

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF BANKING AND FINANCE****Division of Securities and Finance****RULE TITLE:**

Interest Rate Parity

RULE NO.:

3D-85.300

PURPOSE AND EFFECT: The proposed amendments clarify which provisions of Chapter 516, F.S., are applicable to Chapter 520, F.S., licensees that use the interest rate parity provisions of Section 687.12, F.S.

SUBJECT AREA TO BE ADDRESSED: Interest rate parity.

SPECIFIC AUTHORITY: 687.148(2) FS.

LAW IMPLEMENTED: 687.12 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., February 19, 2001

PLACE: Room 547, 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 Tedcastle, Financial Administrator, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-85.300 Interest Rate Parity.

(1) For the purpose of using the interest rate parity provision in Section 687.12, F.S., extensions of credit made by licensees under Chapter 520, F.S., are deemed similar to consumer finance loans authorized by Chapter 516, F.S. Licensees under Chapter 520, F.S., are authorized to charge interest on their extensions of credit to any person, firm, or corporation, at the interest rates permitted by Chapter 516, F.S.

(2) Licensees under Chapter 520, F.S., who utilize the interest rates permitted by Chapter 516, F.S.:

(a) Shall be governed by the same amount, term, possible charges, rebate requirements, and restrictions that govern loans under Chapter 516, F.S., including Sections 516.02(2)(a)-(c), 516.02(3)-(4), 516.031, 516.035, 516.15(3), 516.17, 516.19, 516.21, 516.26, 516.31, and 516.36, F.S.

(b) Shall not be subject to the licenses, examinations, regulations, documents, procedures, and disclosures required by Chapter 516, F.S., including Sections 516.02(1), 516.03, 516.05, 516.07, 516.08, 516.12, and 516.15(1)-(2),(4), F.S.

(c) Shall indicate on the instrument evidencing the extension of credit that the interest rate charged is authorized in Chapter 516, F.S.

(d) Shall not make any particular type of loan or extension of credit which they are not authorized to make by the laws under which they are licensed or organized.

Specific Authority 687.148(2) FS. Law Implemented 687.12 FS. History—New 11-27-00, Amended.

DEPARTMENT OF INSURANCE**RULE TITLE:**

Health Maintenance Organization Insurance

RULE NO.:

Holding Company Systems

4-191.150

PURPOSE AND EFFECT: Establishes the information and form required for registration of insurers which are members of an insurance holding company systems, and the manner in which they and their affiliates shall be regulated as required by Sections 641.2001 and 628.801, Florida statutes.

SUBJECT AREA TO BE ADDRESSED: The proposed rule complies with the requirements of Sections 641.2011 and 628.801, Florida statutes by establishing the information and form required for registration of insurers which are members of an insurance holding company systems and the manner in which they and their affiliates shall be regulated.

SPECIFIC AUTHORITY: 628.801, 641.2011, 641.36 FS.

LAW IMPLEMENTED: 628.801, 628.803, 641.2011 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: 9:00 a.m., February 20, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alan Irvin, Bureau of Managed Care, Division of Insurer Services, Department of Insurance, 200 East Gaines street, Tallahassee, Florida 32399-0347, phone (850)413-5080

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 Alan Irvine, (850)413-5080.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF EDUCATION**Florida School for the Deaf and the Blind**

RULE TITLE: RULE NO.:

Human Resource, Management and Development 6D-16.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4), 242.331(6)(b) FS.

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

TIME AND DATE: 9:00 a.m., March 24, 2001

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Ownership and Use of "Made With
Florida Citrus" Certification Mark 20-111

RULE TITLES: RULE NOS.:

Ownership and Purpose 20-111.001

Permission Required for Use 20-111.002

Exclusive Category Rights 20-111.0021

General Restrictions on Use of the Mark 20-111.003

Use on Containers 20-111.004

Reserved 20-111.005

Reserved 20-111.006

Standards for Non-beverage Food Products
Bearing the Mark 20-111.007

Standards for Citrus Wines Bearing the Mark 20-111.008

Withdrawal of License or Permission 20-111.009

Definitions 20-111.010

PURPOSE AND EFFECT: Would repeal the exclusivity portion of the rule as this issue is better handled through the Florida Citrus Commission on a contract basis. Would also bring rule into conformity with other symbol rules.

SUBJECT AREA TO BE ADDRESSED: Exclusivity for use of "Made With Florida Citrus" certification mark.

SPECIFIC AUTHORITY: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF LABOR AND EMPLOYMENT
SECURITY****Division of Workers' Compensation**

RULE TITLE: RULE NO.:

Notice of Election to be Exempt and Revocation
of Election to be Exempt by Sole Proprietors,
Partners or Corporate Officers 38F-6.012

PURPOSE AND EFFECT: Currently, a sole proprietor or partner of a business entity that has not been in operation long enough to have filed or be required to file its first annual Federal Income Tax Return can receive a workers' compensation construction exemption without having to provide the required Internal Revenue Service documentation. This change removes that exception and requires all applicants for the construction industry exemption to provide the required Internal Revenue Service returns or purchase workers' compensation insurance until they can provide it. The removal of the exception closes a loop-hole that allows ineligible applicants to receive the exemption and assist in alleviating the fraud caused by it.

SUBJECT AREA TO BE ADDRESSED: Deletion of subsection 38F-6.012(2)(c), Exception for New Businesses.

SPECIFIC AUTHORITY: 440.05(3),(6),(9), 440.103 FS.

LAW IMPLEMENTED: 440.05(3),(4),(6), 440.103, 440.38 FS.

IT IS DEEMED UNNECESSARY BY THE AGENCY HEAD THAT A RULE DEVELOPMENT WORKSHOP BE HELD.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Philip Wilcox, Operations & Management Consultant Manager, Bureau of Compliance, (850)488-2333, Ext. 173

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

38F-6.012 Notice of Election to be Exempt and Revocation of Election to be Exempt by Sole Proprietors, Partners or Corporate Officers.

(1) No change.

(2) The following documentation shall be attached by the applicant to every Notice of Election to be Exempt (LES Form BCM-250):

(a) through (b) No change.

~~(c) EXCEPTION FOR NEW BUSINESSES: A sole proprietor or partner of a business entity that has not been in operation long enough to have filed or be required to file by the Internal Revenue Service its first annual Federal Income Tax return does not need to attach tax documents to an application for exemption.~~

~~(c)(d)~~ Each corporate officer shall attach, if the applicant is not listed as an officer of the corporation on the current records of the Florida Secretary of State, Division of Corporations, a notarized affidavit stating that the applicant is a bona fide officer of the corporation and stating the date such appointment or election became or shall become effective.

(3) through (8) No change.

Specific Authority 440.05(3),(6),(9), 440.103 FS. Law Implemented 440.05(3),(4),(6), 440.103, 440.38 FS. History—New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use RULE CHAPTER NO.: 40E-2

RULE TITLES: Publications Incorporated by Reference RULE NOS.: 40E-2.091

Conditions for Issuance of Permits 40E-2.301

Limiting Conditions 40E-2.381

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish criteria for applications and renewals consistent with Rule 40E-8, F.A.C., regarding minimum flows and levels. The purpose is also to update citations to and modify the “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997” to incorporate changes consistent with Rule 40E-8, F.A.C.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.219, 373.223, 373.224, 272.229, 373.232, 373.233, 373.236, 373.239 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@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:

40E-2.091 Publications Incorporated by Reference.

(1) The “Basis of Review for Water Use Permit Applications within the South Florida Water Management District – _____ ~~October 1997~~,” is hereby published by reference and incorporated into this chapter.

(2) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219, 373.223, 373.224, 373.229, 373.232, 373.233, 373.236, 373.239 FS. History—New 9-3-81, Formerly 16K-2.035(1), Amended 2-24-85, 11-21-89, 1-4-93, 4-20-94, 11-26-95, 7-11-96, 4-9-97, 12-10-97, _____.

40E-2.301 Conditions for Issuance of Permits.

(1) In order to obtain a permit, permit renewal, or permit modification under this chapter, an applicant must give reasonable assurances that the proposed water use at the time the permit application is deemed complete:

(a) Will not cause significant saline water intrusion;

(b) Will not adversely impact offsite land uses;

(c) Will not cause adverse environmental impacts;

(d) Will not cause pollution of the water resources;

(e) Is otherwise a reasonable-beneficial use as defined in subsection 373.019(4), Florida Statutes, with consideration given to the factors set forth in Rule 62-40.410(2) 47-40.401(2);

(f) Will not interfere with presently existing legal uses;

(g) Is in accordance with the State Water Policy on water transport pursuant to Rule 62-40.422 47-40.401(2);

(h) Makes use of a reclaimed water source unless the applicant, in any geographic location, demonstrates that its use is either not economically, environmentally or technically feasible; or in areas not designated as Critical Water Supply

Problem Areas pursuant to Chapter 40E-23, F.A.C., the applicant demonstrates reclaimed water is not readily available;

(i) Is consistent with Sections 373.016, 373.036, Florida Statutes, and otherwise is consistent with the public interest as prescribed by Chapter 373 and this Chapter; and

(j) Is in accordance with the established minimum flows and levels and implementation provisions in Chapter 373, this Chapter, and Chapter 40E-8.

(2) In order to satisfy the conditions for permit issuance in subsection (1), the permit applicant must provide reasonable assurances that the criteria in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~October 1997~~", incorporated by reference in Rule 40E-2.091(1), are met.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.023, 373.042, 373.0421, 373.185, 373.219, 373.223, 373.226, 373.236 FS. History—New 9-3-81, Formerly 16K-2.035(2), Amended 2-24-85, 1-4-93, 4-20-94, 7-11-96, 4-9-97, 12-10-97, _____.

40E-2.381 Limiting Conditions.

The Board shall impose on any permit granted under this part such reasonable standard and special permit conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5.1 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~October 1997~~", incorporated by reference in Rule 40E-2.091(1) shall be set forth in the permit. Special permit conditions, including those specified in Section 5.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~October 1997~~", shall be set forth in the permit.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.042, 373.0421, 373.219(1) FS. History—New 9-3-81, Amended 2-24-85, 4-20-94, 7-11-96, 4-9-97, 12-10-97, _____.

(The following represents proposed changes to sections 1.8, 3.9, 3.9.1, and 3.9.2 of the document entitled "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997", incorporated by reference in Rule 40E-2.091, F.A.C.)

1.8 Definitions

"Allocation Coefficient:" through "Xeriscape" No change.
The definitions set forth in Chapter 40E-8, FAC. shall be incorporated into the Basis of Review.

Sections 3.0 through 3.8 No change.

3.9 Minimum Flows and Levels

Applications for consumptive use permits for water uses that directly or indirectly affect water bodies with established minimum flows and levels (MFLs) must meet the criteria in

this section. Applications that meet the criteria contained in this section shall be considered to be consistent with Rule 40E-2.301(1)(j), F.A.C.

3.9.1. Evaluations for MFL Water Bodies Below an Established MFL

Evaluations for water bodies that are below an established MFL in Chapter 40E-8, F.A.C., and subject to a recovery strategy:

(1) Permit Renewals: The impacts of withdrawals occurring at the time the applicable recovery plan was approved and will be corrected by such recovery plan, may be continued through renewal of the permit as required by this section, assuming all other conditions for permit issuance in Chapter 40E-2, as applicable, are met. An application for renewal of a water use permit that impacts an established MFL water body must demonstrate that:

(A) the impacts associated with the previous permit were considered in and will be corrected through implementation of the approved recovery plan; and

(B) the level of impacts which were approved in the previous permit are no greater under the requested renewal. If the level of certainty under the previous permit is changed to a 1 in 10 level of certainty by rule (e.g. a golf course irrigation level of certainty changed from a 1 in 5 to a 1 in 10) the levels of impact under the previous permit shall be normalized to a 1 in 10 drought level of certainty in order to evaluate the impact.

(2) Requests for new withdrawals or increased withdrawals that directly affect a MFL water body below the established MFL will be approved, assuming that the other conditions for permit issuance in Chapter 40E-2, are met, as applicable, if:

(A) Sufficient additional water has been made available for consumptive use via the completion of a component(s) of the phased recovery strategy, as certified under Chapter 40E-8, F.A.C. Water made available from a completed phase of the recovery strategy for new or increased uses will be allocated based on the criteria in the Basis of Review and Chapter 40E-2;

(B) The proposed use incorporates a District approved alternative measure that prevents additional impacts to the MFL water body. The permit shall be conditioned to require the District approved alternative to be operating concurrently with the proposed use; or.

(C) The proposed use has a de minimis impact on the MFL water body. A de minimis impact for groundwater withdrawals is defined as 0.1 foot of drawdown or less, at any location beneath the MFL water body, during a 1 in 10 year drought condition, with the maximum month allocation being withdrawn. A de minimis impact for surface water withdrawals from an MFL water body is defined as that volume of water which does not produce a measurable change in hydropattern of the MFL water body under any hydrologic condition up to a 1 in 10 drought (average conditions as well as drought conditions).

If an existing consumptive use permit with a direct impact on a MFL water body is cancelled by the permittee, the impact associated with the former permit may be reallocated to another user through the issuance of a permit modification or an initial permit to the extent that the proposed use does not increase the impact to the MFL water body as provided above.

(3) Requests for permit modifications or new allocations that indirectly affect a MFL water body below the established MFL will be approved, upon demonstration that:

(A) The other conditions for permit issuance in Chapters 40E-2 and Chapter 40E-20, are met; and

(B) The proposed use is consistent with the approved recovery and prevention strategy existing at the time the application is deemed complete. This shall be demonstrated by verifying that the requested withdrawals do not cause the total amount of regional water available for consumptive use permits as identified in the regional water supply plans to be exceeded.

3.9.2. Evaluations for MFL Water Bodies Above Established MFL

Requests for renewals, permit modifications or new allocations, will be approved based on the applicant's demonstration that:

(A) All other conditions for permit issuance in Chapter 40E-2 or 40E-20, as applicable, are met; and

(B) The requested use is consistent with the approved prevention strategy existing at the time the permit application is deemed complete. This shall be demonstrated by verifying that the requested withdrawals do not cause the total amount of regional water available for consumptive use permits as identified in the regional water supply plans to be exceeded.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:
General Water Use Permits 40E-20

RULE TITLES: RULE NOS.:
Policy and Purpose 40E-20.011

Notice of Intent 40E-20.112

Conditions of Issuance of Authorization 40E-20.302

Limiting Conditions 40E-20.381

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish criteria for conditions for issuance of authorization consistent with Rule 40E-8, F.A.C., regarding minimum flows and levels. The purpose is also to update references to the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – October 1997".

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103, 373.118, 373.175, 373.246 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@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:

40E-20.011 Policy and Purpose.

(1) No change.

(2) Water uses or withdrawals that meet the conditions for issuance of authorization for a general permit specified in Rule 40E-20.302 are presumed to meet the criteria in Section 373.223, Florida Statutes. Staff will recommend denial of general permit authorizations for water uses or withdrawals that do not meet the conditions for issuance of authorization. The District shall require an individual permit, or deny issuance of a general permit authorization, if the applicable conditions for issuance of authorization are insufficient to demonstrate that a particular proposed use or withdrawal meets the criteria in Section 373.223, Florida Statutes. Where applicable, criteria in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – ~~October 1997~~" incorporated by reference in Rule 40E-2.091, will be utilized to determine whether the conditions for issuance of authorization are satisfied.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.219 FS. History–New 9-3-81, Formerly 16K-2.032(4), 16K-3.031(4), Amended 4-20-94, 7-11-96, 4-9-97, 12-10-97, _____.

40E-20.112 Notice of Intent.

Except in those circumstances detailed in subsection (4), prior to commencement of any use or withdrawal of water authorized in this chapter the permittee shall file with the District, a written Notice of Intent to Use Water, form number

0645, Surface Water Management Permit Applications and/or Water Use Permit Applications, in addition to any other applicable Notice of Intent forms specified in this section for a requested general permit authorization. Authorized uses or withdrawals, in existence prior to January 29, 1979, are not required to file a Notice of Intent. However, in order to continue such use or withdrawal beyond January 29, 1999, the appropriate Notice of Intent must be filed in order to receive a general permit prior to that date.

(1) No change.

(a) through (i) No change.

(j) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - _____ ~~October 1997~~" incorporated by reference in Rule 40E-2.091, will be met.

(2) No change.

(a) through (k) No change.

(l) a statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - _____ ~~October 1997~~" incorporated by reference in Rule 40E-2.091, will be met.

(m) No change.

(3)(a) through (i) No change.

(j) A statement that all applicable conditions in Rule 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - _____ ~~October 1997~~" incorporated by reference in Rule 40E-2.091, will be met.

(4) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.223, 373.229 FS. History--New 9-3-81, Formerly 16K-2.031(3), 16K-2.032(3), Amended 7-26-87, 11-21-89, 4-20-94, 7-11-96, 4-9-97, 12-10-97, 7-2-98, _____.

40E-20.302 Conditions for Issuance of Authorization.

To receive a general permit authorization, a person must provide reasonable assurances that the conditions for issuance of authorization are met. Applicable criteria in the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - _____ ~~October 1997~~" incorporated by reference in Rule 40E-2.091(1), shall be utilized by District Staff in determining whether applicable conditions for issuance of authorization will be met.

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

(c) Water use activities that directly impact an MFL water body that is below the established MFL by causing either.

1. A direct withdrawal of surface water from an MFL water body, or

2. A drawdown greater than 0.1 feet beneath an MFL water body shall not qualify for a general permit.

(2)(a) through (c) No change.

(d) Water use activities that directly impact an MFL water body that is below the established MFL by causing either.

1. A direct withdrawal of surface water from an MFL water body, or

2. A drawdown greater than 0.1 feet beneath an MFL water body shall not qualify for a general permit.

(3)(a) through (b) No change.

(c) Water use activities that directly impact an MFL water body that is below the established MFL by causing either.

1. A direct withdrawal of surface water from an MFL water body, or

2. A drawdown greater than 0.1 feet beneath an MFL water body shall not qualify for a general permit.

(4) Persons who use or withdraw water in conjunction with short-term dewatering operations or aquifer performance tests (APT) are authorized to do so provided the permittee provides reasonable assurances that the applicable conditions of subparagraph 40E-20.381 and Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - _____ ~~October 1997~~" incorporated by reference in subsection 40E-2.091(1), will be satisfied and provided the permittee satisfies all conditions below.

(a) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.103(4), 373.118, 373.219, 373.223 FS. History--New 9-3-81, Amended 12-1-82, Formerly 16K-2.031(1), 16K-2.032(1)(b), Amended 2-24-85, 3-29-87, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, _____.

40E-20.381 Limiting Conditions.

(1) The Board shall impose on any permit granted under this chapter such reasonable standard and special conditions as are necessary to assure that the permitted use or withdrawal will be consistent with the overall objectives of the District, will not be harmful to the water resources of the District, is reasonable-beneficial, will not interfere with any presently existing legal uses, and is consistent with the public interest. Standard permit conditions in Section 5 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - _____ ~~October 1997~~" incorporated by reference in subsection 40E-2.091(1) shall be in the permit. Special permit conditions, including those specified in Section 5.2 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District - October 1997" shall be in the permit.

(2) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.042, 373.0421, 373.118, 373.219, 373.223 FS. History--New 9-3-81, Formerly 16K-2.031(2), 16K-2.032(2), Amended 2-24-85, 7-26-87, 4-20-94, 7-11-96, 4-9-97, 12-10-97, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:

Water Shortage Plan

RULE CHAPTER NO.:

40E-21

RULE TITLES:	RULE NOS.:
Definitions	40E-21.051
Evaluating Water Conditions	40E-21.221
Declaring a Water Shortage	40E-21.231
General Water Use Restrictions	40E-21.271
Phase II Severe Water Shortage	40E-21.531
Phase III Extreme Water Shortage	40E-21.541

PURPOSE AND EFFECT: The purpose and effect of the rule development is to modify provisions regarding agricultural uses of water during Phase III and IV water shortages consistent with Rule 40E-8, F.A.C. regarding minimum flows and levels.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103, 373.118, 373.175, 373.246 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@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:

40E-21.051 Definitions.

The terms set forth herein shall have the meanings ascribed to them, unless the context clearly indicates otherwise, and such meanings shall apply throughout the rules contained in this Chapter. The definitions set forth in Rule 40E-8.021 shall be incorporated by reference into this Rule.

(1) through (24) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, 2-14-91, _____.

40E-21.221 Evaluating Water Conditions.

(1) through (2) No change.

(3) Current data shall be compared to historical data to determine whether estimated present and anticipated available water supply within any source class will be insufficient to meet the estimated present and anticipated demands of the users from the source class, or whether serious harm to the water resources can be expected. It shall be the policy of the District to seek the cooperation and assistance of state, county and municipal government officials in developing the historic and technical data used to periodically evaluate water conditions.

(a) through (c) No change.

(d) Evaluations under this rule shall consider established minimum flows and levels and associated rules regarding implementation of water shortage provisions contained in Chapters 40E-8 and 40E-22.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, _____.

40E-21.231 Declaring a Water Shortage.

(1) If in the opinion of the District there is a possibility that insufficient water will be available within a source class to meet the estimated present and anticipated user demands from that source, or to protect the water resource from serious harm, as determined by evaluating the factors in Rule 40E-21.221, the Board may declare a water shortage for the affected source class. When the affected source extends beyond the District's boundaries, the District shall coordinate water shortage declarations with the appropriate water management districts to the extent practicable.

(2) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, _____.

40E-21.271 General Water Use Restrictions.

(1) through (2) No change.

(3) Additional restrictions which may be considered include:

(a) through (c) No change.

(d) Provisions designed to implement minimum flows and levels through water shortage rules in this Chapter, and Chapters 40E-8 and 40E-22.

(e) through (j) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, _____.

40E-21.531 Phase II Severe Water Shortage.

The following restrictions shall apply when a Phase II water shortage is declared by the District:

(1) Essential/Domestic/Utility/Commercial: No change.

(2) Agriculture

(a)1. through 5. No change.

Withdrawals by each permitted user within the Lake Okeechobee Agricultural Service Area as described in Rule 40E-22.322, shall be limited to an amount that represents each user's share of the total allocation for agricultural irrigation made by the District from Lake Okeechobee (Lake) for that month and in that basin. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Agricultural Service Area will be based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and other users in the area and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District establishes based on irrigation efficiency, economic loss and equity considerations, and the acreage and quantity of withdrawals for which the user has been permitted. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Agricultural Service Area will be based on the supply capacity of Lake Okeechobee assuming a June 1st lake stage of 11 feet NGVD.

(b) through (e) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, 2-14-91, _____.

40E-21.541 Phase III Extreme Water Shortage.

The following restrictions shall apply when a Phase III shortage is declared by the District.

(1) No change.

(2)(a)1. through 4. No change.

5. Withdrawals by each user from each source class in each month shall be limited to an amount that represents each user's share of the total allocation for agricultural irrigation made by the District from that source for that month and in that basin. The District's allocation determination for agricultural irrigation will be ~~determined~~ based on its evaluation of the supply capabilities of the source class, the supply capabilities of other source classes available in the area, the needs of agriculture and all other users in the area and the District's overall management strategy for handling the uncertainties of future climatological events. The share of the total agricultural irrigation allocation available to each user will be based on any prioritization among crops the District established based on irrigation efficiency, economic loss and equity considerations and the acreage and quantity of withdrawals for which the user has been permitted. The District's allocation determination for agricultural irrigation within the Lake Okeechobee Agricultural Service Area, as described in Rule 40E-22.322,

will be based on the supply capacity of Lake Okeechobee as defined by the temporary revised reference elevation as stated in the Phase III water shortage declaration.

6. No change.

(b) through (e) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.175, 373.246 FS. History--New 5-31-82, Amended 1-26-86, 2-14-91, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Regional Water Shortage Plans	40E-22
RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-22.312

Lake Okeechobee Agricultural	
Area Boundary	40E-22.322
Water Shortage Triggers	40E-22.332

PURPOSE AND EFFECT: The purpose and effect of the rule development is to create a regional water shortage plan for Lake Okeechobee consistent with Chapter 40E-8, F.A.C. requirements.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels for Lake Okeechobee.

SPECIFIC AUTHORITY: 373.042, 373.0421, 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED IN THE FUTURE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@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:

40E-22.312 Policy and Purpose.

This section identifies water levels within Lake Okeechobee that will be considered by the Governing Board in declaring a water shortage pursuant to Rule 40E-21.231. The rules in this section apply to the withdrawal of surface water from Lake Okeechobee and its connected canal system as depicted on Figure 22-4.

Specific Authority 373.042, 373.0421, 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New.

40E-22.322 Lake Okeechobee Agricultural Area Boundary.

(Legal description to be provided at January 26, 2001 rule development workshop)

Specific Authority 373.042, 373.0421, 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New.

40E-22.332 Water Shortage Triggers.

(1) Water shortage trigger levels for Lake Okeechobee are shown on Figure 22-5. When water levels within Lake Okeechobee fall below these trigger levels, the governing board may impose water shortage restrictions pursuant to Rule 40E-21.231 and consistent with Rule 40E-22.332(2). In considering declaring a water shortage, the governing board shall consider other factors evaluated in this Part and Rule 40E-21.221, F.A.C., along with the trigger levels.

(2)(a) When water levels within Lake Okeechobee fall within the "Warning" area depicted on Figure 22-5, a Phase I water shortage may be declared for agricultural water uses within the service area.

(b) When water levels within Lake Okeechobee fall within "Zone A" area depicted on Figure 22-5, a Phase II water shortage may be declared for agricultural water uses and for non agricultural uses within the service area.

(c) When water levels within Lake Okeechobee fall below, or can be expected to fall below 11 feet NGVD, a Phase III or greater water shortage may be declared for agricultural water uses and for non agricultural uses consistent with the criteria contained in Chapter 40E-21, F.A.C. For declarations of Phase III water shortage or greater covering agricultural water uses in the Lake Okeechobee Agricultural Area, the governing board shall establish temporary revised reference levels for the Lake for the purpose of calculating allocations of water until the water levels in the Lake recover, considering the factors set forth in Rule 40E-8.441, F.A.C.

Specific Authority 373.042, 373.0421, 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.086, 373.103(4), 373.175, 373.246 FS. History—New.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE:

Florida Elevator Safety Code

RULE TITLE:

Elevator Fees; Construction and Alteration

Permits; Annual Certificates of Operation;

Delinquency Fee; Temporary Operation

Permits Certificate Replacement

RULE CHAPTER:

61C-5

RULE NO.:

61C-5.006

PURPOSE AND EFFECT: This rule amendment is being promulgated to adopt the revision of Chapter 61C-5 which covers the elevator safety fees which have been changed due to the Bureau workload reduction resulting from the 2000 Legislative session.

SUBJECT AREA TO BE ADDRESSED: The area being addressed is the adoption of the recent elevator safety fees.

SPECIFIC AUTHORITY: 399.07(1)(d), 399.07(2)(d), 399.10 FS.

LAW IMPLEMENTED: 399.07(1)(d), 399.07(2)(d) 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 DESIGNATED BELOW: (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.)

TIME AND DATE: 8:00 a.m. – 5:00 p.m., February 26, 2001

PLACE: 725 South Bronough Street, Room 259, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Suzette Hayes, Bureau of Elevator Safety, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, Telephone (850)488-9263

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS :

61C-5.006, Elevator Fees; Construction and Alteration Permits; Annual Certificates of Operation; Delinquency Fee; Temporary Operation Permits Certificate Replacement.

(1) Application for elevator permit to erect or move shall be accompanied by a fee of \$250. Every permit issued becomes invalid unless the work authorized by such permit is commenced within 1 year after issuance, or if the work authorized by such permit is suspended or abandoned for a period of 1 year after the time the work is commenced; provided that, for good cause, one or more extensions of time, for periods not exceeding 90 days each may be allowed. Such extensions shall be in writing and signed by the director or his designee. The following grounds for extension shall constitute good cause for the granting of an extension:

(a) An extension of time shall be granted due to delays in construction, including delay arising from the non-availability of parts necessary to complete construction; except when the director or his designee determines that the delay is the fault of the contractor or applicant, or where the delay results from failure to diligently pursue construction.

(b) An extension of time shall be granted due to delays caused by the injury, illness or death of an involved material party to the construction.

(c) The director shall also grant an extension of time where failure to grant the requested extension will impose hardship on the party requesting the permit; except when the director or his designee determines that the necessity for the extension is due to the party's ~~ies~~^{ies} own negligence and the necessity for the extension would have been avoided by the party's ~~ies~~^{ies} exercise of due diligence.

(2) Application for elevator permit to alter shall be accompanied with a fee of \$200. The following fee schedule shall apply and fees shall be submitted along with the application For Permit to Install, Relocate or Alter an elevator.

NUMBER OF LANDINGS	FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Elevators serving 0-2 landings	\$35	\$80
Elevators serving 3-5 landings	\$40	\$85
Elevators serving 6-10 landings	\$45	\$90
Elevators serving 11-15 Landings	\$50	\$95
Elevators serving Over 15 landings	\$50	\$100

(b) Fee based on type of installation, regardless of the number of landings:

TYPE OF INSTALLATION	FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Special purpose Elevators, Manlifts, Moving Walks	\$50	\$100

(c) Fee for Temporary Operating Permits – \$100. The permit shall be issued for a period not to exceed 30 days.

(3) The annual renewal period of certificates of operation commences on August 1 of each year. A renewal application for a certificate of operation filed with the division after August 1 of each year must be accompanied by a delinquency

fee of \$50 in addition to the annual renewal fee and any other fees required by law. For the purpose of this section, all certificates will expire on July 31 at 11:59 p.m. of each year. Applications for renewal certificates of operation not paid by August 1 of each year will be deemed delinquent.

(4) Annual certificate of operation fees for elevators are based on whether or not a service maintenance contract to insure safe elevator operation is consistently in force. In addition, the fee shall be based on the following schedules:

(a) Fees based on type of installation and number of landings. Hand-operated, electric, hydraulic passenger and freight elevators, escalators, side walk elevators, power operated dumbwaiters, material lifts and dumbwaiters with automatic transfer devices, inclined stairway chairlifts, inclined and vertical wheelchair lifts and inclined elevators.

NUMBER OF LANDINGS	FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Elevators serving 0-2 landings	<u>\$32</u> \$35	<u>\$72</u> \$80
Elevators serving 3-5 landings	<u>\$36</u> \$40	<u>\$77</u> \$85
Elevators serving 6-10 landings	<u>\$41</u> \$45	<u>\$81</u> \$90
Elevators serving 11-15 Landings	<u>\$45</u> \$50	<u>\$86</u> \$95
Elevators serving Over 15 landings	<u>\$45</u> \$50	<u>\$90</u> \$100

(b) Fee based on type of installation, regardless of the number of landings:

TYPE OF INSTALLATION	FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
Special purpose Elevators, Manlifts, Moving Walks	<u>\$45</u> \$50	<u>\$90</u> \$100

(c) Fee for Temporary Operating Permits – \$100. The permit shall be issued for a period not to exceed 30 days.

(5) Replacement of a mutilated or lost certificate of operation shall be provided to the owner when requested in writing to the division. Such replacement certificates shall have the word "DUPLICATE" stamped in large letters across the face and bear the same serial number as the original.

(6) THESE FEES ARE NONREFUNDABLE.

Specific Authority 399.07(1)(d), 399.07(2)(d), 399.10 FS. Law Implemented 399.07(1)(d), (2)(d) FS. History—New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:

Exemption from Renewal Requirements for
Spouses of Members of the Armed Forces
of the United States

RULE NO.:

61G4-12.019

PURPOSE AND EFFECT: 455.02(2), F.S., mandates that the Board promulgate a rule exempting the spouses of members of the Armed Forces of the United States from licensure renewal provisions while they are out of the state because of the spouse's military duties.

SUBJECT AREA TO BE ADDRESSED: Procedures to provide an exemption of the spouses of members of the Armed Forces of the United States from any certification or registration renewal requirements for so long as they are out of state because of their spouses' duties with the Armed Forces.

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) 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., February 13, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cathleen O'Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-12.019 Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States. Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office within 30 days of receipt of the orders in order to qualify for the exemption. Failure to do so shall result in the spouse's license not being renewed and the licensee shall be subject to disciplinary action. Upon receipt of the military orders submitted in the required timeframe, the spouse's license will be placed on inactive status with no fee required. Reactivation

of the inactive license will not require payment of the fee set forth in Rule 61G4-12.009(6), FAC. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in Rule 61G4-12.009(12)(a), FAC. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of a delinquent license will require payment of any delinquent fees set forth in Rule 61G4-12.009, FAC.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE:

Citations

RULE NO.:

61G4-19.001

PURPOSE AND EFFECT: Due to new statutory requirements in Chapter 455, Florida Statutes, the Department of Business and Professional Regulation has been directed to monitor all licensees' compliance with applicable continuing education requirements by use of a computer database generated compliance monitoring system. This rule is being amended to implement changes required in these new laws and to conform the Board's Continuing Education rules to the new monitoring requirements.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 455.224, 489.105 FS.

LAW IMPLEMENTED: 455.224, 455.225(3) 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., February 13, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Cathleen O'Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-19.001 Citations.

The following violations of §489.129(1), F.S., may be resolved by the issuance of a citation pursuant to §455.224, F.S., and Title 61G4, F.A.C. Where a provision other than

s. 489.129(1), F.S., is cited as the basis for a violation, the violation is of s. 489.129(1)(j), F.S., by violating the referenced statute, rule, or Board order.

(1) through (15) No change.

~~(16) Sec. 489.115(4); \$500.00 fine and fourteen (14) hours of continuing education which shall be in addition to all other continuing education requirements and/or show proof of the insurance required under Section 489.115(4), F.S.~~
~~489.129(1)(a): Obtaining the renewal of a certificate or by misrepresentation as to the completion of the continuing education requirements for renewal. Misrepresentation occurs when the licensee obtains the renewal of a certificate or registration and has not completed the continuing education requirements for renewal by the end of the biennial renewal cycle and/or does not have workers' compensation insurance, public liability insurance and property damage insurance, pursuant to Section 489.115(4), F.S.~~

In addition to the penalties specified above, the department may recover the costs of investigation associated with the citation. Citations shall be issued pursuant to this rule where no harm to consumers results from the violation. A licensee who has been issued three citations for the same offense shall be prosecuted pursuant to Section 455.225, F.S., for any subsequent violations. The disposition of reported violations prosecuted pursuant to Section 455.225, F.S., shall be according to Rule Chapter 61G4-12 and/or Rule Chapter 61G4-17. To the extent that any of these violations are appropriate for resolution by the issuance of a notice of noncompliance pursuant to Section 455.225(3), F.S., and Rule 61G4-23.001, F.A.C., the initial offense of a minor violation will be dealt with accordingly. Where a licensee fails to commence corrective action within 15 days of the Department's issuance of a notice of noncompliance or where the offense is other than the initial one, the Department may issue a citation pursuant to this rule.

Specific Authority 455.224, 489.105 ~~489.108~~ FS. Law Implemented 455.224, 455.225(3) FS. History—New 1-19-92, Amended 12-21-92, Formerly 21E-19.001, Amended 10-12-94, 3-26-95, 6-5-95, 8-10-95, 1-1-96, 2-26-96, 11-25-97, 4-27-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: General Information and Forms
 PURPOSE AND EFFECT: The Board proposes the development of an amendment to address general information and forms.

RULE NO.: 61G5-17.006

SUBJECT AREA TO BE ADDRESSED: General information and forms.

SPECIFIC AUTHORITY: 477.016 FS.

LAW IMPLEMENTED: 455.205, 119.07, 477.0201 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: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Initial Licensure or Registration Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements
 RULE NO.: 61G5-18.011

PURPOSE AND EFFECT: The Board propose the development of this rule amendment to address Initial Licensure or Registration Requirement for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; Course Content and Approval Requirements.

SUBJECT AREA TO BE ADDRESSED: Initial Licensure or Registration Requirement for Instruction on human Immunodeficiency Virus and Acquired Immune Deficiency Syndrom; Course Content and Approval Requirements.

SPECIFIC AUTHORITY: 455.2228(5), 477.016 FS.

LAW IMPLEMENTED: 455.2228 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: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Cosmetology**

RULE TITLE: Disciplinary Guidelines

RULE NO.: 61G5-30.001

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address Disciplinary Guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.2273, 477.016, 477.029(2) FS.

LAW IMPLEMENTED: 455.2273, 477.029(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 IS: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Cosmetology**

RULE TITLE: Citations

RULE NO.: 61G5-30.004

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address citations.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 477.016, 455.224 FS.

LAW IMPLEMENTED: 455.224 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: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Cosmetology**

RULE TITLE: Continuing Education

RULE NO.: 61G5-32.001

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 455.219(3), 455.2228, 477.016, 477.019(7), 455.2178, 455.2179 FS.

LAW IMPLEMENTED: 455.219(3), 455.2228, 477.019(7), 455.2178, 455.2179 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: Julie Baker, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Electrical Contractors Licensing Board**

RULE TITLE: Specialty Electrical Contractors

RULE NO.: 61G6-7.001

PURPOSE AND EFFECT: To clarify that "structural fabrication" includes within its meaning a concrete foundation; Include the installation of fiber optics within the activities for which a Limited Energy license is required, in order to include recent technological advances in the transmission of energy within the scope of this license specialty and remove unnecessary language; To clarify that although section 489.503(14)(a), Florida Statutes, sets out an exemption to the licensure requirement, it also contains a definition of the scope of work requiring a Limited Energy license and to properly reflect the language of the statute.

SUBJECT AREA TO BE ADDRESSED: Specialty Electrical Contractors.

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.511(5), 489.505(19) 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: Anthony Spivey, Executive Director, Electrical Contractors Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Office of Greenways and Trails

RULE CHAPTER TITLE: Greenways and Trails Activities and Recreation
RULE NO.: 62S-3
RULE TITLE: Activities and Recreation on the Marjorie Harris Carr Cross Florida Greenway State Conservation and Recreation Area
RULE NO.: 62S-3.001

PURPOSE AND EFFECT: To develop rules for the activities and recreation in the Marjorie Harris Carr Cross Florida Greenway State Conservation and Recreation Area, including allowed and prohibited uses by the public.

SUBJECT AREA TO BE ADDRESSED: Hunting and Firearms; Alcoholic Beverage Usage; Camping; Bathing and Swimming; Domestic Animals; Hours of Operation; Traffic Control; User Fees; and Regulation or Prohibition of Recreational Activities.

SPECIFIC AUTHORITY: 253.7821, 260.016 FS.

LAW IMPLEMENTED: 253.7821, 253.7822, 253.7825, 253.7828, 253.7829, 253.784, 260.016, 260.017 FS.

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

TIME AND DATE: 6:00 p.m., Tuesday, February 27, 2001
PLACE: St. Johns River Water Management District, Governing Board Meeting Room, 4049 Reid Street, Palatka, Florida, (904)329-4500
TIME AND DATE: 6:00 p.m., Wednesday, February 28, 2001
PLACE: Marion County Sheriff's Substation, 3260 S. E. 80th Street, Ocala, Florida, (352)620-7810
TIME AND DATE: 6:00 p.m., Thursday, March 1, 2001
PLACE: Inglis Town Hall, 135 West Highway 40, Inglis, Florida, (352)447-2203

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Samantha Browne, Office of Greenways and Trails, 3900 Commonwealth Blvd., M.S. 795, Tallahassee, Florida 32399, (850)488-3701 or SunCom 278-3701

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances
RULE NO.: 64B10-14.004

PURPOSE AND EFFECT: To amend language to the rule text.

SUBJECT AREA TO BE ADDRESSED: Range of Penalties.

SPECIFIC AUTHORITY: 456.017(2), 460.405, 460.406(1) FS.

LAW IMPLEMENTED: 456.072, 456.079, 468.1685(4),(5),(6), 468.1755(1)(a),(j) 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: John Taylor, Executive Director, Board of Nursing Home Administrator/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-14.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2)(a) through (q) No change.

(r) Inability to practice with skill and safety due to mental or physical impairment. (468.1755(1)(l), F.S.)

First Offense:	probation	suspension until
	<u>and \$500</u>	the licensee can
	<u>fine</u>	demonstrate to the
		Board that he/she
		is able to practice
		with reasonable
		skill and safety and
		\$500 fine

Second Offense: probation and \$1000 fine suspension until the licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine

Third Offense: suspension until licensee can demonstrate to the Board that he/she is able to practice with reasonable skill and safety and \$1000 fine revocation and \$1000 fine

(s) through (mm) No change.

(3)(a) through (e) No change.

Specific Authority 456.079, 468.1685(1) FS. Law Implemented 456.072, 456.079, 468.1685(4),(5),(6), 468.1755(1)(a),(j) FS. History—New 11-23-86, Amended 4-22-87, Formerly 21Z-14.004, 61G12-14.004, 59T-14.004, Amended 10-12-97, 10-16-00, _____.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Accounting and Auditing

RULE TITLE: Outdated or 12-Month Old Warrants

RULE NO.: 3A-10.083

PURPOSE AND EFFECT: The purpose is to repeal Rule 3A-10.083.

SUMMARY: Rule 3A-10.083 is repealed.

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

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

SPECIFIC AUTHORITY: 17.14, 17.29 FS.

LAW IMPLEMENTED: 17.14, 17.28 FS.

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

TIME AND DATE: 10:00 a.m., February 26, 2001

PLACE: Room 434, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Reams, Chief, Bureau of Accounting, Room 414, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9951

THE FULL TEXT OF THE PROPOSED RULE IS:

3A-10.083 Outdated or 12-Month Old Warrants.

Specific Authority 17.14, 17.29 FS. Law Implemented 17.14, 17.26 FS. History—New 10-21-75, Formerly 3A-10.83, Amended 4-28-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Allen Reams, Chief, Bureau of Accounting, Division of Accounting and Auditing

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2001

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference

RULE CHAPTER NO.: 14-15

RULE TITLE: Manual on Uniform Traffic

RULE NO.: 14-15.010

Control Devices

PURPOSE AND EFFECT: This is a fast track amendment to Rule 14-15.010, F.A.C., to adopt the new Millennium Edition (December 2000) *Manual on Uniform Traffic Control Devices*, under the provisions of Section 120.54(6), Florida Statutes.

SUMMARY: The new Millennium Edition (December 2000) *Manual on Uniform Traffic Control Devices*, which replaces the 1988 edition and all its revisions, is being adopted under the provisions of Section 120.54(6), Florida Statutes. The new edition will be available for downloading from the Federal Highway Administration website.

SPECIFIC AUTHORITY: 316.0745(1), 334.044(2) FS.

LAW IMPLEMENTED: 316.0745(2),(3),(7), 335.09, 335.14, 339.05 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), FLORIDA STATUTES.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: 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.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE