.

(c) At or before closing, the property owner must pay and present to the closing agent evidence of the payment for all current and delinquent ad valorem taxes on property to which the Agency Department is acquiring fee title.

(d) Each property owner (grantor) of the parcel must provide the taxpayer identification information pursuant to the Internal Revenue Service Code, Section 6045(e), including: ~~his~~ name and mailing address, the type and percentage of ownership ~~he has~~ in the subject property, ~~his~~ Social Security Number or Employer Identification Number, and a signed and dated certification by the grantor(s) that, under penalties of perjury, the stated identification number is the correct taxpayer identification number of the grantor.

(e) The property owner or business owner must execute a closing statement which will be prepared by the closing agent and which contains, at a minimum, the following items, as applicable; :

1. The Agency's Department's assigned parcel number and project number for the parcel;

2. A statement which includes an identification of the compensation for the land and improvements, fees and costs to be paid by the Agency Department at closing, the amount of any funds retained by the Agency Department ~~due to extended possession of the parcel,~~ and an identification of the total debits which will be due from the owner at closing. These debits include, but are not limited to, mortgage payoffs, ad valorem taxes, mortgage pre-payment penalties, and documentary stamp taxes;:

3. The date the business or property owner must vacate and surrender the parcel to the Agency Department, in accordance with the terms of the purchase agreement, and instructions for delivery to the Agency Department of the keys to any structure on the parcel;:

4. A certification from the business or property owner and the Agency, Department that the contents of the closing statement represent the complete transaction, and that no other compensation or concession has been made or promised by either party; and;

5. A dated certification executed by the property owner that there are no recorded or unrecorded encumbrances outstanding against the parcel. If there are outstanding encumbrances, they must be individually set forth on the purchase agreement, and the closing certification must reference the fact that exceptions exist and are set forth on the purchase agreement.

(f) Payments for land and improvements, damages, fees, costs, and incidental closing expenses shall not be made sooner than 30 days after signing the Purchase Agreement. These payments include, but are not limited to, the prime warrant for land and improvements, the holdback warrant for any funds retained ~~due to extended possession of the parcel~~, and reimbursement to the property owner for incidental closing expenses.

(g) In order to receive reimbursement for incidental closing expenses, the property owner must execute an application for reimbursement ~~that which~~, at a minimum, shall include an identification of the parcel, an identification of the incidental expense to be reimbursed, and documentation that the expense has been paid by the property owner. This documentation may be in the form of paid receipts or canceled checks ~~that which~~ clearly identify the item being paid, the amount paid, the party who received payment, and the party who made the payment.

Specific Authority 334.044(2) FS. Law Implemented 73.015, 337.25(+), ~~337.271~~ FS. History–New 4-10-97, Amended.

14-102.0037 Reports of Estimates of Probable Business Damages.

Specific Authority 334.044(2) FS. Law Implemented 73.071(3)(b); ~~337.271(5); (6)~~ FS. History–New 11-10-92, Amended 4-10-97, Repealed.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Grievances – Miscellaneous Provisions
 RULE NO.: 33-103.015
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that informal and formal appeals must be filed at the institution at which the inmate is currently housed.
 SUBJECT AREA TO BE ADDRESSED: Inmate grievances.
 SPECIFIC AUTHORITY: 20.315, 944.09 FS.
 LAW IMPLEMENTED: 944.09 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.015 Inmate Grievances – Miscellaneous Provisions.

(1) through (3) No change.

(4) All informal and formal grievances, except those administrative appeals filed directly with the Office of the Secretary, must be filed at the institution or facility to which the inmate is presently assigned. "Presently assigned" means the institution or facility in which the inmate is housed at the time he files either the informal or formal grievance. When either the informal or formal grievance complaint concerns an informal or formal grievance that occurred at another location, it shall remain the responsibility of the staff at the inmate's present location to handle the informal or formal grievance. The final resolution of the informal or formal grievance is the responsibility of the warden at the institution to which the inmate is presently assigned ~~transferred~~. Direct contact with outside staff ~~at the inmate's prior location~~ may be necessary in resolving the informal or formal grievance.

(5) through (11) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History–New 10-12-89, Amended 1-15-92, 1-29-92, 9-3-92, 12-22-92, 7-11-93, 5-3-94, 4-10-95, 9-23-96, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.015, Amended 8-1-00, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Law Libraries
 RULE NO.: 33-501.301
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to change the required minimum hours of operation for all law libraries with major and minor collections to 25 hours per week.
 SUBJECT AREA TO BE ADDRESSED: Law libraries.
 SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.
 LAW IMPLEMENTED: 944.09, 944.11 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-501.301 Law Libraries.

(1) No change.

(2) Law Library Access – General.

(a) Hours of Operation. Major and minor collection law libraries ~~that do not provide services to inmates in general population shall be open for inmate use a minimum of 25 32 hours per week. Major and minor collection law libraries that are open to use by inmates in general population shall be open a minimum of 32 hours per week, with a minimum of 6 hours per week after 5:00 pm or on weekends. Only hours in which inmates have direct access to the law library collection and inmate law clerks shall count toward the 32-hour minimum. Institutions shall not reduce the law library's operating hours below the 32-hour minimum because of staff shortages.~~ The law library's operating schedule shall be established by the warden and shall be designed to permit each inmate with the maximum access to legal materials consistent with:

1. The inmate's security classification and housing assignment;
2. Staff and space limitations;
3. Scheduled work and other assignments; and
4. Any other limitation based on the interests of security and order of the institution.

(b) through (17) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 4-6-93, Amended 7-3-94, 11-2-94, 4-28-96, 9-30-96, 12-7-97, Formerly 33-3.0055, Amended _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Emergency Authorization for Activities

RULE NO.:

Regulated Under Part IV of Chapter 373, F.S. 40C-1.1009

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to (1) clarify the specific circumstances under which an emergency authorization may be approved by providing a new definition of "emergency conditions", and (2) expressly state that the granting of emergency authorization does not obviate the need to either obtain a permit for the activity within a certain time period or restore the site to its prior condition within a certain time period.

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment would clarify the definition of "emergency conditions" in 40C-1.1009, F.A.C., and expressly require the applicant to either obtain a permit for the activity authorized under 40C-1.1009, F.A.C., within a certain time period or restore the site to its prior condition within a certain time period.

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 120.54(5), 120.569(2), 373.119, 373.413, 373.416, 373.418, 373.426, 373.439 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, JOINT RULE DEVELOPMENT WORKSHOPS WILL BE HELD WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 16, 2000
 PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., November 17, 2000
 PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.1009 Emergency Authorization for Activities Regulated Under Part IV of Chapter 373, F.S.

(1) Permission to begin construction, alteration, operation, maintenance, abandonment, or removal of any system works requiring a permit under Chapters 40C-4, 40C-40, 40C-42, 40C-44, or 40C-400, F.A.C., prior to the issuance of a permit may be applied for, in writing, when emergency conditions can be alleviated by such construction, alteration, operation, maintenance, abandonment, or removal of the system justify. Emergency conditions are defined as conditions which pose a danger to: public health, safety or welfare; the health of animals, fish or aquatic life; a public supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Unless otherwise provided in the emergency authorization, the issuance of an emergency authorization shall not obviate the need for a permit. If a permit is not obtained within a period of one year following the initial construction, alteration, operation, maintenance, abandonment, or removal of the system, then such works shall be returned to the condition that existed prior to the issuance of the emergency authorization. The one year time limit shall be tolled during any challenge or appeal of the permit application which delays the issuance of the permit or stays the effect of the permit beyond the 90 day time limit for agency action set forth in section 120.60, F.S. However, no such permission shall be granted unless the construction of the works are already under consideration for a permit. A serious set of unforeseen and unforeseeable circumstances must exist to create an emergency.

(2) No change.

Specific Authority 120.54(5), 373.044, 373.113, 373.418 FS. Law Implemented 120.54(5), 120.569(2), 373.119, 373.413, 373.416, 373.426, 373.439 FS. History—New 12-7-83, Formerly 40C-4.451, 40C-4.0451, 40C-4.451, Amended 8-4-98, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40C-4.021
Permits Required	40C-4.041
Exemptions	40C-4.051
Publications Incorporated by Reference	40C-4.091
Modification of Permits	40C-4.331

PURPOSE AND EFFECT: The purpose of the proposed rule amendments are to (1) create a definition of “incidental site activities,” (2) exclude certain wetlands that do not require mitigation from environmental resource permit thresholds, (3) further clarify when a proposed modification to an existing permit qualifies for a non-substantial letter modification, (3) allow phases of a project that have a valid conceptual or master drainage system permit to be processed as a standard general permit, regardless of size or wetland impacts, (4) delete certain heavily urbanized areas of the existing Riparian Habitat Protection Zone (RHPZ) for the Little Wekiva River, (5) repeal portions of the Ecolockhatchee River Basin rules that are now obsolete due to subsequent amendments to the District’s stormwater rule (chapter 40C-42, F.A.C.) and adoption of the environmental resource permit rule (chapter 40C-4), (6) extend the existing exemption from certain wetland permitting criteria that is currently provided for ditches and small man-made livestock watering ponds less than one acre in area to include minor outfall structures and all man-made ponds less than one acre in size that were constructed in uplands, and (7) clarify that when impacts are offset within the same drainage basin that no cumulative impacts would occur as a result of the project. The effects of the proposed amendments are to (1) clarify what construction activities qualify for the new standard general permit for incidental site activities, (2) reduce the number of projects that must obtain individual permits, which will reduce processing time and costs for applicants, (3) clarify to applicants when modifications to existing permits qualify for non-substantial letter modifications versus a more formal permit application submittal, (4) reduce the permitting criteria for projects in certain areas of the Little Wekiva that are already heavily urbanized, (5) repeal rule language that is now obsolete, (6) reduce unnecessary permitting criteria for projects that contain wetland impacts to man-made ponds less than one acre in size and impacts from small outfall structures, and (7) clarify existing language concerning cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would add a definition for “incidental site activities” in 40C-4.021, F.A.C. and section 2.0, Applicants Handbook, exclude certain minor wetland impacts from the thresholds in 40C-4.041(2)(b)8., F.A.C., revise the criteria for letter modifications in 40C-4.331(1), F.A.C., create a new provision allowing phases of projects with a valid conceptual or master drainage system permit to qualify for standard general permits in 3.5 and 7.2, Applicants Handbook, delete

certain urbanized areas of the Little Wekiva River Basin from the Riparian Habitat Protection Zone (RHPZ) in 11.3.5, Applicants Handbook, repeal obsolete language for the Econlockhatchee River Basin in 11.4.3 and 11.4.5, Applicants Handbook, create an exemption from wetland permitting criteria for impacts associated with the construction of small outfall pipes in 12.2.2.2, Applicants Handbook, expand the exemption from wetland permitting criteria from impacts to livestock watering ponds less than one acre in size to all man-made ponds less than one acre in size that were constructed in uplands, and clarify existing language for cumulative impacts in 12.2.8.2, Applicants Handbook.

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.118, 373.406, 373.4136, 373.414, 373.415, 373.418, 373.421, 373.461, 380.06(9) FS.

LAW IMPLEMENTED: 120.60, 373.016(2), 373.042, 373.0421, 373.046(4)-(5), 373.085, 373.086, 373.109, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 314.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, JOINT RULE DEVELOPMENT WORKSHOPS WILL BE HELD WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 16, 2000

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., November 17, 2000

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.021 Definitions.

When appearing in this chapter or in chapters 40C-40, 40C-41, 40C-42, 40C-44, or 40C-400, F.A.C., the following words shall mean:

(1) through (16) No change.

(17) “Incidental Site Activities” means the following activities which are conducted as part of the construction of a system proposed in an individual environmental resource permit application: land clearing and grading in uplands such as contouring, filling and excavation; road and building

subgrade construction (excluding foundation construction); utility installation; fence installation; and construction trailer installation.

(17) through (31) renumbered (18) through (32) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.403 FS. History—New 1-31-77, Formerly 16I-4.02, 40C-4.02, Amended 2-3-81, 12-7-83, Formerly 40C-4.021, 40C-4.0021, Amended 8-11-91, 9-25-91, 2-27-94, 10-3-95,_____.

40C-4.041 Permits Required.

(1) No change.

(2) The District issues three types of environmental resource permits: conceptual approval permits, individual permits and general permits.

(a) No change.

(b) An individual or general permit is required prior to the construction, alteration, operation, maintenance, abandonment or removal of a surface water management system which:

1 through 7. No change.

8. Is wholly or partially located in, on, or over any wetland or other surface water, excluding the following activities:-

i. filling any ditch that was constructed in uplands and which provides drainage or water conveyance only for areas owned or controlled by the person performing the filling; or

ii. construction and alteration of outfall pipes less than 20 feet in length in wetlands or other surface waters, and associated headwalls, erosion control devices, and energy dissipation structures.

Specific Authority 373.044, 373.113, 373.118, 373.171, 373.413, 373.415, 373.416, 373.418 FS. Law Implemented 373.118, 373.409, 373.413, 373.416, 373.4135, 373.426, 373.429 FS. History—New 1-31-77, Formerly 16I-4.04, 40C-4.04, Amended 2-3-81, 12-7-83, Formerly 40C-4.041, Amended 8-28-88, 8-1-89, 4-3-91, 8-11-91, 9-25-91, 10-20-92, 2-27-94, 10-3-95, 11-25-98,_____.

40C-4.051 Exemptions.

(1) through (11) No change.

(12) No permit shall be required under chapters 40C-4, 40C-40, 40C-42, 40C-44, or 40C-400, F.A.C., for the following activities:

(a) through (k) No change.

(l) The restoration of a seawall or riprap at its previous location or upland of or within 18 inches one foot waterward of its previous location, as measured from the face of the existing seawall slab to the face of restored seawall slab or from the front slope of the existing riprap to the front slope of the restored riprap. No filling can be performed except in the actual restoration of the seawall or riprap. No construction shall be undertaken without necessary title or leasehold interest, especially where private and public ownership boundaries have changed as a result of natural occurrences such as accretion, reliction and natural erosion. ~~Restoration and repair shall be performed using the criteria set forth in~~

~~subsection 373.414(5), F.S.~~ This exemption shall be limited to functioning seawalls or riprap. This exemption shall not affect the permitting requirements of chapter 161, F.S.

(m) The construction of private ~~vertical~~ seawalls in wetlands or other surface waters, ~~other than in an estuary or lagoon, and the construction of riprap revetments,~~ where such construction is between and adjoins at both ends existing seawalls or riprap, follows a continuous and uniform construction line with the existing seawalls or riprap, is no more than 150 feet in length, does not violate state water quality standards, impede navigation, or adversely affect flood control. However, this exemption shall not affect the permitting requirements of chapter 161, F.S. In estuaries and lagoons, cConstruction of vertical seawalls is limited to the circumstances and purposes stated in shall be in accordance with section 373.414(5)(b)1.-4., F.S.

(n) through (r) No change.

~~(s) The use of rotenone, by the Florida Game and Fresh Water Fish Commission, in conducting tests related to its responsibility regarding fish management. The chemical selected shall be used at no more than the strength approved by the Environmental Protection Agency (EPA) label. In addition, the chemical shall be used only under the direct on-site supervision of a staff member of the Florida Game and Fresh Water Fish Commission.~~

(t) through (w) renumbered (s) through (v) No change.

(13) through (15) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.415, 373.416, 373.418 FS. Law Implemented 373.406, 373.413, 373.416, 373.426 FS. History—New 1-31-77. Formerly 16I-4.05, 40C-4.06, Amended 2-3-81, 12-7-83, Formerly 40C-4.051, 40C-4.0051, Amended 4-3-91, 8-11-91, 9-25-91, 5-17-94, 10-3-95, 11-25-98,_____.

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin”, “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Drainage Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant's Handbook: Management and Storage of Surface Waters,” effective 8-21-00.

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented 373.016, 373.046, 373.413, 373.4135, 373.4136 373.414, 373.415, 373.416, 373.421(2)-(6), 373.426 FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00,_____.

40C-4.331 Modification of Permits.

(1) In addition to the modification of permits pursuant to section 373.429, Florida Statutes a request for modification of a valid permit may be made by a permittee as follows: The Governing Board may modify a permit in accordance with the provisions of Section 373.429, Florida Statutes.

(2) A request for modification may be made by a permittee as follows:

(a) By formal application, and will be reviewed using the same criteria and the same review and public notice procedures as new applications, ~~pursuant Chapter 40C-1 and Rules 40C-4.101 and 40C-4.301, F.A.C.;~~ or

(b) By letter which describes the proposed modification, and provided that the requested modification does not cause any of the following circumstances to occur: substantially alter the system design or permit conditions:

1. Increase the project area;
2. Increase proposed impervious surface unless accounted for in the previously permitted design of the system;
3. Reduce the stormwater treatment or flood attenuation capability of the proposed system;
4. Result in additional loss of floodplain storage within the 10 year floodplain at a location where the upstream drainage area is greater than 5 square miles;
5. Result in additional unmitigated impacts to wetlands, unless mitigation is not required pursuant to sections 12.2.2.1 and 12.2.2.2, A.H.;
6. Result in more than 10% or 1 acre, whichever is less, of additional impacts to wetlands that are mitigated pursuant to section 12.3, A.H.;
7. Result in any additional impacts within a designated riparian habitat protection zone;
8. Extend the permit duration;
9. Reduce the frequency or parameters of monitoring requirements, except in accordance with a permit condition that specifically provides for future adjustments in such monitoring requirements;
10. Reduce the financial responsibility mechanisms provided to ensure the continued construction and operation of the system in compliance with permit requirements, except in accordance with specific permit conditions that provide for a reduction in such financial responsibility mechanisms; and
11. Result in other adverse impacts addressed in either 40C-4.301 or 40C-4.302, F.A.C.

(2) An entity other than a permittee may request the modification of a permit only when the entity has purchased or intends to take ownership through condemnation of all or part of a permitted system. In such cases, the entity requesting the modification must submit either a formal application or letter modification in accordance with (1)(a) or (b) above and must demonstrate that both the modified portions of the system and the unmodified portions of the system, including portions of the system remaining in the ownership of the existing permittee, will continue to comply with the conditions for issuance in 40C-4.301 and 40C-4.302, F.A.C. and all permit conditions.

(3) Modifications by letter in accordance with (1)(b) and (2), above, must be approved and acknowledged in writing by the Director, Department of Water Resources, Assistant Director, Department of Water Resources, or a Service Center Director through correspondence to the applicant.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.429 FS. History—New 2-20-77, Amended 12-26-77, Formerly 16I-4.34, 40C-4.34, Amended 2-3-81, 12-7-83, Formerly 40C-4.331, 40C-4.0331, Amended 1-1-89,_____.

Applicant’s Handbook Section

2.0 Definitions

The following definitions are used by the District to clarify its intent in implementing its permitting programs pursuant to part IV, chapter 373, F.S. Many of these definitions are derived directly from chapter 373, F.S., and are reproduced here for the convenience of applicants.

(a) through (y) No change.

(z) “Incidental Site Activities” means the following activities which are conducted as part of the construction of a system proposed in an individual environmental resource permit application: land clearing and grading in uplands such as contouring, filling and excavation; road and building subgrade construction (excluding foundation construction); utility installation; fence installation; and construction trailer installation.

3.0 Activities Requiring a Permit

3.1 through 3.4 No change.

3.5 Conceptual Approval Permits

3.5.1 through 3.5.4 No change.

3.5.5 Phases within a conceptually approved project shall be processed as standard general permits provided:

- (a) The proposed activity is consistent with the conceptual permit;
- (b) The approved conceptual plan includes the approximate location and acreage of wetlands onsite, an assessment of impacts, and a conceptual mitigation plan (if required); and

(c) The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system.

7.2 Master drainage plans ~~Public Works Projects~~

7.2.1 ~~An applicant municipality or county~~ may apply for and receive a standard general or individual permit for its existing or proposed master drainage plan for a project in its area of jurisdiction.

7.2.2 Such application will be processed in accordance with the procedures established for standard general and individual permits.

7.2.3 ~~After a municipality or county has received issuance of~~ an individual permit for ~~a~~ it's master drainage plan, subsequent activities within the master drainage plan which are conducted in accordance the requirements of 40C-40.302(4), F.A.C., with the plan and which would ordinarily require an individual permit, may be authorized under the provisions of a standard general permit.

7.2.4 Subsequent activities which would ordinarily require an individual permit and which significantly differ from the master drainage plan will require an individual permit.

11.0 Basin Criteria

11.1 and 11.2 No change.

11.3 Wekiva River Hydrologic Basin

11.3.1 through 11.3.4 No change.

11.3.5 Standard for Riparian Wildlife Habitat

The wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run and Seminole Creek support an abundance and diversity of aquatic and wetland dependent wildlife. Uplands abutting these wetlands protect the wetlands from climatic extremes and also provide important habitat for some aquatic and wetland dependent species. Construction and alteration of surface water management systems within these wetlands and uplands can result in adverse changes in the habitat, abundance, and food sources of aquatic and wetland dependent species.

(a) The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting

needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

1. The wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;
2. The uplands which are within 50 feet landward of the landward extent of the wetlands above.
3. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream; however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

11.4 Econolockhatchee River Hydrologic Basin

11.4.1 and 11.4.2 No change.

~~11.4.3 Stormwater Management Standard~~

~~(a) Construction of new stormwater management systems must be in accordance with the design and performance standards of chapter 40C-42, F.A.C. However, systems which serve drainage areas in excess of 10 acres can not use detention with filtration treatment as the sole stormwater treatment methodology. Additionally, when retention systems are not feasible due to limited percolation capacity, wet detention treatment or other treatment demonstrated to be equivalent to retention or wet detention, in~~

- accordance with chapter 40C-42, F.A.C., and paragraph 11.4.3(b), must be used.
- (b) Wet detention treatment systems:
 - (1) ~~provide a treatment volume of one inch of runoff, or 2.5 inches of runoff from the impervious area, whichever is greater.~~
 - (2) ~~are designed so that outfall structures shall bleed down the required treatment volume such that one half of this volume will be discharged within 60 to 72 hours following a storm event, but no more than one half of this volume will be discharged within the first 60 hours.~~
 - (3) ~~provide a permanent pool of water such that the volume between the control or bleed down elevation and the pond bottom results in an average residence time of at least 14 days during the wet season (June - October).~~
 - (4) ~~provide a littoral zone to be designed as follows:

 - a. ~~the littoral zone shall be gently sloped (6:1 or flatter). At least 30 percent of the wet detention system surface area shall consist of a littoral zone. The percentage of littoral zone is based on the ratio of vegetated littoral zone to surface area of the pond at the control elevation.~~
 - b. ~~the treatment volume must not cause the pond level to rise more than 18 inches above the control elevation unless it is demonstrated that the littoral zone vegetation can survive at greater depths.~~
 - c. ~~eighty percent coverage of the littoral zone by suitable aquatic plants is required within the first thirty-six months following completion of the system.~~
 - d. ~~to meet the 80% coverage requirement, planting of the littoral zone is recommended. As an alternative, portions of the littoral zone may be established by placement of wetland top soils (at least a four inch depth) containing a seed source of desirable native plants. When utilizing this alternative, the littoral zone must be stabilized by mulching or other means and at least the portion of the littoral zone within 25 feet of the inlet and outlet structures must be planted.~~~~
 - (5) ~~are designed so that the permanent pool does not exceed a maximum depth of 12 feet below the invert of the bleed down device unless the applicant affirmatively demonstrates that greater depths will not inhibit the physical, chemical and biological treatment processes or cause the resuspension of pollutants into the water column due to anaerobic conditions in the bottom sediments and water.~~
 - (6) ~~are designed so the flow path through the pond has an average length to width ratio of at least 2:1. The alignment and location of inlets and outlets should be designed to maximize flow paths in the pond. If short flow paths are unavoidable, the effective flow path should be increased by adding diversion barriers such as islands, peninsula, or baffles to the pond. Inlet structures shall be designed to dissipate the energy of water entering the pond.~~
 - (7) ~~are designed so that bleed down devices incorporating dimensions smaller than three inches minimum width or less than 20 degrees for "v" notches shall include a device to eliminate clogging. Examples of such devices include baffles, grates, and pipe elbows.~~
 - (8) ~~are designed so that bleed down structure invert elevations are at or above the estimated post-development average water table elevation and above the anticipated post-development wet season tailwater elevation. If the structure is proposed to be set below the average water table elevation, ground water inflow must be considered in the drawdown calculations, calculation of average residence time, and estimated normal water level.~~
 - (9) ~~provide for permanent maintenance easements or other acceptable legal instruments to allow for access to and maintenance of the system, including the pond, littoral zone, inlets, and outlets.~~
- 11.4.4 renumbered 11.4.3 No change.
- 11.4.5 Off-site Land Preservation as Mitigation in the Eeonlockhatchee River Hydrologic Basin. Mitigation in the Eeonlockhatchee River Hydrologic Basin must offset any adverse impacts of the system to the functions provided by the Eeonlockhatchee River Riparian Habitat Protection Zone and wetlands outside this zone, to aquatic and wetland dependent species. Subsection 16.1.6 of this Handbook allows

for consideration of innovative mitigation proposals. Mitigation within the Eeonlockhatchee River Hydrologic Basin may include the off-site preservation of lands. The lands proposed for preservation must be regionally significant or provide unique fish and wildlife habitat. For the purposes of this section the land to be preserved must be located entirely within the Eeonlockhatchee River Basin as designated in section 40C-41.023, F.A.C., and the applicant must propose to convey the land in fee simple to the St. Johns River Water Management District or a mutually acceptable designee. At the option of the District, a perpetual conservation easement or other acceptable legal instrument may be conveyed to the District or a mutually acceptable designee in accordance with section 704.06, F.S. All of the following requirements will apply to off-site land preservation proposals within the Eeonlockhatchee River Basin:

- (a) ~~Prior to proposing off-site land preservation, the applicant must demonstrate that alternatives for avoiding adverse impacts to the functions provided by the Riparian Habitat Protection Zone and wetlands outside the zone have been evaluated, and that to the maximum extent practicable, adverse impacts to these functions have been avoided.~~
- (b) ~~As a part of an off-site land preservation proposal, the applicant must demonstrate that the proposal meets the standard described in paragraph 11.4.4(a) by providing a functional analysis, as described in paragraph 11.4.4(b), of the proposed impacts within the Riparian Habitat Protection Zone and the benefits of the proposed preservation area. If adverse impacts occur to wetlands, then as part of an off-site land preservation proposal, the applicant must demonstrate that the proposal meets the criteria described in subsection 10.7.4.~~
- (c) ~~The range of appropriate ratios to be used to determine credit for preservation will depend upon the functional analysis of impacts and benefits. The suitability of this mitigation option, the specific ratios applicable, credits to be assigned, and the use of these credits will be determined on a case-by-case basis based on site specific information.~~

- 12.0 Environmental Considerations
- 12.1 No change.
- 12.2 Environmental Criteria

- 12.2.1 No change.
- 12.2.2 Fish, Wildlife, Listed Species and their Habitats
 - 12.2.2.1 No change.
 - 12.2.2.2 Alterations in wholly owned livestock watering ponds that were completely constructed in uplands and which are less than one acre in area; and alterations in drainage ditches that were constructed in uplands; and construction of outfall pipes less than 20 feet in length in wetlands or other surface waters along with associated headwalls, erosion control devices, and energy dissipation structures, will not be required to comply with the provisions of subsections 12.2.2 – 12.2.2.3, 12.2.3 – 12.2.3.7, 12.2.5 – 12.3.8, unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 12.2.4. – 12.2.4.5 and 12.2.2.4. This provision shall only apply to those ponds, ~~and~~ ditches, and outfall pipes which were constructed before a permit was required under part IV, chapter 373, F.S. or were constructed pursuant to a permit under part IV, chapter 373, F.S. This provision does not apply to ditches constructed to divert natural stream flow.

- 12.2.8 Cumulative Impacts
 - 12.2.8.1 No change.
 - 12.2.8.2 Applicants may propose measures such as preservation to prevent cumulative impacts. Such preservation shall comply with the land preservation provisions in subsection 12.3.8. If unacceptable cumulative impacts are expected to occur, based on an evaluation conducted in accordance with subsection 12.2.8, the applicant may propose mitigation measures as provided for in sections 12.3-12.3.8. Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 12.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within that drainage basin.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Conditions for Issuance of Permits	40C-40.302
Limiting Conditions	40C-40.381

PURPOSE AND EFFECT: The purpose of the proposed rule amendments are to (1) allow more projects to qualify for standard general permits instead of individual permits by excluding certain minor wetland impacts which currently do not require mitigation from the threshold for the amount of wetland impacts allowable under a standard general permit, (2) create a standard general permit category of subdivisions in uplands with large lots (minimum 5 acres), and (3) create a new standard general permit for incidental site activities to allow, upon receipt of a complete application for an individual permit, applicants to begin limited construction activities prior to Governing Board consideration of the individual permit application. The effect of the proposed rule amendments is to reduce the number of projects that require individual permits. This will reduce permit processing time and cost to applicants without any change in resource protection since the same permitting criteria apply to standard general and individual permits. In addition, the proposed amendments will expedite the review and permitting of certain subdivisions in uplands with large lots. Finally, the amendments will reduce the time that applicants for certain individual permits have to wait prior to commencing construction.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would raise standard general permitting thresholds in 40C-40.302(2)(c), create a new standard general permit for certain subdivisions with large lots in 40C-40.302(4), and create a new standard general permit for incidental site activities in 40C-40.302(5).

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.117, 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.419, 373.423, 373.426 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, JOINT RULE DEVELOPMENT WORKSHOPS WILL BE HELD WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 16, 2000

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., November 17, 2000

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-40.302 Conditions for Issuance of Permits.

To qualify for a standard general permit under this chapter, the permittee must give reasonable assurance that the surface water management system meets subsection (1) and all of the threshold conditions of subsection (2).

- (1) No change.
- (2) Threshold Conditions
 - (a) through (b) No change.
 - (c) Construction or alteration of a system, including dredging or filling, must not be proposed in, on or over a total of one acre or more of wetlands and other surface waters. However, calculation of the one acre area shall not include:

- 1. Ditches that were constructed in uplands;
- 2. Any isolated wetland with a surface area of less than 0.5 acres.

- (3) No change.
- (4) Threshold condition (2)(b) shall not apply to a residential development that meets the following:

(a) All residential lots are 5 acres or greater in size and each lot has an area of uplands outside the 100-year floodplain that is sufficient to construct a residence without necessitating filling of wetlands or the 100-year floodplain, other than filling ditches that were constructed in uplands or filling for the driveway; and

(b) Deed restrictions are placed upon each lot that require that the residence, onsite sewage disposal system and all associated residential improvements, except for the driveway, be constructed in uplands and outside the 100-year floodplain.

(5) Notwithstanding the threshold conditions of subsection (2), a standard general permit shall be authorized for incidental site activities which are in connection with the work set forth in an individual environmental resource permit application, provided:

(a) The applicant must have submitted a complete individual environmental resource permit application for the project area that is the subject of the proposed incidental site activities.

1. For the purposes of this requirement an application is complete when the applicant has submitted all information required on application form 40C-4.900(1) and has submitted all information requested by District staff in timely requests for additional information.

2. This general permit is not authorized for projects where the applicant has submitted a written request to begin processing the permit application in accordance with section 373.4141, Florida Statutes:

(b) The District staff has reviewed the individual environmental resource permit application and is recommending approval of the individual permit. For the purpose of this section, District staff have recommended approval of the individual permit when the Department Director or Assistant Department Director of the Department of Water Resources has signed the technical staff report recommending approval of the application or the Department Director, Assistant Department Director or Service Center Director of the Department of Water Resources have issued a letter to the applicant informing them that the application is complete and the staff will be recommending approval of the application to the Governing Board;

(c) The proposed incidental site activity must not be located within 50 feet of a wetland or other surface water and no excavations such as borrow pits or ponds shall occur within 200 feet of a wetland;

(d) The proposed incidental site activity must not be located in a riparian habitat protection zone as described in 40C-41.063, F.A.C.;

(e) The applicant has submitted an erosion and sediment control plan that provides reasonable assurance that the incidental site activities will not result in sediment deposition in wetlands or violations of state water quality standards; and

(f) The District must not have received any written objections to the associated individual environmental resource permit application, unless all such objections have been withdrawn at the time this general permit is requested.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.019, 373.118, 373.413, 373.416, 373.426 FS. History--New 12-7-83, Amended 9-25-91, 1-6-93, 10-3-95, 1-11-99,_____.

40C-40.381 Limiting Conditions.

The general Permits authorized in this chapter shall be subject to the following limiting conditions:

- (1) through (2) No change.
- (3) For general permits authorizing incidental site activities, the following limiting conditions shall also apply.

(a) If the individual permit application is denied by the Governing Board or withdrawn by the applicant, the property must be restored within 90 days of such date to the condition which existed immediately prior to conducting incidental site activities by regrading the site to pre-construction grades and successfully reestablishment of pre-construction vegetation on the site.

(b) The incidental site activities are commenced at the permittee's own risk. The Governing Board will not consider the monetary costs associated with the incidental site activities

or any potential restoration costs in making its decision to approve or deny the individual environmental resource permit application. Issuance of this permit shall not in any way be construed as a commitment to issue the associated individual environmental resource permit.

(c) The permittee shall proceed in an expeditious fashion to obtain the individual environmental resource permit.

(d) Unless revoked or modified, the duration of a general permit authorizing incidental site activities shall be 90 days.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.419, 373.423, 373.426 FS. History--New 12-7-83, Amended 2-27-94,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Conditions for Issuance of Permits

RULE NO.: 40C-41.063

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to delete certain urbanized areas of the existing Riparian Habitat Protection Zone (RHPZ) for the Little Wekiva River. The Little Wekiva River upstream of State Road 434 is within an already urbanized area. Much of the river in this area is either channelized or contained within a pipe. Current habitat values of the Little Wekiva River in this area no longer warrant the protection afforded by RHPZ status.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment would delete the area of the Little Wekiva River upstream of State Road 434 from the Riparian Habitat Protection Zone (RHPZ) in 40C-41.063(3)(e), F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.415, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.415, 373.416, 373.418, 373.426 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, JOINT RULE DEVELOPMENT WORKSHOPS WILL BE HELD WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 16, 2000
 PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., November 17, 2000
 PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-41.063 Conditions for Issuance of Permits.

(1) through (2) No change.

(3) Within the Wekiva River Hydrologic Basin, the following standards and criteria are established:

(a) through (d) No change.

(e) Standard for Riparian Wildlife Habitat

1. The applicant must provide reasonable assurance that the construction or alteration of a system will not adversely affect the abundance, food sources, or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species provided by the following designated Riparian Habitat Protection Zone:

a. The wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run, or Seminole Creek;

b. The uplands which are within 50 feet landward of the landward extent of the wetlands above.

c. The uplands which are within 550 feet landward of the stream's edge as defined, for the purpose of this subsection, as the waterward extent of the forested wetlands abutting the Wekiva River, Little Wekiva River downstream of S.R. 434, Rock Springs Run, Black Water Creek, Sulphur Run or Seminole Creek. In the absence of forested wetlands abutting these streams, the stream's edge shall be defined, for the purpose of this subsection, as the mean annual surface water elevation of the stream: however, if hydrologic records are unavailable, the landward extent of the herbaceous emergent wetland vegetation growing in these streams shall be considered to be the stream's edge.

2. through 3. No change.

(4) No change.

(5) Within the Econlockhatchee River Hydrologic Basin the following standards and criteria are established:

(a) through (c) No change.

(d) Riparian Wildlife Habitat Standard

1. The applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a system within the following designated Riparian Habitat Protection Zone will not adversely affect the abundance, diversity, food sources or habitat (including its use to satisfy nesting, breeding and resting needs) of aquatic or wetland dependent species:

a. through (7) No change.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Permits Required	40C-42.022
Exemptions From Permitting for Stormwater Management Systems	40C-42.0225
Specific Design and Performance Standards	40C-42.026
Monitoring and Operational Maintenance Requirements	40C-42.029

PURPOSE AND EFFECT: The purpose of the proposed rule amendments are to (1) raise the thresholds for when stormwater treatment is required for a project in chapter 40C-42, F.A.C., to a level that is consistent with the thresholds that currently exist in chapter 40C-400, F.A.C., (2) create a new exemption from requiring stormwater permits and, hence, treatment of stormwater, for certain projects that are not a significant source of stormwater pollutants, (3) minimize clogging of drawdown devices, and (4) delete the requirement for submittal of inspection forms for low maintenance stormwater systems. The effect of the proposed amendments is to streamline the regulatory process by bringing consistency between two different rules, reducing the number of projects that require stormwater permits, reducing unnecessary requirements for stormwater treatment for projects that are not significant sources of stormwater pollutants, and eliminating unnecessary submittals of inspection reports. In addition, the proposed amendments will lessen the maintenance of stormwater systems by reducing the chances of clogging.

SUBJECT AREA TO BE ADDRESSED: These proposed rule amendments would (1) raise stormwater permitting thresholds in 40C-42.022(1) and (2), F.A.C., (2) create new exemptions from stormwater permitting in 40C-42.0225, F.A.C., (3) revise the design and performance standards for the drawdown of wet detention stormwater systems in 40C-42.026(4), F.A.C., and (4) eliminate the reporting requirements for low maintenance stormwater systems.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.406, 373.414, 373.416, 373.418 FS.

LAW IMPLEMENTED: 373.118, 373.406, 373.413, 373.414, 373.416, 373.418, 373.426 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, JOINT RULE DEVELOPMENT WORKSHOPS WILL BE HELD WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 16, 2000

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., November 17, 2000
 PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-42.022 Permits Required.

(1) A permit is required under this chapter for construction (including operation and maintenance) of a stormwater management system which serves a project that exceeds any of the following thresholds:

(a) Construction of 4,000 square feet or more of impervious or semi-impervious surface area subject to vehicular traffic, such as This area includes roads, parking lots, driveways, and loading zones;

(b) Construction of more than 9,000 square feet total of impervious surface; or Construction of 5000 square feet or more of building area or other impervious area not subject to vehicular traffic; or

(c) Construction of 5 acres or more of recreational area. Recreation areas include but are not limited to golf courses, tennis courts, putting greens, driving ranges, or ball fields.

(2) A permit is required under this chapter for alteration, removal, reconstruction, or abandonment of existing stormwater management systems which serve a project which may be expected to result in any of the following:

(a) through (d) No change.

(e) Construction of 4,000 square feet or more of impervious or semi-impervious surface area subject to vehicular traffic, such as This area includes roads, parking lots, driveways, and loading zones;

(f) Construction of more than 9,000 square feet total of impervious surface; or Construction of 5,000 square feet or more of building area or other impervious area not subject to vehicular traffic; or

(g) Construction of 5 acres or more of recreational area. Recreation areas include but not limited to golf courses, tennis courts, putting greens, driving ranges, or ball fields.

(3) through (6) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416 FS. History—New 9-25-91, Amended 4-11-94, 11-22-94,_____.

40C-42.0225 Exemptions From Permitting for Stormwater Management Systems.

The following types of stormwater management systems are exempt from the notice and permit requirements of this chapter:

(1) through (3) No change.

(4) Construction of communication tower sites with one-half acre or less of impervious or semi-impervious surface such as access roads, buildings, and equipment pads. The design of above-grade access roads must allow for conveyance of normal surface water flows.

(5) The construction of the following minor roadway safety projects provided that the capacity of existing swales, ditches, or other stormwater management systems is not reduced:

(a) Sidewalks.

(b) Turnlanes less than 0.25 miles in length and other intersection improvements, or

(c) Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.

(6) Recreational paths which do not allow motorized vehicles powered by internal combustion engines, except for maintenance and emergency vehicles.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.416, 403.812 FS. History—New 9-25-91, Amended 3-21-93, 10-3-95,_____.

40C-42.026 Specific Design and Performance Standards.

(1) through (3) No change.

(4) Wet detention stormwater management systems shall:

(a) No change.

(b) Be designed so that the outfall structures shall bleed down one-half the volume of stormwater specified in paragraph (a), above, within 24 48 to 30 60 hours following a storm event, but no more than one-half of this volume will be discharged within the first 24 48 hours.

(c) through (f) No change.

(g) Be designed so that bleed down devices shall incorporate incorporating minimum dimensions no smaller than six square inches of cross section area, two inches wide, and 20 degrees for "v" notches. Bleed down devices incorporating dimensions smaller than six three inches minimum width or less than 45 20 degrees for "v" notches shall include a device to minimize eliminate clogging. Examples include baffles, grates, and pipe elbows.

(h) through (k) No change.

(5) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.177, 373.418 FS. Law Implemented 373.413, 373.416, 403.813 FS. History—New 9-25-91, Amended 3-21-93, 6-15-93, 4-11-94, 7-20-95,_____.

40C-42.029 Monitoring and Operational Maintenance Requirements.

(1) The operation and maintenance entity is required to provide for periodic inspections of the stormwater management system to insure that the system is functioning as designed and permitted. If specified below or by permit condition, ~~the~~ entity shall submit inspection reports to the District, certifying that the stormwater management system is operating as designed. In addition, the entity will state in the

report what operational maintenance has been performed on the system. The reports shall only be required for those systems which are subject to operation phase permits pursuant to subsection 40C-42.028(1), F.A.C., after the effective date of this rule adoption, unless indicated otherwise in a permit. The reports shall be submitted to the District as follows unless otherwise required by a permit condition:

~~(a) Inspection reports for retention, underdrain, wet detention, swales, and wetland stormwater management systems shall be submitted two years after the completion of construction and every two years thereafter on form number 40C-1.181(15), Registered Professional's Inspection Report, for systems designed by a registered professional. For systems not designed by a registered professional, the inspection reports shall be submitted on form number 40C-1.181(16), Statement of Inspection Report. However, reports for those systems in sensitive karst areas must be submitted pursuant to paragraph (c) below.~~

~~(a)(b)~~ Inspection reports for ~~dry detention~~, exfiltration, and pumped systems shall be submitted one year after the completion of construction and every two years thereafter on form number 40C-1.181(15), Registered Professional's Inspection Report. A registered professional must sign and seal the report certifying the ~~dry detention, filtration~~, exfiltration, or pumped system is operating as designed. However, reports for those systems in sensitive karst areas must be submitted pursuant to paragraph ~~(b)(c)~~ below.

~~(b)(c)~~ No change.

(2) All permits issued pursuant to this chapter prior to (effective date) are hereby modified to remove any condition requiring the submittal of inspection reports for retention, underdrain, wet detention, dry detention, swales and wetland stormwater management systems. All other conditions of these permits shall remain in effect unless revoked or modified by the District.

(2) through (5) renumbered (3) through (6) No change.

Specific Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.413, 373.416 FS. History—New 9-25-91, Amended 3-21-93, 4-11-94, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements	40C-400.447
General Permit for Borrow Pits	40C-400.469

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to amend the existing noticed general permit for work within government rights-of-ways to allow for the construction of certain ditch stabilization projects. The stabilization of eroded sections of ditches currently requires a standard general or individual permit if materials such as

riprap, concrete, or geotechnical textiles are utilized. Mitigation is not normally required for this type of activity. Permitting of these types of projects would be more appropriately regulated under a noticed general permit. In addition, the proposed amendments would create a new noticed general permit for certain borrow pits. There are minimal engineering or environmental issues to review if a borrow pit is located in uplands, no offsite dewatering is proposed, and the borrow pit is not intended to be part of a stormwater management system for a commercial, industrial, or residential development. The effect of the proposed amendments is to allow more projects for ditch stabilization and the construction of certain borrow pits to obtain a noticed general permit instead of a standard general or individual permit. This will expedite the review of processing of permit applications for these types of projects.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would amend the existing noticed general permit to governmental entities for the construction of minor activities in existing rights-of-way or easements to include ditch stabilization projects in 40C-400.447, F.A.C. In addition, the proposed amendments would create a new noticed general permit for certain borrow pits in 40C-400, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.414 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.414, 373.416 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, JOINT RULE DEVELOPMENT WORKSHOPS WILL BE HELD WITH THE ST. JOHNS RIVER WATER MANAGEMENT DISTRICT AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 16, 2000

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., November 17, 2000

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459, Suncom 860-4459

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing Rights-of Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:

(a) through (f) No change.

(g) ditch bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 1-11-99.

40C-400.469 General Permit for Borrow Pits.

A general permit is hereby granted to any person excavating a borrow pit, provided:

(1) The project area is less than 10 acres;

(2) The excavation area and related activities are conducted entirely in uplands, upland cut ditches and previously excavated borrow pits;

(3) The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower;

(4) No excavation shall occur within 200 feet of a wetland or other surface water;

(5) Dewatering discharges shall not be made to wetlands or offsite areas;

(6) No paved roads shall be constructed;

(7) The excavation shall not occur in a Riparian Habitat Protection Zone as defined in 40C-41.063(3)(e),(5)(d) or (6)(d), F.A.C.;

(8) Any elevated roads or stockpile areas shall be graded to existing land surface upon completion of the excavation;

(9) Best management practices (BMP's) shall be used to control erosion and sediment transport during and after the excavation activities;

(10) The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;

(11) The borrow pit, in its final state, shall not be used as part of a surface water management system for a roadway, commercial, industrial or residential development, except as authorized by a permit under 40C-4, 40C-40 or 40C-42, F.A.C.;

(12) Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1(vertical) out to a depth of two feet below the average water elevation;

(13) No on-site grading or sorting of materials shall occur;

(14) There are no elevated access roads or levees being constructed; and

(15) Only unconsolidated materials are excavated.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New .

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Supplier Diversity & Outreach

M/WBE Contracting Rule 40E-7

RULE TITLES: RULE NOS.:

Policy 40E-7.611

Definitions 40E-7.621

Policy Review & Goal Setting Committee 40E-7.623

Bid Incentive Program 40E-7.628

Proposal Evaluation & M/WBE Criteria 40E-7.631

Sheltered Market Program 40E-7.633

Annual, Long-Term, and Project-Specific Goals 40E-7.635

District Implementation 40E-7.637

Emergency Waiver of Participation Goals 40E-7.639

Compliance 40E-7.645

Good Faith Efforts 40E-7.647

Reciprocal Certification 40E-7.651

Certification Eligibility 40E-7.653

Certification Review Process 40E-7.655

Graduation from M/WBE Program 40E-7.659

Recertification Review Procedures 40E-7.661

Suspension, Debarment, Revocation or Decertification 40E-7.664

Penalties for Fraudulent M/WBE Representation 40E-7.6645

Application for Additional Areas of Certification 40E-7.665

Administrative Hearings 40E-7.667

PURPOSE AND EFFECT: The District intends to amend the current M/WBE Rule to address several legislative mandates in Chapters 287 and 288, Florida Statutes. In addition, the District is amending the rule to implement the District’s Equity in Contracting Plan. Specifically, the rule amendments will delete those portions of the rule dealing with sheltered markets, bid incentives and project specific goals for District procurements. The District also intends to streamline the certification criteria. During this rule development period, the District encourages participation by the contracting community in developing rules that will increase diversity.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development concerns changes to the South Florida Water Management District’s (“District”) existing Chapter 40E-7, Part VI, F.A.C., Supplier Diversity & Outreach M/WBE Contracting Rule.

SPECIFIC AUTHORITY: 373.607 FS.

LAW IMPLEMENTED: 373.607 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 5:00 p.m., November 13, 2000
PLACE: Stuart City Hall, 121 S. W. Flagler Avenue, Stuart, Florida 34994

TIME AND DATE: 8:00 a.m. – 12:00 noon, November 14, 2000

PLACE: South Florida Water Management District, Orlando Service Center, 7335 Lake Ellenor Drive, Orlando, Florida 32809

TIME AND DATE: 8:00 a.m. – 12:00 noon, November 20, 2000

PLACE: South Florida Water Management District, Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406-3001

TIME AND DATE: 8:00 a.m. – 12:00 noon, November 21, 2000

PLACE: South Florida Water Management District, Miami Field Station, 9001 N. W. 58th Street, Miami, Florida 33178

TIME AND DATE: 8:00 a.m. – 12:00 noon, November 28, 2000

PLACE: South Florida Water Management District, Ft. Lauderdale Field Station, 2535 Davie Road, Ft. Lauderdale, Florida 33317

TIME AND DATE: 9:00 a.m. – 12:00 noon, December 1, 2000

PLACE: South Florida Water Management District, Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, Florida 33901

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandy Hammerstein, Procurement Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 2847 or (561)682-2847 (internet: shammer@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, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Everglades Program RULE CHAPTER NO.: 40E-63

PURPOSE AND EFFECT: The purpose is to develop rules to implement the Everglades Forever Act (“EFA”), Section 373.4592(4)(f)5., Florida Statutes (F.S.), which specifies, “effective immediately, landowners within the C-139 Basin shall not collectively exceed an annual average loading of

phosphorus” The proposed rules will establish the compliance methodology and compliance actions required by C-139 landowners if the phosphorus load limitation for the C-139 Basin is exceeded. The effect of the proposed rule will be potential enhancement of the downstream receiving water quality in accordance with the intent of the EFA.

SUBJECT AREA TO BE ADDRESSED: The compliance model and baseline data set. Specifically the statistical methods used in the model for compliance determination and finalization of the baseline data set. Please be advised this meeting will be limited to issues related to the model and data and will be highly technical in nature. Other provisions of the proposed rule language will not be addressed.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.4592 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m. – 3:30 p.m., November 16, 2000

PLACE: Main Building (B-1), Conference Room 3B, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Randy McCafferty, P.E., Everglades Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6740 or (561)682-6740 (e-mail: rmccaffe@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, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Minimum Standards for Home Health Agencies RULE CHAPTER NO.: 59A-8

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule, including rule reduction, changes to conform to changes in the Florida Statute and language clarification. Rule reduction includes deletion of language related to abuse registry screening, contracts, verification of employment history, administration and records, and deletion of the sections of the service provision plan and administration of drugs and biologicals. Conforming to changes in the Florida Statutes includes adding language on

emergency management plans, special needs patients and special needs registry, cost assessment of investigations, a written agreement between the agency and the patient, supervision of home health aides, and home health aide competency testing. Language is added or changed to further clarify such areas as screening requirements, abuse hotline, financial documents for licensure, and notification of administrative changes.

SUBJECT AREA TO BE ADDRESSED: Minimum Standards for Home Health Agencies.

SPECIFIC AUTHORITY: 400.461-.497, 400.512-.518 FS.

LAW IMPLEMENTED: 400.461-.497, 400.512-.518 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 1:00 p.m., November 29, 2000

PLACE: Agency for Health Care Administration, 2728 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Gambill, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Bldg. 1, Room 214, Tallahassee, FL 32308, (850)414-6010

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Definitions
 RULE NO.: 61G15-18.011

PURPOSE AND EFFECT: The purpose of this rule amendment is to delete rule text that is no longer desired.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 471.008, 471.003(2)(f), 471.013(1)(a)1.,2. FS.

LAW IMPLEMENTED: 471.005(6), 471.025(3), 471.033(1)(j), 471.003(2)(f), 471.013(1)(a)1.,2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Allison Deison, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-18.011 Definitions.

(1) through (4) No change.

~~(5) A “registered engineer whose principal practice is civil or structural engineering,” as used in the ss. 471.003(3) and 481.229(4), F.S., shall mean an engineer licensed in Florida who either has a degree in civil or structural engineering, or has successfully completed the principles and practice examination in either discipline.~~

Specific Authority 471.008, 471.003(2)(f), 471.013(1)(a)1.,2. FS. Law Implemented 471.005(6), 471.025(3), 471.033(1)(j), 471.003(2)(f), 471.013(1)(a)1.,2. FS. History—New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-51R

RULE CHAPTER TITLE: Noticed General Environmental
 RULE CHAPTER NO.: 62-341

Resource Permits
 RULE NOS.: 62-341.020

Definitions
 62-341.020

General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities Within Existing

Rights-of-Way or Easements
 62-341.447

General Permit for Borrow Pits
 62-341.469

General Permit for Minor Activities
 62-341.475

General Permit to Water Management Districts for Environmental Restoration or Enhancement
 62-341.485

General Permit for Clam and Oyster Culture on Sovereignty Submerged Lands
 62-341.601

Aquaculture Leases
 62-341.602

General Permit for Installation and Maintenance of Intake and Discharge Pipes Associated with Marine Bivalve Facilities
 62-341.602

PURPOSE AND EFFECT: The proposed rule amendments will expand one noticed general permit, add a new noticed general permit, and eliminate two obsolete noticed general permits. The net effect will be to allow more projects to qualify for a noticed general permit, instead of a standard general or individual permit. This will expedite the review of processing of permit applications for these types of projects. The amendments also will delete two obsolete noticed general permits.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments will: (1) provide additional streamlined noticed general permit provisions in section 62-341.447, F.A.C., for governmental entities for the construction of certain ditch stabilization projects within government rights-of-way or easements. The stabilization of eroded sections of ditches currently requires a standard general or individual permit if

materials such as riprap, concrete, or geotechnical textiles are utilized. Mitigation is not normally required for this type of activity. Permitting of these types of projects would be more appropriately regulated under a noticed general permit; (2) create a new noticed general permit for certain borrow pits in section 62-341.469, F.A.C. There are minimal engineering or environmental issues to review if a borrow pit is located in uplands, no offsite dewatering is proposed, and the borrow pit is not intended to be part of a stormwater management system for a commercial, industrial, or residential development; (3) amend the existing noticed general permit for minor activities in section 62-341.475, F.A.C., to reflect the reduction of permitting thresholds being proposed concurrently in chapter 40C-42, F.A.C., by the St. Johns River Water Management District (which changes would be adopted by reference by the Department). The reduction of those permitting thresholds would eliminate the need for a noticed general permit for activities that fall below the existing thresholds of 4,000 square feet impervious surface subject to vehicular traffic in uplands, and 9,000 square feet total impervious surface in uplands; (4) replace the existing outdated reference to the Pollution Recovery Trust Fund in section 62-341.485, F.A.C., with the correct reference to the Ecosystem Management and Restoration Trust Fund; and (5) delete two existing general permits related to aquaculture activities in sections 62-341.601 and 62-341.602, F.A.C. Both of these general permits are no longer needed, because aquaculture responsibilities have been transferred to the Department of Agriculture and Consumer Services (DACS), and DACS has developed Best Management Practices for the activities. Under the provisions of section 373.406(8), F.S., aquaculture activities conducted in accordance with Best Management Practices certified by DACS are exempt from the permitting requirements of part IV of chapter 373, F.S.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 113, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS.

LAW IMPLEMENTED: 373.118(1), 373.406(5), 373.414(9), 373.416, 373.418 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:
TIME AND DATE: 10:00 a.m., November 16, 2000 (Thursday)

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida 32801

TIME AND DATE: 10:00 a.m., November 17, 2000 (Friday)

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alice Heathcock, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9890, or e-mail: Alice.Heathcock@dep.state.fl.us.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT AND AN AGENDA FOR THE SCHEDULED WORKSHOPS IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-52R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource Permits	62-343
RULE TITLES:	RULE NOS.:
Policy and Purpose	62-343.010
General Provisions	62-343.020
Definitions	62-343.030
Formal Determinations of the Landward Extent of Wetlands and Surface Waters	62-343.040
Permits Required	62-343.050
Exemptions from Permitting	62-343.051
No-Notice General Permits	62-343.052
Conceptual Approval Permits	62-343.060
Procedures to Obtain a Permit	62-343.070
Additional Requirements and Procedures for Concurrent Review of Related Applications	62-343.075
Applications Processed by Department Offices	62-343.080
Rules and Documents Adopted by Reference	62-343.085
Processing of Notices and Applications	62-343.090
Conditions for Issuance	62-343.091
Additional Conditions for Issuance	62-343.092
General Limiting Conditions	62-343.095
Modifications of Permits	62-343.100
Variances and Waivers	62-343.150
Emergency Authorizations	62-343.160
Duration of Permits	62-343.110
Permit Extensions	62-343.120
Transfer of Ownership or Permit	62-343.130
Suspension and Revocation	62-343.140
Environmental Resource Permit Forms	62-343.900

PURPOSE AND EFFECT: The primary purposes and effects of the proposed rule amendments are to (1) further streamline the environmental resource permit procedure rules that are used by the Department, primarily by consolidating into one rule many equivalent rule provisions of the water management

districts that are currently adopted by reference in chapter 62-330, F.A.C., for use in conjunction with this rule; (2) update the chapter to reflect current statutory provisions, to address outstanding concerns by the Joint Administrative Procedures Committee, and to reflect amendments to the equivalent rules adopted by the water management districts since this chapter was originally adopted in 1995; and (3) incorporate new procedures that will improve the efficiency of the environmental resource permit program and reduce processing time and costs for applicants by providing new provisions that will reduce the number of projects that require permits, or that must obtain individual permits, or that must comply with existing permitting requirements.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will create new sections or will amend existing sections of the rule that will: (1) add a new "Definitions" section (62-343.030, F.A.C.) that directly adopt as many of the definitions as possible that are currently adopted by reference from various water management district rules, and add new definitions, including "borrow pits," "incidental site activities," and "mines;" (2) amend the "Permits Required" section (62-343.050, F.A.C.) to adopt by reference the permits required provisions of the relevant water management districts and to, among other things, exclude certain minor activities involving filling of ditches in uplands and construction of minor outfall pipes and associated structures from permitting requirements; (3) add a new "Exemptions from Permitting" section (62-343.051, F.A.C.) that: directly adopts the existing exemptions in the water management district rules that are adopted by reference in chapter 62-330, F.A.C.; amends exemptions regarding seawall construction, repair, and replacement in estuaries and lagoons to conform to actions taken by the 2000 legislative session; conforms certain exemptions to existing statutory language; and adds new exemptions for activities such as individual single family residences in uplands, installation of batter piles associated with seawall replacement projects, and jack and bore hole installations and directional drilling operations in the uplands associated with the installation of electric utilities, telephone cables, and fiber optic communication cables; (4) create either a new "No Notice General Permit" section 62-343.052, F.A.C., or, alternatively, some potential new exemptions that will streamline and simplify the processing of certain minor activities within the geographic limits of the South Florida Water Management District; (5) amend section 62-343.060 to allow phases of a project that have a valid conceptual or master drainage system permit to be processed as a standard general permit, regardless of size or wetland impacts; (6) update in section 62-343.080, F.A.C., the locations for submittal of applications for environmental resource permits to the various offices of the Department; (7) allow equivalent environmental resource permit application forms used by the water management districts to be submitted to the Department in lieu of the Department-adopted form; (8) create a new section

62-343.085 "Rules and Documents Adopted by Reference" that will adopt by reference the remaining specified rules and documents of the Suwannee River Water Management District, St. Johns River Water Management District, Southwest Florida Water Management District, and South Florida Water Management District currently adopted by reference in chapter 62-330 for use by the Department when implementing the ERP rules of this chapter. This section is being created to retain the rules that are already adopted by reference in chapter 62-330, F.A.C., which is proposed to be repealed as part of concurrent rulemaking. In addition, the adopted rules of the districts will incorporate amendments that have been made to these rules by the water management districts since these rules were originally adopted by the Department in chapter 62-330, F.A.C., in 1995, when the ERP program became effective; (9) create two new sections, "Conditions for Issuance" (62-343.091, F.A.C.) and "Additional Conditions for Issuance" (62-343.092, F.A.C.) that directly adopt identical conditions of the water management district rules currently adopted by reference in chapter 62-330, F.A.C.; (10) create a new section 62-343.095, F.A.C., "General Limiting Conditions," that directly adopts and consolidates identical conditions of the water management district rules currently adopted by reference in chapter 62-330, F.A.C.; (11) amend the procedures for modifying permits in section 62-343.100, F.A.C., to further clarify when a proposed modification to an existing permit qualifies for a non-substantial letter modification, and to clarify the circumstances under which an entity other than a permittee may request a modification of a valid permit; (12) amend section 62-343.110, F.A.C., to clarify that noticed general permits convert to operation and maintenance permits after completion of construction; (13) create a new section (62-343.150, F.A.C.) containing the procedures for requesting a variance or waiver from certain provisions of the environmental resource permit rules; (14) create a new section that provides the procedures: for granting emergency authorizations; governing the Department's taking of emergency and remedial actions; and for abatement, abandonment or inspection; all based largely on equivalent procedures currently adopted by reference in chapter 62-330, F.A.C.; and (15) amend two Department forms to reflect updated addresses for submittal of applications in the Joint Application Form and revise the Construction Completion and Inspection Certification Form.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.118, 373.414, 373.415, 373.406(5), 373.4211(22),(25), 373.418, 373.461, 373.421, 380.06(9), 403.805(1) FS.

LAW IMPLEMENTED 120.542, 373.019, 373.026(7), 373.042, 373.0421, 373.043, 373.085, 373.086, 373.109, 373.118, 373.119, 373.129, 373.136, 373.403, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.419, 373.421, 373.4211(22),(25), 373.422, 373.423, 373.426, 373.427,

373.429, 373.430, 373.433, 373.436, 373.439, 373.461, 380.051, 380.06(9), 403.201, 403.813(2), 403.814, 403.0877 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:00 a.m., November 16, 2000 (Thursday)

PLACE: Orange County Public Library, 101 East Central Blvd., Orlando, Florida

TIME AND DATE: 10:00 a.m., November 17, 2000 (Friday)

PLACE: Department of Environmental Protection, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alice Heathcock, Florida Department of Environmental Protection, 2600 Blair Stone Road, Bureau of Submerged Lands and Environmental Resources, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9890, or e-mail: Alice.Heathcock@dep.state.fl.us.

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT AND AN AGENDA FOR THE SCHEDULED WORKSHOPS IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Application, Certification, Registration, and Licensure Fees
 RULE NO.: 64B8-3.002
 PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address a fee for a temporary certificate to practice in an approved cancer center.
 SUBJECT AREA TO BE ADDRESSED: Temporary certificate fee.
 SPECIFIC AUTHORITY: 455.564, 455.587, 458.309, 458.311, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS.
 LAW IMPLEMENTED: 455.564, 455.587, 458.311, 458.3115, 458.3124, 458.313, 458.3135, 458.3145, 458.315, 458.316, 458.317, 458.345, 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-3.002 Application, Certification, Registration, and Licensure Fees.

The following fees are prescribed by the Board:

- (1) No change.
- (2) An application fee in the amount of \$300.00 for a person desiring to obtain a temporary certificate to practice in areas of critical need, as provided in Section 458.315, F.S., and a temporary certificate to practice in an approved cancer center, as provided in Section 458.3135, F.S.
- (3) through (8) No change.

Specific Authority 455.564, 455.587, 458.309, 458.311, 458.313, 458.3135, as created by section 36, Ch. 2000-318, Laws of Florida, 458.3145, 458.315, 458.316, 458.3165, 458.317, 458.345, 458.347 FS. Law Implemented 455.564, 455.587, 458.311, 458.3115, 458.3124, 458.313, 458.3135, as created by section 36, Ch. 2000-318, Laws of Florida, 458.3145, 458.315, 458.316, 458.317, 458.345, 458.347 FS. History—New 12-5-79, Amended 11-10-82, 8-11-85, 10-24-85, Formerly 21M-19.02, Amended 12-4-86, 11-3-87, 7-4-88, 10-23-89, 11-12-89, 11-11-90, 1-16-91, 1-9-92, 2-10-92, 9-7-92, Formerly 21M-19.002, Amended 9-21-93, Formerly 61F6-19.002, Amended 2-13-95, 2-20-96, 6-24-96, Formerly 59R-3.002, Amended 6-7-98, 8-11-98, 11-22-98, 12-14-99, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Temporary Certificate for Visiting Physician
 RULE NO.: 64B8-4.028
 PURPOSE AND EFFECT: The Board proposes the development of a rule to address visiting physicians practicing in approved cancer centers.
 SUBJECT AREA TO BE ADDRESSED: Temporary certification for visiting physicians.
 SPECIFIC AUTHORITY: Section 36, Ch. 2000-318, Laws of Florida.
 LAW IMPLEMENTED: Section 36, Ch. 2000-318, Laws of Florida.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: RULE NOS.:
 Medical Records of Physicians Relocating or Terminating Practice; Retention, Disposition, Time Limitations 64B8-10.002
 Legal Representative Defined 64B8-10.004

PURPOSE AND EFFECT: The Board, in response to a request from the Florida Medical Association, proposes the development of a rule amendment to address notification to patients when relocating or terminating practice and a new rule to define the term “legal representative.”

SUBJECT AREA TO BE ADDRESSED: Notification to patients and the definition of legal representative.

SPECIFIC AUTHORITY: 458.309, 455.677 FS.

LAW IMPLEMENTED: 455.677 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-10.002 Medical Records of Physicians Relocating or Terminating Practice; Retention, Disposition, Time Limitations.

(1) through (3) No change.

(4) When a licensed physician terminates practice or relocates and is no longer available to patients, patients should be notified of such termination, sale, or relocation and unavailability by the physician's causing to be published once during each week for four (4) consecutive weeks, in the newspaper of greatest general circulation in each county in which the physician practices or practiced and in a local newspaper that serves the immediate practice area, a notice which shall contain the date of termination, sale, or relocation and an address at which the records may be obtained from the physician terminating or selling the practice or relocating or from another licensed physician or osteopathic physician. A

copy of this notice shall also be submitted to the Board of Medicine within one (1) month from the date of termination, sale, or relocation of the practice. ~~The In addition, the licensed physician may, but is not required to, place a sign shall place~~ in a conspicuous location ~~in or~~ on the facade of the physician's office ~~or notify patients by letter of, a sign, announcing~~ the termination, sale, or relocation of the practice. The sign ~~or shall be placed at least thirty days prior to the termination, sale, or relocation of practice and shall remain until the date of termination, sale, or relocation. Both the notice and the sign~~ shall advise the licensed physician's patients of their opportunity to transfer or receive their records.

Specific Authority 458.309, 455.677 FS. Law Implemented 455.677 FS. History—New 7-3-89, Formerly 21M-26.002, Amended 11-4-93, 1-17-94, Formerly 61F6-26.002, Amended 1-26-97, Formerly 59R-10.002, Amended _____.

64B8-10.004 Legal Representative Defined.

Legal representative is defined for the purpose of Section 456.057, F.S., as a patient’s attorney who has been designated by the patient to receive copies of the patient’s medical records; any legally recognized guardian of the patient; any court appointed representative of the patient; or any other person either designated by the patient or by a court of competent jurisdiction to receive copies of the patient’s medical records.

Specific Authority 456.057 FS. Law Implemented 456.057 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:
 Continuing Education for Biennial Renewal 64B8-13.005

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address a recent legislative change authorizing end-of-life care and palliative health care continuing education to substitute for domestic violence continuing education in alternate bienniums.

SUBJECT AREA TO BE ADDRESSED: Continuing education.

SPECIFIC AUTHORITY: 458.309, 458.319, 455.564(6), 455.597(1)(a) FS.

LAW IMPLEMENTED: 455.564(5),(6), 455.597(1)(a), 458.319(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-13.005 Continuing Education for Biennial Renewal.

(1) Every physician licensed pursuant to Chapter 458, Florida Statutes, shall be required to complete 40 hours of continuing medical education courses approved by the Board in the 24 months preceding each biennial renewal period as established by the Agency.

(a) No change.

(b) For all licensees no more and no less than one hour shall consist of training in domestic violence as required by s. 455.597(1)(a), F.S., and described in subsection (9) of this rule. Notwithstanding the foregoing, a physician may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in domestic violence, if that physician has completed the domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for domestic violence continuing education in alternate bienniums.

(2) through (10) No change.

Specific Authority 458.309, 455.564(6), 455.597(1)(a), 458.319 FS. Law Implemented 455.564(5),(6), 455.597(1)(a), 458.319(4) FS. History—New 9-7-86, Amended 11-17-87, 11-15-88, 1-31-90, 9-15-92, Formerly 21M-28.002, Amended 12-5-93, Formerly 61F6-28.002, Amended 3-1-95, 1-3-96, 1-26-97, Formerly 59R-13.005, Amended 5-18-99,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B8-30.015

PURPOSE AND EFFECT: The Board proposes the development of a substantial rewording of the disciplinary guidelines rule, intended to set forth penalties for second and subsequent violations for physician assistants.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for physician assistants.

SPECIFIC AUTHORITY: 455.627, 458.309, 458.331(4) FS.

LAW IMPLEMENTED: 455.627, 455.624, 458.331(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Citations RULE NO.: 64B8-55.002

PURPOSE AND EFFECT: The Electrolysis Council proposed to the Board of Medicine that an amendment be promulgated to provide a fine for a first offense of unprofessional conduct where no patient harm occurred.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077(1),(2) FS.

LAW IMPLEMENTED: 456.072(3)(b) 456.077(1),(2), 478.51, 478.52 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-55.002 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations:

(a) through (p) No change.

(q) Unprofessional conduct, failure to conform to acceptable standards. (q) First time violation where no actual patient harm occurred – \$250 fine.

(5) through (6) No change.

Specific Authority 456.077(1),(2) ~~455.617(1),(2)~~ FS. Law Implemented 456.072(3)(b), 456.077(1),(2) ~~455.617(1),(2), 455.624(3)(b)~~, 478.51, 478.52 FS. History—New 11-16-93, Formerly 61F6-80.002, Amended 1-2-95, Formerly 59R-55.002, Amended 11-13-97, 10-12-98,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B15-6.011

PURPOSE AND EFFECT: The Board proposes the development of a substantial rewording of the disciplinary guidelines rule, intended to set forth penalties for second and subsequent violations for physician assistants.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines for physician assistants.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE:

RULE NO.:

Procedure for Approval of Attendance at

Continuing Education Courses

64B32-6.004

PURPOSE AND EFFECT: The Board proposes to update the continuing education course requirements for pulmonary function technologists.

SUBJECT AREA TO BE ADDRESSED: Procedure for approval of attendance at continuing education courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Executive Director, Board of Respiratory Care/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-6.004 Procedure for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) through (d) No change.

(e) successful passage, one time per biennium, of the following recredentialing examinations given by the National Board for Respiratory Care (NBRC):

1. through 4. No change.

5. Pulmonary Function: Certified pulmonary function technologist and registered pulmonary function technologist recredentialing examinations – maximum of 2 hours.

(f) No change.

(3) through (4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History–New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE CHAPTER TITLE:

RULE CHAPTER NO.:

Public Records Scheduling

and Dispositioning

1B-24

RULE TITLES:

RULE NOS.:

General

1B-24.001

Records Retention Scheduling

and Dispositioning

1B-24.002

PURPOSE AND EFFECT: The purpose of the rule is to implement Chapter 2000-258, Florida Statutes, (s. 257.36, F.S.) to revise the processes used by custodians and the Division of Library and Information Services to create and revise records retention schedules, and to dispose of records.

SUMMARY: The Division is amending this rule relating to records scheduling and disposition to remove the requirement for public agencies to obtain the permission of the Division of Library and Information Services before destroying public records that are not needed in the transaction of current business and that do not have sufficient administrative, legal, or fiscal significance to warrant further retention by the agency. Agencies must continue to retain records in accordance with retention schedules established by the Division. Prior to records disposition, an agency must ensure that the retention requirements have been satisfied.

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 lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 257.36 FS.

LAW IMPLEMENTED: 257.36 FS.

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

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

PLACE: Room 10, Florida Records Storage Center, 4319 Shelfer Road, Tallahassee Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Berberich, Bureau Chief, Archives and Records Management, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)487-2073

THE FULL TEXT OF THE PROPOSED RULES IS: