

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Tara Alford, Office of Boating Safety and Waterway Management, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-5600, Extension 169

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68D-24.155 St. Johns County Boating Restricted Areas.

(1) For the purpose of regulating the speed and operation of vessel traffic on and adjacent to the Florida Intracoastal Waterway in St. Johns County, Florida, the following boating restricted areas are established:

(a)1. through 5. No change.

6. Devils Elbow Fish Camp – A Slow Speed Minimum Wake zone from 500' north of Devils Elbow Fish Camp to 500' south of Devil's Elbow Camp of the Florida Intracoastal Waterway to the shoreline of the Florida Intracoastal Waterway (ICW), as depicted in drawing F.

(b) through (2) No change.

Drawings A through E No change.

Drawing F has not yet been developed.

Section II Proposed Rules

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.

SUMMARY: The proposed amendment adds Sections 516.15(3) and 516.26, F.S., as being applicable to Chapter 520, F.S., licensees who utilize the interest rates permitted by Chapter 516, F.S., and provides that Section 516.15(1),(2) and (4), F.S., are not being applicable to such licensees.

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: 687.148(2) FS.

LAW IMPLEMENTED: 687.12 FS.

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE 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.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2001

DEPARTMENT OF INSURANCE

RULE TITLES:
Applicability and Scope
Limitations

RULE NOS.:
4-155.001
4-155.003

PURPOSE AND EFFECT: This rule is duplicative of the statute, and therefore should be repealed. This repeal is the result of the section 120.536(2)(b) review.

SUMMARY: To repeal 4-155.001 and 4-155.003.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.6416, 627.6579 FS.

IF REQUESTED IN WRITING 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., March 27, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rich Robleto, Division of Life and Health Forms and Rates, Department of Insurance, Tallahassee, FL 32399-0330, phone number (850)413-5110

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 FULL TEXT OF THE PROPOSED RULES IS:

4-155.001 Applicability and Scope.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.6416, 627.6579 FS. History–New 12-10-91, Repealed.

4-155.003 Limitations.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.6416, 627.6579 FS. History–New 12-10-91, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Dillard, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Bureau Chief, Division of Life and Health Forms and Rates, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2001

DEPARTMENT OF INSURANCE

RULE TITLES:
Claims Payments
Sales and Marketing
Filing Fees

RULE NOS.:
4-192.013
4-192.023
4-192.033

PURPOSE AND EFFECT: These rules were identified for repeal or determined to be no longer necessary in the rule review project.

SUMMARY: The rules proposed for repeal set procedures for MEWAs to handle claims and market coverage, and clarified the applicability of fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 624.308, 624.4431 FS.

LAW IMPLEMENTED: 624.307(1), 624.4361(3), 624.438(1)(d), 624.439, 624.442, 624.501(1)(a),(4) FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., March 29, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Bracher, Chief, Bureau of Managed Care, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0347, phone (850)413-2500

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 FULL TEXT OF THE PROPOSED RULES IS:

4-192.013 Claims Payments.

Specific Authority 624.4431 FS. Law Implemented 624.4361(3), 624.439 FS. History–New 11-16-92, Repealed.

4-192.023 Sales and Marketing.

Specific Authority 624.4431 FS. Law Implemented 624.438(1)(d) FS. History–New 7-28-94, Repealed.

4-192.033 Filing Fees.

Specific Authority 624.308, 624.4431 FS. Law Implemented 624.307(1), 624.501(1)(a),(4), 624.439, 624.442 FS. History–New 11-16-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Valentine, Senior Attorney, Division of Legal Services,
Department of Insurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Jack Herzog, Division of Legal
Services, Department of Insurance
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 19, 2001

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose	4-223.001
Scope	4-223.002
Definitions and General Matters	4-223.003
Prohibited Arrangements	4-223.004
Allowable But Restricted Arrangements	4-223.005
General Provisions Applicable to All	
Types of Insurance Coverage	4-223.006
Ordinary Life Insurance Policies and Annuities	4-223.007
Property Insurance	4-223.008
Commission Sharing or Association Prohibited	4-223.009
Definitions	4-223.010
Interpretations; Conditions; Restrictions	4-223.011
Purpose and Scope of Part V	4-223.019
Notification to Department	4-223.020
Agent Licensing	4-223.021
Underwriting of Annuities Prohibited	4-223.022
Annuities Sold on the Premises of	
Financial Institutions	4-223.023
Insurer Reporting	4-223.024
Agent Activities	4-223.025
Primary Agent	4-223.026
Premium Collection	4-223.027
Commission Sharing	4-223.028
Compensation of Agents	4-223.029
Access to Records and Premises	4-223.030
Insurance Administrators	4-223.031
Advertising	4-223.032
Disclosures to Prospective and Existing	
Annuity Purchasers	4-223.033
Joint Announcements	4-223.034
Related Laws and Rules	4-223.035
Coercion	4-223.036
Remedies	4-223.037

PURPOSE, EFFECT AND SUMMARY: The rules are being repealed because s. 626.988, F.S., was repealed. A rule for financial institutions is not needed. The rules were identified to the Joint Administrative Procedures Committee as needing authority, and should be repealed before the June 1 deadline to report to the Committee the status of the repeals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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: 624.308, 624.425, 624.428, 626.9611 FS.

LAW IMPLEMENTED: 624.11, 624.307, 624.316, 624.3161, 624.317, 624.318, 624.318(2), 624.401, 624.418, 624.4211, 624.425, 624.428, 626.031, 626.041, 626.0428, 626.051, 626.062, 626.094, 626.112, 626.561(2), 626.592, 626.601, 626.601(2), 626.753, 626.784, 626.785, 626.794, 626.838, 626.88, 626.8805, 626.9521, 626.9541, 626.9541(1)(a),(b),(c),(d),(e), 626.9551, 626.9551(1)(d), 626.9561, 626.9581, 626.9611, 626.9641, 626.988, 626.988(1)(a),(b),(c),(8), 627.5515, 627.6515, 628.151(1) FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., March 27, 2001

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Fountain, Chief, Bureau of Agent and Agency Investigations, Division of Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, phone (850)413-5600.

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 FULL TEXT OF THE PROPOSED RULES IS:

4-223.001 Purpose.

Specific Authority 624.308 FS. Law Implemented 624.425, 624.428, 626.753, 626.794, 626.838, 626.9521, 626.9541, 626.9551, 626.988 FS. History—New 10-10-93, Repealed.

4-223.002 Scope.

Specific Authority 624.308 FS. Law Implemented 624.425, 624.428, 626.753, 626.794, 626.838, 626.9521, 626.9541, 626.9551, 626.988 FS. History—New 10-10-93, Repealed.

4-223.003 Definitions and General Matters.

Specific Authority 624.308 FS. Law Implemented 624.425, 626.753, 626.794, 626.9521, 626.9541, 626.9551, 626.988 FS. History—New 10-10-93, Repealed.

4-223.004 Prohibited Arrangements.

Specific Authority 624.308 FS. Law Implemented 626.753, 626.794, 626.838, 626.9521, 626.9541, 626.9551, 626.988 FS. History—New 10-10-93, Repealed.

4-223.005 Allowable But Restricted Arrangements.

Specific Authority 624.308, 624.425, 624.428 FS. Law Implemented 626.041, 626.051, 626.062, 626.753, 626.794, 626.838, 626.9521, 626.9541, 626.9551, 626.988 FS. History–New 10-10-93, Repealed.

4-223.006 General Provisions Applicable to All Types of Insurance Coverage.

Specific Authority 624.308 FS. Law Implemented 624.425, 624.428, 626.041, 626.051, 626.062, 626.753, 626.794, 626.838, 626.9521, 626.9541(1)(a),(b),(c),(d),(e), 626.988, 627.5515, 627.6515 FS. History–New 10-10-93, Repealed.

4-223.007 Ordinary Life Insurance Policies and Annuities.

Specific Authority 624.308 FS. Law Implemented 626.051, 626.9521, 626.9541(1)(a),(b),(c),(d),(e), 627.5515 FS. History–New 10-10-93, Repealed.

4-223.008 Property Insurance.

Specific Authority 624.308 FS. Law Implemented 626.9551(1)(d) FS. History–New 10-10-93, Repealed.

4-223.009 Commission Sharing or Association Prohibited.

Specific Authority 624.308 FS. Law Implemented 626.041, 626.051, 626.062, 626.753, 626.794, 626.838, 626.988 FS. History–New 10-10-93, Repealed.

4-223.010 Definitions.

Specific Authority 624.308 FS. Law Implemented 626.988(1)(a),(b),(c) FS. History–New 10-10-93, Repealed.

4-223.011 Interpretations; Conditions; Restrictions.

Specific Authority 624.308 FS. Law Implemented 626.88, 626.988 FS. History–New 10-10-93, Repealed.

4-223.019 Purpose and Scope of Part V.

Specific Authority 624.308 FS. Law Implemented 626.051, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.020 Notification to Department.

Specific Authority 624.308 FS. Law Implemented 624.307, 626.988(8) FS. History–New 3-31-96, Repealed.

4-223.021 Agent Licensing.

Specific Authority 624.308 FS. Law Implemented 626.051, 626.112, 626.784, 626.785, 626.988 FS. History–New 3-31-96, Repealed.

4-223.022 Underwriting of Annuities Prohibited.

Specific Authority 624.308 FS. Law Implemented 624.11, 624.401, 626.051, 626.988, 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.023 Annuities Sold on the Premises of Financial Institutions.

Specific Authority 624.308, 626.9611 FS. Law Implemented 626.051, 626.112, 626.9541, 626.9611, 626.9641, 626.988(8) FS. History–New 3-31-96, Repealed.

4-223.024 Insurer Reporting.

Specific Authority 624.308 FS. Law Implemented 624.307, 626.051, 626.988(8) FS. History–New 3-31-96, Repealed.

4-223.025 Agent Activities.

Specific Authority 624.308, 626.9611 FS. Law Implemented 626.0428, 626.051, 626.112, 626.794, 626.9541, 626.9641, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.026 Primary Agent.

Specific Authority 624.308 FS. Law Implemented 626.031, 626.0428, 626.051, 626.094, 626.112, 626.592 FS. History–New 3-31-96, Repealed.

4-223.027 Premium Collection.

Specific Authority 624.308, 626.9611 FS. Law Implemented 626.031, 626.051, 626.112, 626.9541, 626.9561, 626.9641, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.028 Commission Sharing.

Specific Authority 624.308 FS. Law Implemented 626.794 FS. History–New 3-31-96, Repealed.

4-223.029 Compensation of Agents.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.428, 626.051, 626.9541, 626.9641, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.030 Access to Records and Premises.

Specific Authority 624.308 FS. Law Implemented 624.307, 624.316, 624.3161, 624.318, 624.318(2), 626.051, 626.561(2), 626.601(2), 626.9561, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.031 Insurance Administrators.

Specific Authority 624.308 FS. Law Implemented 624.307, 624.317, 626.051, 626.601, 626.8805, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.032 Advertising.

Specific Authority 624.308, 626.9611 FS. Law Implemented 624.307, 626.051, 626.112, 626.9541, 626.9641, 626.988(8), 628.151(1) FS. History–New 3-31-96, Amended 1-31-99, Repealed.

4-223.033 Disclosures to Prospective and Existing Annuity Purchasers.

Specific Authority 624.308 FS. Law Implemented 626.051, 626.9541, 626.9641, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.034 Joint Announcements.

Specific Authority 624.308, 626.9611 FS. Law Implemented 626.051, 626.9541, 626.9641, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.035 Related Laws and Rules.

Specific Authority 624.308 FS. Law Implemented 626.051, 626.9541, 626.9641, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.036 Coercion.

Specific Authority 624.308, 626.9611 FS. Law Implemented 626.051, 626.9541, 626.9561, 626.988(8), 628.151(1) FS. History–New 3-31-96, Repealed.

4-223.037 Remedies.

Specific Authority 624.308 FS. Law Implemented 624.4211, 624.418, 626.051, 626.112, 626.9521, 626.9581, 626.988(8) FS. History—New 3-31-96, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Don Dowdell, Division of Legal Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Director, Division of Legal Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2001

PUBLIC SERVICE COMMISSION

DOCKET NO. 010105-GU

RULE TITLE: Meter Accuracy at Installation

RULE NO.: 25-7.063

PURPOSE AND EFFECT: The purpose of the amendment is to improve meter accuracy. The effect will be to have a more cost efficient test to determine the accuracy of new meters at the time they are installed and to reduce the limits that meters may be fast or slow to one percent.

It was also determined that of the meters that failed to meet accuracy limits most had suffered apparent damage. That is why the proposed rule requires an operator to perform a random test of 10 percent of any meter shipment that arrives with apparent damage.

SUMMARY: This rule change prohibits the installation of a meter that has been tested and found to be more than 1 percent slow rather than the 2 percent slow and further removes the requirement for investor-owned gas utilities to perform a random test of 10 percent of all new meters. The proposed rule requires that if damage is apparent on any shipment of new meters, a 10 percent sampling must be performed to assure the damage has not detrimentally changed the meter accuracy of the shipment as a whole.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1) FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.063 Meter Accuracy at Installation.

(1) A new gas meter shall be within plus or minus 1 not more than one percent of accuracy to be (1%) fast and not more than two percent (2%) slow when installed for customer use. Manufacturers' test data may be used if there is no indication of damage to the meters resulting from the shipping process. If damage is apparent, in order for the manufacturers' test data to be used, a random representative sample of not less than a minimum of ten 10 percent (10%) of the new meters in the damaged shipment shall be have been tested and found to be insure they are within accuracy limits. If any meter of the sample is found not to be within accuracy limits, the entire shipment must be tested, and where necessary, the meters adjusted to within the plus or minus 1 percent accuracy limits.

(2) Every meter removed from service when opened for repairs shall be adjusted to be not more than ~~one 1~~ percent (1%) fast ~~and not more than two or 1~~ percent (2%) slow before being reset. ~~and if~~ If not opened for repairs, the meter may be reset without adjustment if found to be not more than ~~1 two~~ percent (2%) ~~in error~~ fast or not more than 1 percent slow provided the meter is otherwise in good condition.

(3)(2) No meter may shall be installed unless it has been tested within the previous 12 months and found to be within the accuracy-limits ~~prescribed in (1) of established by this rule,~~ within a period no longer than twelve (12) months previous to the date of installation.

Specific Authority 366.05(1) FS. Law Implemented 366.05(1) FS. History—Repromulgated 1-8-75, 5-4-75, Amended 2-13-84, Formerly 25-7.63, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: C. Edward Mills

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 34, August 25, 2000

PUBLIC SERVICE COMMISSION

DOCKET NO. 010104-GS

RULE TITLE: Codes and Standards Adopted

RULE NO.: 25-12.005

PURPOSE AND EFFECT: The purpose of this rule is to update the Commission's reference to federal gas pipeline safety regulations previously adopted to reflect the most current changes as amended by the United States Department of Transportation.

SUMMARY: This change will adopt the existing federal gas pipeline safety regulations as amended by the United States Department of Transportation, in Parts 191, 192 and 199 of Title 49, Code of Federal Regulations, through January 1, 2001.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 368.05(2), 350.127(2) FS.

LAW IMPLEMENTED: 368.05 FS.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-12.005 Codes and Standards Adopted.

The Minimum Federal Safety Standards and reporting requirements for pipeline facilities and transportation of gas prescribed by the United States Department of Transportation in Parts 191 and 192 of Title 49, Code of Federal Regulations (CFR) as amended through January 1, 2001 ~~October 20, 1998~~, are adopted as part of these rules. Part 199, "Drug and Alcohol Testing" as amended through January 1, 2001, ~~October 20, 1998~~ is adopted to control drug use, by setting standards and requirements to apply to the testing and use of all emergency response personnel under the direct authority or control of a gas utility or pipeline operator, as well as all employees directly or indirectly employed by gas pipeline operators for the purpose of operation and maintenance and all employees directly or indirectly employed by intrastate gas distribution utilities for on-site construction of natural gas transporting pipeline facilities. Part 199 also is adopted to prescribe standards for use of employees who do not meet the requirements of the regulations.

Specific Authority 368.05(2), 350.127(2) FS. Law Implemented 368.03 FS. History—New 11-14-70, Amended 9-24-71, Revised 9-21-74, Amended 10-7-75, 11-30-82, 10-2-84, 8-8-89, Formerly 25-12.05, Amended 1-7-92, 5-13-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: C. Edward Mills

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 51, December 22, 2000

**LAND AND WATER ADJUDICATORY COMMISSION
Lakewood Ranch Community Development District 2**

RULE TITLE: Boundary
RULE NO.: 42W-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of the Lakewood Ranch Community Development District 2 ("District"), a community development district (CDD) established in 1995 pursuant to Chapter 190, F.S. The petition to amend the boundaries submitted by the Lakewood Ranch CDD 2 requests that the Florida Land and Water Adjudicatory Commission (the "Commission") amend Florida Administrative Code Chapter 42W-1 by deleting approximately 706 acres (the contraction parcel) from the existing boundaries. After contraction, the proposed amended District will consist of approximately 1,374 acres located in Manatee County, Florida. (The contraction parcel is proposed for inclusion in the boundaries of the proposed Lakewood Ranch CDD 5. The Lakewood Ranch CDD 5 establishment petition is currently pending before the Commission.) The general location of the contraction parcel is depicted in Comp. Ex. A, Att. 2, that was submitted into evidence during the administrative hearing (revises Exhibit 2 originally filed with the petition). As a result of the proposed contraction, 573 fewer single family units will be included within the District. The filing of the petition for contraction by the District Board of Supervisors constitutes consent of the landowners within the District, other than the landowners whose land is proposed to be removed from the District. Additionally, the District has written consent to amend the District from the owners of 100% of the real property to be deleted from the District.

SUMMARY OF THE ESTIMATE OF ECONOMIC IMPACT: The statement of estimated regulatory costs (SERC) supports the petition to contract the District. The complete text of the SERC is contained as Exhibit 8 to the petition to contract the District. The scope of the SERC is limited to evaluating the regulatory cost consequences of approving the proposal to contract the District, as well as the petition to establish Lakewood Ranch CDD 5. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals

likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated affect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the remaining land owners in the District after contraction, the contraction parcel land owners to be included in the proposed Lakewood Ranch CDD 5, the State of Florida, and Manatee County. In addition, future property owners will be affected by the contraction of the proposed District. Under section (b), the Commission and State of Florida will incur minimal one-time administrative costs. Manatee County will also incur one-time administrative costs which are offset by the required filing fee paid to the County. Adoption of the proposed rule to approve the contraction of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. Also, various financing reserves must be provided for, such as a Debt Service and capitalized interest in addition to estimated costs of bond issuance. The District may issue notes, bonds, or other indebtedness to fund its improvement program. The District may also impose an annual special assessment levy for the operations and maintenance of the District. The cost per unit for operations and maintenance in the District, after contraction, is projected to decline. Additionally, the total capital improvement plan for the District, after contraction, is reduced because the community and the master infrastructure to serve the new and smaller District is proportionately reduced. Under section (d), approval of the petition to contract the District will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. Manatee County is not a small county as defined. Under section (e), the analysis was based on an application of economic theory with input received from the petitioner's engineer and other professionals associated with the petitioner.

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: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005(1)(f)1. 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. – 12:00 Noon, Monday, March 26, 2001

PLACE: Room 2106, The Capitol, Tallahassee, Florida

THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Erin McCormick Larrinaga, Esquire, Fowler, White, Gillen, Boggs, Villareal and Banker, P.A., Post Office Box 1438, Tampa, Florida 33601, telephone (813)228-7411 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULE IS:

42W-1.002 Boundary.

The boundaries of the district are as follows: COMMENCE AT THE SECTION CORNER COMMON TO SECTIONS 29, 30, 31 AND 32, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 010 11' 37" W, ALONG THE SECTION LINE COMMON TO SECTIONS 31 AND 32, TOWNSHIP 35 S., RANGE 19 E., A DISTANCE OF 221.07 FT. TO THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY OF "UPPER MANATEE RIVER ROAD" (A 120 FT. WIDE PUBLIC R/W), FOR A POINT OF BEGINNING; THENCE ALONG THE NORTHERLY AND WESTERLY R/W OF SAID "UPPER MANATEE RIVER ROAD", THE FOLLOWING COURSES: S 750 29' 27" W, A DISTANCE OF 399.90 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1960.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 400 58' 50", A DISTANCE OF 1401.88 FT. TO THE P.T. OF SAID CURVE; THENCE S 340 30' 37" W, A DISTANCE OF 319.17 FT. TO THE P.C. OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1610.00 FT.; THENCE RUN SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 570 52' 37", A DISTANCE OF 1626.33 FT. TO THE P.T. OF SAID CURVE; THENCE S 230 22' 00" E, A DISTANCE OF 320.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 860.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 620 53' 43", A DISTANCE OF 944.05 FT. TO THE P.T. OF SAID CURVE; THENCE S 860 15' 43" E, A DISTANCE OF 120.00 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 620.00 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF

SAID CURVE, THROUGH A CENTRAL ANGLE OF 860 17' 11", A DISTANCE OF 933.71 FT. TO THE P.T. OF SAID CURVE; THENCE S 000 01' 28" W, ALONG SAID WESTERLY R/W OF "UPPER MANATEE RIVER ROAD" AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 1745.06 FT. TO THE INTERSECTION WITH THE SOUTHERLY R/W OF "UNIVERSITY PARKWAY" (A 200.00 FT. WIDE PUBLIC R/W), SAME BEING THE SOUTHERLY LINE OF SECTION 31, TOWNSHIP 35 S., RANGE 19 E. (COUNTY LINE); THENCE S 890 58' 32" E, ALONG THE SOUTHERLY R/W OF SAID "UNIVERSITY PARKWAY", A DISTANCE OF 120.00 FT. TO THE INTERSECTION WITH THE EASTERLY END OF R/W FOR SAID "UNIVERSITY PARKWAY"; THENCE CONTINUE S 890 58' 32" E, ALONG THE SOUTHERLY LINE OF SAID SECTION 31 (COUNTY LINE), A DISTANCE OF 41.80 FT. TO THE SOUTHEAST CORNER OF SAID SECTION 31, SAME BEING THE SOUTHWEST CORNER OF SECTION 32, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 890 58' 32" E, ALONG THE SOUTHERLY LINE OF SAID SECTION 32 (COUNTY LINE), A DISTANCE OF 5320.24 FT. TO THE SOUTHEAST CORNER OF SAID SECTION 32, SAME BEING THE SOUTHWEST CORNER OF SECTION 33, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 890 58' 32" E, ALONG THE SOUTHERLY LINE OF SAID SECTION 33 (COUNTY LINE), A DISTANCE OF 5320.24 FT. TO THE SOUTHEAST CORNER OF SAID SECTION 33, SAME BEING THE SOUTHWEST CORNER OF SECTION 34, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 890 58' 32" E, ALONG THE SOUTHERLY LINE OF SAID SECTION 34 (COUNTY LINE), A DISTANCE OF 678.98 FT. TO THE INTERSECTION WITH THE EASTERLY LINE OF "LORRAINE ROAD" (A 120.0 FT. WIDE ROADWAY); THENCE ALONG THE EASTERLY LINE OF SAID "LORRAINE ROAD", THE FOLLOWING COURSES: N 000 01' 28" E, A DISTANCE OF 1402.77 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 10560.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 010 56' 28", A DISTANCE OF 357.76 FT. TO THE P.T. OF SAID CURVE; THENCE N 010 55' 00" W, A DISTANCE OF 2240.90 FT. TO THE P.C. OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 3060.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 100 28' 18", A DISTANCE OF 559.26 FT. TO THE P.T. OF SAID CURVE; THENCE N 120 23' 18" W, A DISTANCE OF 982.01 FT. TO THE P.C. OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 2190.00 FT.; THENCE RUN NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 130 14' 44", A DISTANCE OF 506.28 FT. TO THE P.T. OF SAID CURVE;

THENCE N 000 51' 27" E, A DISTANCE OF 1.87 FT. TO THE INTERSECTION WITH THE NORTHERLY LINE OF SECTION 34, TOWNSHIP 35 S., RANGE 19 E., SAME BEING THE SOUTHERLY LINE OF SECTION 27, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 890 57' 56" W, ALONG THE SECTION LINE COMMON TO SAID SECTIONS 27 AND 34, A DISTANCE OF 120.02 FT. TO THE SECTION CORNER COMMON TO SECTIONS 27, 28, 33 AND 34, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 890 30' 25" W, ALONG THE SECTION LINE COMMON TO SAID SECTIONS 28 AND 33, A DISTANCE OF 2662.03 FT. TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF SAID SECTION 28; THENCE N 000 45' 47" E, ALONG THE EASTERLY LINE OF THE WEST 1/2 OF SAID SECTION 28, A DISTANCE OF 5314.17 FT. TO THE NORTHEAST CORNER OF THE WEST 1/2 OF SAID SECTION 28, SAME BEING THE SOUTH 1/4 CORNER SECTION 21, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 890 31' 21" E, ALONG THE SECTION LINE COMMON TO SECTIONS 21 AND 28, TOWNSHIP 35 S., RANGE 19 E., A DISTANCE OF 2670.79 FT. TO THE NORTHEAST CORNER OF SAID SECTION 28, SAME BEING THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE N 000 30' 20" E, ALONG THE EASTERLY LINE OF SAID SECTION 21, A DISTANCE OF 243.17 FT. MORE OR LESS, TO THE INTERSECTION WITH THE CENTERLINE OF THE "BRADEN RIVER", SAID POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE RUN IN A GENERALLY NORTHWESTERLY DIRECTION, ALONG THE SINUOSITIES OF THE CENTERLINE OF THE "BRADEN RIVER", 5332 FT. MORE OR LESS TO A POINT HEREINAFTER REFERRED TO AS POINT "B", SAID POINT LYING N 730 19' 40" W, A DISTANCE OF 3962.56 FT. FROM POINT "A" PREVIOUSLY DESCRIBED; THENCE S 450 40' 07" W, A DISTANCE OF 2166.37 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF SECTION 28, TOWNSHIP 35 S., RANGE 19 E.; THENCE S 000 40' 07" W, ALONG THE WESTERLY LINE OF SAID SECTION 28, A DISTANCE OF 5135.03 FT. TO THE SECTION CORNER COMMON TO SECTIONS 28, 29, 32 AND 33, TOWNSHIP 35 S., RANGE 19 E.; THENCE N 890 30' 25" W, ALONG THE NORTHERLY LINE OF SAID SECTION 32, A DISTANCE OF 4003.06 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF THAT CERTAIN BOUNDARY AGREEMENT LINE AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1323, PAGE 1534, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 000 29' 12" E, ALONG THE WESTERLY LINE OF SAID BOUNDARY AGREEMENT LINE, A DISTANCE OF 826.46 FT. TO THE INTERSECTION WITH THE EASTERLY R/W OF AFOREMENTIONED "UPPER MANATEE RIVER ROAD", SAID POINT BEING ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 890

30' 48" W, 1060.00 FT.; THENCE RUN SOUTHWESTERLY, ALONG SAID EASTERLY R/W AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 750 00' 15", A DISTANCE OF 1387.61 FT. TO THE P.T. OF SAID CURVE; THENCE S 750 29' 27" W, ALONG SAID SOUTHERLY R/W, 259.49 FT.; THENCE N 100 30' 33" W, A DISTANCE OF 120.29 FT. TO THE INTERSECTION WITH THE NORTHERLY R/W OF SAID "UPPER MANATEE RIVER ROAD"; THENCE S 750 29' 27" W, ALONG SAID NORTHERLY R/W, A DISTANCE OF 287.54 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTIONS 21, 27, 28, 29, 31, 32, 33 AND 34, TOWNSHIP 35 S., RANGE 19 E.; MANATEE COUNTY, FLORIDA.

LESS:

R/W FOR "UPPER MANATEE RIVER ROAD" AND LESS R/W FOR THAT PART OF "UNIVERSITY PARKWAY" LYING WEST OF THE EAST LINE OF "UPPER MANATEE RIVER ROAD".

CONTAINING 2080.59 ACRES MORE OR LESS.

SUBJECT TO SOVEREIGNTY RIGHTS, IF ANY, FOR THE "BRADEN RIVER".

LESS AND EXCEPT:

A tract of land laying in lying in Sections 21, 28, 32, 33 and 34, Township 35 South, Range 19 East, Manatee County, Florida and more particularly described as follows:

Commence at the Southwest corner of Section 29, Township 35 South, Range 19 East; thence S.89°30'25"E. along the south line of said Section 29, a distance of 2603.91 feet to the POINT OF BEGINNING; thence continue, S.89°30'25"E., a distance of 2,733.52 feet to the southeast corner of premises described in Boundary Line Agreement, recorded in Official Record Book 1323, Page 1526 of the Public Records of Manatee County, Florida, also being the southeast corner of said Section 29; (the following call is along the east line of said premises); thence N.00°40'07"E., a distance of 5,135.03 feet; thence N.45°40'07"E., a distance of 2,116.37 feet to the intersection with the centerline of the Braden River, said point hereinafter referred to as Point "B"; thence run in a generally southeasterly direction, along the sinuosities of the centerline of the Braden River, 5,332 feet, more or less to the intersection with the easterly line of the aforementioned Section 21, said intersection point hereinafter referred to as Point "A", said Point "A" lying S.73°57'22"E., a distance of 3,987.02 feet from said Point "B"; thence S.00°30'20"W. along said east line, a distance of 243.17 feet to the northeast corner of Section 28; thence N.89°31'21"W., along the north line of said Section 28 a distance of 2,670.79 feet to the northeast corner of the west 1/2 of said Section 28; thence S.00°45'47"W., along the east line of the west 1/2 of said Section 28 a distance of 5,314.17 feet to the southeast corner of the west 1/2 of said Section 28; thence S.89°30'25"E. along the south line of said Section 28, a distance of 2,662.03 feet to the southeast corner of said Section

28; thence N.89°57'56"E. along the south line of Section 27, Township 35 South, Range 19 East, a distance of 120.02 feet to a point on the east right-of-way line of said Lorraine Road (120 feet wide); (the following 6 calls are along said east line); thence S.00°51'27"W., a distance of 1.87 feet to a point on a curve to the left of which the radius point lies S.89°08'34"E., a radial distance of 2,190.00 feet; thence southerly along the arc of said curve, through a central angle of 13°14'44", an arc length of 506.28 feet to the point of tangency of said curve; thence S.12°23'18"E., a distance of 982.01 feet to the point of curvature of a curve to the right having a radius of 3,060.00 feet, and a central angle of 10°28'18"; thence southerly along the arc of said curve, an arc length of 559.26 feet to the point of tangency of said curve; thence S.01°55'00"E., a distance of 447.81 feet; thence S.88°05'00"W., a distance of 120.03 feet to the northeasterly corner of The Masters Avenue, as shown on the plat of Lakewood Ranch Country Club Village, The Masters Avenue/Eagles Watch Way Roadways, as recorded in Plat Book 35, Page 194, of said Public Records, said point being to a point of curvature to the right, of which the radius point lies S.88°05'00"W., a radial distance of 35.00 feet; (the following 14 calls are along said northerly line); thence southwesterly along the arc of said curve, through a central angle of 90°00'00", an arc length of 54.98 feet to the point of tangency of said curve; thence S.88°05'00"W., a distance of 207.34 feet to the point of curvature of a curve to the left having a radius of 149.00 feet, and a central angle of 17°26'15"; thence westerly along the arc of said curve, an arc length of 45.35 feet; to the point of reverse curvature of a curve to the right, having a radius of 123.00 feet and a central angle of 17°26'15"; thence westerly along the arc of said curve, a distance of 37.43 feet to the point of tangency of said curve; thence S.88°05'00"W., a distance of 74.02 feet to the point of curvature of a curve to the left having a radius of 725.00 feet and a central angle of 42°19'52"; thence southwesterly along the arc of said curve, an arc length of 535.64 feet, to the point of reverse curvature of a curve to the right having a radius of 675.00 feet and a central angle of 45°08'52"; thence westerly along the arc of said curve, a distance of 531.88 feet to the point of tangency of said curve; thence N.89°06'00"W., a distance of 401.49 feet to the point of curvature of a curve to the left having a radius of 525.00 feet and a central angle of 34°09'49"; thence westerly along the arc of said curve, an arc length of 313.04 feet to the point of reverse curvature of a curve to the right having a radius of 475.00 feet and a central angle of 34°27'06"; thence westerly along the arc of said curve, a distance of 285.62 feet to the point of tangency of said curve; thence N.88°48'43"W., a distance of 436.59 feet to the point of curvature of a curve to the left having a radius of 625.00 feet and a central angle of 20°23'17"; thence westerly along the arc of said curve, an arc length of 222.40 feet to the point of reverse curvature of a curve to the right having a radius of 475.00 feet and a central angle of 39°50'30"; thence westerly along the arc of said curve, a distance of 330.30 feet to the

point of compound curvature of a curve to the right having a radius of 575.00 feet and a central angle of 15°59'09"; thence northwesterly along the arc of said curve, an arc length of 160.43 feet to the point of compound curvature of a curve to the right having a radius of 25.00 feet and a central angle of 95°12'57"; (the following 7 calls are along the northerly line of said The Masters Avenue as shown on the plat of Lakewood Ranch Country Club Village, Subphase G a/k/a Westchester, as recorded in Plat Book 34, Page 17 of said Public Records); thence northerly along the arc of said curve, an arc length of 41.55 feet to the end of said curve; thence N.48°09'24"W. along a line radial to the last described curve, a distance of 50.00 feet to the point on a curve to the right, of which the radius point lies N.48°09'24"W., a radial distance of 25.00 feet; thence westerly along the arc of said curve, through a central angle of 95°12'57", an arc length of 41.55 feet to the point of compound curvature of a curve to the right having a radius of 575.00 feet and a central angle of 29°31'19"; thence northwesterly along the arc of said curve, an arc length of 296.27 feet to the point of reverse curvature of a curve to the left having a radius of 675.00 feet and a central angle of 34°32'21"; thence northwesterly along the arc of said curve, a distance of 406.90 feet to the point of tangency of said curve; thence N.47°57'29"W., a distance of 532.39 feet to the point of curvature of a curve to the right having a radius of 35.00 feet and a central angle of 85°30'06"; thence northerly along the arc of said curve, an arc length of 52.23 feet to the point of reverse curvature of a curve to the left having a radius of 730.00 feet and a central angle of 01°29'29", said point being a point on the easterly line of Legacy Boulevard (120-foot wide public right-of-way) as recorded in Official Record Book 1500, Page 6809, of said Public Records; (the following 2 calls are along the easterly and northerly line of said Legacy Boulevard); thence northeasterly along the arc of said curve, an arc length of 19.00 feet to the end of said curve; thence N.53°56'52"W. along a line radial to the last described curve, a distance of 120.00 feet to the point on a curve to the left, of which the radius point lies N.53°56'52"W., a radial distance of 610.00 feet; (the following 2 calls are along the easterly line of Lakewood Ranch Country Club Village, Subphase D, Unit 3A, recorded in Plat Book 32, Page 177 of said Public Records); thence northerly along the arc of said curve, through a central angle of 34°59'11", an arc length of 372.48 feet to the point of tangency of said curve; thence N.01°03'57"E. along said easterly line, also being the easterly line of Lakewood Ranch Country Club Village, Subphase D, Units 3B & 4, a/k/a Gleneagles, recorded in Plat Book 34, Page 181 of said Public Records, a distance of 835.00 feet to the point of curvature of a curve to the right having a radius of 1,190.00 feet and a central angle of 06°50'14"; (the following 12 calls are along the easterly and northerly line of said Lakewood Ranch Country Club Village, Subphase D, Units 3B & 4, a/k/a Gleneagles); thence northerly along the arc of said curve, an arc length of 142.01 feet; to the point of reverse curvature of a curve to the

left having a radius of 35.00 feet and a central angle of 87°11'33"; thence northwesterly along the arc of said curve, a distance of 53.26 feet to the point of tangency of said curve; thence N.79°17'22"W., a distance of 18.47 feet to the point of curvature of a curve to the right having a radius of 725.00 feet and a central angle of 61°47'51"; thence northwesterly along the arc of said curve, an arc length of 781.96 feet to the point of tangency of said curve; thence N.17°29'31"W., a distance of 82.39 feet; thence S.72°30'29"W., a distance of 181.80 feet to the point of curvature of a non tangent curve to the left, of which the radius point lies S.01°16'24"E., a radial distance of 58.00 feet; thence westerly along the arc of said curve, through a central angle of 24°50'29", an arc length of 25.15 feet to the end of said curve; thence N.26°06'53"W., along a line radial to the last described curve, a distance of 49.82 feet; thence S.72°30'29"W., a distance of 161.83 feet; thence N.17°29'31"W., a distance of 20.40 feet; thence S.72°30'29"W., a distance of 190.11 feet; thence S.07°30'16"W., a distance of 437.56 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 23 of said Public Records; thence N.90°00'00"W., along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, recorded in Plat Book 34, Page 113 of said Public Records, a distance of 2,269.90 feet; thence S.23°47'43"W., along the west line of said Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, a distance of 277.38 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126, of said Public Records; (the following 2 calls are along said northerly line); thence N.60°40'54"W., a distance of 184.30 feet; thence N.36°55'37"W., a distance of 85.32 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of said Public Records; (the following 3 calls are along said easterly line); thence N.01°20'47"E., a distance of 240.50 feet; thence N.58°34'00"W., a distance of 423.22 feet; thence N.00°29'35"E., a distance of 166.41 feet; to the POINT OF BEGINNING.

Tract contains: 706.62 acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005(1)(f). FS. History—New 6-12-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 2105, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2001

LAND AND WATER ADJUDICATORY COMMISSION

Lakewood Ranch Community Development District 5

RULE TITLES:	RULE NOS.:
Establishment	42EE-1.001
Boundary	42EE-1.002
Supervisors	42EE-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), the Lakewood Ranch Community Development District 5 (“District”), pursuant to Chapter 190, F.S. The petition to establish the District, filed by SMR Communities Joint Venture, (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule the Lakewood Ranch CDD 5. The land area proposed to be served by the District will consist of approximately 1,173 acres. Upon establishment, the proposed Lakewood Ranch CDD 5 will encompass land proposed to be contracted from the Lakewood Ranch CDD 2 and additional land. (The Lakewood Ranch CDD 2 contraction petition is currently pending before the Commission for approval to amend the boundaries to delete 706.62 acres.) All proposed lands in the District are within unincorporated Manatee County and are generally depicted on Exhibit 1 of the petition. There are no parcels located within the external boundaries of the proposed District to be excluded from the District. The proposed development within the District contemplates the construction of 908 single-family residential units, 208 condominium units, a golf course and country club facility, and a sports/fitness complex. The Petitioner has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The District, if established, intends to participate in the construction of certain facilities and services such as roadways, lighting, utilities, drainage, landscaping/lakes/irrigation, security, fire, and parks and recreation on the lands within the District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 7 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory cost consequences of approving the proposal to establish the District, as well as evaluating the regulatory cost consequences of contracting the Lakewood Ranch CDD 2 boundaries. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number and types of individuals likely to be required to comply with the rule or who will be affected; (b) a good faith estimate of the costs to any state and local government entities of implementing and enforcing the proposed rule, and any anticipated affect on state and local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities; (d) an analysis of the impact on small businesses,

small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under paragraph (1)(a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the land owners of the lands to be included in Lakewood Ranch CDD 5, the State of Florida, and Manatee County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), the Commission and State of Florida will incur minimal one-time administrative costs. Manatee County will also incur one-time administrative costs which are offset by the required filing fee paid to the County. Adoption of the proposed rule to approve the establishment of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. Also, various financing reserves must be provided for, such as a Debt Service and capitalized interest in addition to estimated costs of bond issuance. The District may issue notes, bonds, or other indebtedness to fund its improvement program. The District may also impose an annual special assessment levy for the operations and maintenance of the District. Under section (d), approval of the petition to establish the District will have only incidental or a positive impact on small businesses and will not have any impact on small counties and cities. Manatee County is not a small county as defined. Under section (e), the analysis was based on an application of economic theory with input received from the petitioner’s engineer and other professionals associated with the petitioner.

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: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005(1)(f)1. 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. – 12:00 Noon, Monday, March 26, 2001

PLACE: Room 2106, The Capitol, Tallahassee, Florida
THE PERSONS TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Erin McCormick Larrinaga, Esquire, Fowler, White, Gillen, Boggs, Villareal and Banker, P.A., Post Office Box 1438, Tampa, Florida 33601, telephone (813)228-7411 or Barbara Leighty, Senior Governmental

Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULES IS:

42EE-1.001 Establishment.

The Lakewood Ranch Community Development District 5 is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005(1)(f)1. FS. History—New

42EE-1.002 Boundary.

A tract of land lying in Sections 20, 21, 27, 28, 29, 32, 33 and 34, Township 35 South, Range 19 East, Manatee County, Florida and more particularly described as follows:

Commence at the Southwest corner of said Section 29; thence S.89°30'25"E. along the South line of said Section 29, a distance of 2603.91' to the POINT OF BEGINNING, thence continue, S.89°30'25"E., along the south line of said Section 29, a distance of 2733.52 feet to the southeast corner of premises described in Boundary Line Agreement, recorded in Official Record Book 1323, Page 1526 of the Public Records of Manatee County, Florida, also being the southeast corner of said Section 29; (the following 4 calls are along the east and north lines of said premises); thence N.00°40'07"E., along the east line of said premises, also being the east line of Section 29, a distance of 3969.03 feet; thence N.89°29'40"W. a distance of 28.00 feet; thence N.00°40'07"E. a distance of 16.00 feet; thence N.89°29'40"W. a distance of 415.80 feet to the east line of Community Development District No. 1; (the following 4 calls are along the easterly line of said Community Development District No. 1); thence N.12°00'00"W. a distance of 1100.01 feet; thence N.20°00'00"W. a distance of 850.00 feet; thence N.56°19'17"W., a distance of 834.10 feet to a point hereafter referred to as "POINT C", said point being a point in the approximate centerline of the Braden River; thence northeasterly along the centerline of said Braden River, 2508 feet, more or less to a point hereafter referred to as "POINT B", said point lying N.60°41'34"E., a distance of 2228.69 feet from said "POINT C"; (the following 38 calls are along the southerly line of Community Development District No. 4, also being the approximate centerline of said Braden River); thence S.63°46'32"E. a distance of 199.25 feet; thence S.89°51'13"E. a distance of 107.53 feet; thence S.65°09'04"E. a distance of 130.29 feet; thence N.72°15'41"E. a distance of 45.67 feet; thence S.52°55'04"E. a distance of 146.47 feet; thence S.07°03'03"E. a distance of 153.86 feet; thence S.31°20'20"E. a distance of 82.43 feet; thence S.77°38'51"E. a distance of 193.71 feet; thence S.68°00'16"E. a distance of 252.22 feet; thence S.76°43'49"E. a distance of 167.84 feet; thence S.36°06'47"E. a distance of 61.05 feet; thence S.13°23'34"E. a distance of 151.26 feet; thence S.63°24'00"E. a distance of 85.74 feet; thence S.87°38'04"E. a distance of 317.67 feet;

thence N.84°09'13"E. a distance of 355.98 feet; thence S.18°29'28"E. a distance of 84.57 feet; thence S.54°33'56"E. a distance of 98.44 feet; thence S.06°19'12"E. a distance of 178.15 feet; thence S.04°46'16"W. a distance of 201.80 feet; thence N.84°04'15"E. a distance of 395.37 feet; thence S.88°35'50"E. a distance of 205.23 feet; thence N.28°03'28"E. a distance of 123.34 feet; thence N.33°56'03"E. a distance of 147.61 feet; thence N.78°50'23"E. a distance of 172.76 feet; thence S.89°34'53"E. a distance of 85.11 feet; thence S.49°03'37"E. a distance of 210.65 feet; thence S.07°21'38"E. a distance of 192.00 feet; thence S.55°21'39"E. a distance of 83.20 feet; thence S.11°18'24"E. a distance of 186.21 feet; thence N.85°40'43"E. a distance of 123.53 feet; thence S.51°55'12"E. a distance of 192.92 feet; thence N.81°00'35"E. a distance of 414.97 feet; thence N.15°30'10"E. a distance of 198.47 feet; thence N.54°37'50"E. a distance of 125.25 feet; thence S.66°16'08"E. a distance of 279.73 feet; thence S.26°46'17"E. a distance of 188.86 feet; thence S.67°56'22"E. a distance of 288.44 feet; thence S.59°36'01"E. a distance of 232.13 feet to the west right-of-way line of Lorraine Road (120-foot wide public right-of-way); thence S.00°30'20"W., along said west line, a distance of 259.63 feet to the northwest corner of said Section 27; thence S.89°29'42"E., along the north line of said Section 27, a distance of 120.01 feet to a point on the east right-of-way line of said Lorraine Road; (the following 6 calls are along said east line); thence S.00°51'26"W. a distance of 5313.83 feet; thence S.00°51'27"W. a distance of 1.87 feet to a point on a curve to the left of which the radius point lies S.89°08'34"E. a radial distance of 2190.00 feet; thence along the arc of said curve, in a southerly direction, passing through a central angle of 13°14'44" an arc distance of 506.28 feet to the point of tangency of said curve; thence S.12°23'18"E., a distance of 982.01 feet to the point of curvature of a curve to the right having a radius of 3060.00 feet, and a central angle of 10°28'18"; thence along the arc of said curve, an arc length of 559.26 feet to the point of tangency of said curve; thence S.01°55'00"E., a distance of 447.81 feet to the northerly line of Community Development District No. 2; thence S.88°05'00"W. a distance of 120.03 feet to the northeasterly corner of The Masters Avenue, as shown on the plat of Lakewood Ranch Country Club Village, The Masters Avenue/Eagles Watch Way Roadways, as recorded in Plat Book 35, Page 194, of said Public Records, said point being a point on a curve to the right of which the radius point lies S.88°05'00"W. a radial distance of 35.00 feet; (the following 14 calls are along said northerly line); thence along the arc of said curve, in a southwesterly direction, passing through a central angle of 90°00'00" an arc distance of 54.98 feet to the point of tangency of said curve; thence S.88°05'00"W., a distance of 207.34 feet to the point of curvature of a curve to the left having a radius of 149.00 feet, and a central angle of 17°26'15"; thence along the arc of said curve, in a westerly direction, an arc length of 45.35 feet to the point of reverse

curvature of a curve to the right, having a radius of 123.00 feet and a central angle of $17^{\circ}26'15''$ "; thence along the arc of said curve, in a westerly direction, an arc distance of 37.43 feet to the point of tangency of said curve; thence S. $88^{\circ}05'00''$ W., a distance of 74.02 feet to the point of curvature of a curve to the left having a radius of 725.00 feet, and a central angle of $42^{\circ}19'52''$ "; thence along the arc of said curve, in a southwesterly direction, an arc length of 535.64 feet to the point of reverse curvature of a curve to the right, having a radius of 675.00 feet and a central angle of $45^{\circ}08'52''$ "; thence along the arc of said curve, in a westerly direction, an arc distance of 531.88 feet to the point of tangency of said curve; thence N. $89^{\circ}06'00''$ W., a distance of 401.49 feet to the point of curvature of a curve to the left having a radius of 525.00 feet, and a central angle of $34^{\circ}09'49''$ "; thence along the arc of said curve, in a westerly direction, an arc length of 313.04 feet to the point of reverse curvature of a curve to the right, having a radius of 475.00 feet and a central angle of $34^{\circ}27'06''$ "; thence along the arc of said curve, in a westerly direction, an arc distance of 285.62 feet to the point of tangency of said curve; thence N. $88^{\circ}48'43''$ W., a distance of 436.59 feet; to the point of curvature of a curve to the left having a radius of 625.00 feet, and a central angle of $20^{\circ}23'17''$ "; thence along the arc of said curve, in a westerly direction, an arc length of 222.40 feet to the point of reverse curvature of a curve to the right, having a radius of 475.00 feet and a central angle of $39^{\circ}50'30''$ "; thence along the arc of said curve, in a westerly direction, an arc distance of 330.30 feet to the point of compound curvature of a curve to the right, having a radius of 575.00 feet and a central angle of $15^{\circ}59'08''$ "; thence along the arc of said curve, in a northwesterly direction, an arc distance of 160.43 feet to the point of compound curvature of a curve to the right, having a radius of 25.00 feet and a central angle of $95^{\circ}12'58''$ "; (the following 7 calls are along the northerly line of said The Masters Avenue as shown on the plat of Lakewood Ranch Country Club Village, Subphase G, a/k/a Westchester, as recorded in Plat Book 34, Page 17 of said Public Records); thence along the arc of said curve, in a northerly direction, an arc distance of 41.55 feet to the end of said curve; thence N. $48^{\circ}09'24''$ W., along a line radial to the last described curve, a distance of 50.00 feet to a point on a curve to the right of which the radius point lies N. $48^{\circ}09'24''$ W. a radial distance of 25.00 feet; thence along the arc of said curve, in a westerly direction, passing through a central angle of $95^{\circ}12'57''$ an arc distance of 41.55 feet to the point of compound curvature of a curve to the right, having a radius of 575.00 feet and a central angle of $29^{\circ}31'19''$ "; thence along the arc of said curve, in a northerly direction, an arc distance of 296.27 feet to the point of reverse curvature of a curve to the left, having a radius of 675.00 feet and a central angle of $34^{\circ}32'21''$ "; thence along the arc of said curve, in a northwesterly direction, an arc distance of 406.90 feet to the point of tangency of said curve; thence N. $47^{\circ}57'29''$ W. a distance of 532.39 feet to the point of curvature of a curve to the right having a radius of 35.00 feet,

and a central angle of $85^{\circ}30'06''$ "; thence along the arc of said curve, in a northerly direction, an arc length of 52.23 feet to the point of reverse curvature of a curve to the left, having a radius of 730.00 feet and a central angle of $01^{\circ}29'29''$, said point being a point on the easterly right-of-way line of Legacy Boulevard (120-foot wide public right-of-way) as recorded in Official Record Book 1500, Page 6809, of said Public Records; (the following 2 calls are along the easterly and northerly line of said Legacy Boulevard); thence along the arc of said curve, in a northeasterly direction, an arc distance of 19.00 feet to the end of said curve; thence N. $53^{\circ}56'52''$ W., along a line radial to the last described curve, a distance of 120.00 feet to a point on a curve to the left of which the radius point lies N. $53^{\circ}56'52''$ W. a radial distance of 610.00 feet; (the following 2 calls are along the easterly line of Lakewood Ranch Country Club Village, Subphase D, Unit 3A, recorded in Plat Book 32, Page 177 of said Public Records); thence along the arc of said curve, in a northerly direction, passing through a central angle of $34^{\circ}59'11''$ an arc distance of 372.48 feet to the point of tangency of said curve; thence N. $01^{\circ}03'57''$ E., along said easterly line, also being the easterly line of Lakewood Ranch Country Club Village, Subphase D, Units 3B & 4, a/k/a Gleneagles, recorded in Plat Book 34, Page 181 of said Public Records, a distance of 835.00 feet to the point of curvature of a curve to the right having a radius of 1190.00 feet, and a central angle of $06^{\circ}50'14''$ "; (the following 12 calls are along the easterly and northerly line of said Lakewood Ranch Country Club Village, Subphase D, Units 3B & 4, a/k/a Gleneagles); thence along the arc of said curve, in a northerly direction, an arc length of 142.01 feet to the point of reverse curvature of a curve to the left, having a radius of 35.00 feet and a central angle of $87^{\circ}11'33''$ "; thence along the arc of said curve, in a northwesterly direction, an arc distance of 53.26 feet to the point of tangency of said curve; thence N. $79^{\circ}17'22''$ W. a distance of 18.47 feet; to the point of curvature of a curve to the right having a radius of 725.00 feet, and a central angle of $61^{\circ}47'51''$ "; thence along the arc of said curve, in a northwesterly direction, an arc length of 781.96 feet to the point of tangency of said curve; thence N. $17^{\circ}29'31''$ W., a distance of 82.39 feet; thence S. $72^{\circ}30'29''$ W. a distance of 181.80 feet to a point on a curve to the left of which the radius point lies S. $01^{\circ}16'24''$ E. a radial distance of 58.00 feet; thence along the arc of said curve, in a westerly direction, passing through a central angle of $24^{\circ}50'29''$ an arc distance of 25.15 feet to the end of said curve; thence N. $26^{\circ}06'53''$ W., along a line radial to the last described curve, a distance of 49.82 feet; thence S. $72^{\circ}30'29''$ W. a distance of 161.83 feet; thence N. $17^{\circ}29'31''$ W. a distance of 20.40 feet; thence S. $72^{\circ}30'29''$ W. a distance of 190.11 feet; thence S. $07^{\circ}30'16''$ W. a distance of 437.56 feet to a point on the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 2, recorded in Plat Book 31, Page 23 of said Public Records; thence N. $90^{\circ}00'00''$ W., along said north line, also being the north line of Lakewood Ranch Country Club Village, Subphase D, Unit 1

a/k/a Spyglass, recorded in Plat Book 34, Page 113 of said Public Records, a distance of 2269.90 feet; thence S.23°47'43"W., along the west line of said of Lakewood Ranch Country Club Village, Subphase D, Unit 1 a/k/a Spyglass, a distance of 277.38 feet to a point on the north line of Parcel 4, Legacy Golf Course as recorded in Road Plat Book 10, Page 126, of said Public Records; (the following 2 calls are along said northerly line); thence N.60°40'54"W. a distance of 184.30 feet; thence N.36°55'37"W. a distance of 85.32 feet to a point on the east line of Lakewood Ranch Country Club Village, Subphase C, Unit 1-A, recorded in Plat Book 30, Page 189 of said Public Records; (the following 3 calls are along said easterly line); thence N.01°20'47"E. a distance of 240.50 feet; thence N.58°34'00"W. a distance of 423.22 feet; thence N.00°29'35"E. a distance of 166.41 feet; to the POINT OF BEGINNING.

Tract Contains: 1,173.19 acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005(1)(f)1. FS. History-New

42EE-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Rex Jensen, C. John Clarke, Mary Fran Carroll, Roger Hill, and Anthony Chiofalo.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005(1)(f)1. FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 2105, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: RULE NO.:

Specialty Electrical Contractors 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.

SUMMARY: The rule amendment is for the purpose of updating the specialty electrical contractors structural fabrication.

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

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

SPECIFIC AUTHORITY: 489.511(5) FS.

LAW IMPLEMENTED: 489.511(5), 489.505(19) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-7.001 Specialty Electrical Contractors.

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, Florida Statutes, and Chapter 61G6-5, above. In order to be admitted to a specialty contractor examination, the person must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) No change.

(2) Sign Specialty Electrical Contractor. The scope of certification includes the structural fabrication including concrete foundation, erection, installation, alteration, repair, service and wiring of electrical signs and outline lighting. The scope of certification shall not include the provision of, or any electrical work beyond, the last disconnect mean or terminal points. However, a contractor certified under this section may provide the electrical entrance requirements for metering and main disconnect of remote billboards or signs which are independent of any structure or building and which require no more than twenty-five (25) kilowatts at two hundred fifty (250) volts maximum.

(3) No change.

(4) Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation ~~of~~, repair ~~of~~, fabrication, erection, alteration ~~of~~, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, ~~and~~

conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television or radio distribution system), central vacuum, or electric locks.

(a) through (5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.511(5), 489.503(14), 489.505(19) FS. History—New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2000

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Probable Cause Determination and Discipline
RULE NO.: 61G8-14.006
PURPOSE AND EFFECT: Rule 61G8-14.006 will set forth changes to the Probable Cause Panel.

SUMMARY: The rule amendment is for the purpose of updating the Probable Cause Panel.

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

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

SPECIFIC AUTHORITY: 455.225, 470.005 FS.

LAW IMPLEMENTED: 455.225, 470.019 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-14.006 Probable Cause Determination and Discipline.

(1) The determination as to whether probable cause exists to believe that a violation of the provisions of Chapters 455 and 470, F.S., and/or the rules promulgated pursuant thereto, has occurred shall be made by a majority vote or, if only two panel members are in attendance, by the unanimous vote of the members present probable cause panel.

(2) The probable cause panel shall be composed of at least two (2) members of the Board of Funeral Directors and Embalmers. Not more than one (1) member of the panel may be a consumer member. The Chairman may appoint a former member of the board to serve on the probable cause panel in lieu of a current member of the Board of Funeral Directors and Embalmers.

(3) through (5) No change.

Specific Authority 455.225, 470.005 FS. Law Implemented 455.225, 470.019, 470.036 FS. History—New 11-11-79, Amended 3-1-81, 4-10-84, Formerly 21J-14.06, 21J-14.006, Amended 2-20-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES: Continuing Education for License Renewal
Education Required for Operational Personnel and Non-Licensed Individuals
Course Required for Initial Licensure and Registration
RULE NOS.: 61G8-17.0034
61G8-17.0035
61G8-17.0036

PURPOSE AND EFFECT: To clarify the criteria regarding continuing education for license renewal; education required for operational personnel and non-licensed individuals and course required for initial licensure and registration.

SUMMARY: The rule amendment are to update the rule text with regard to continuing education for license renewal; education required for operational personnel and non-licensed individuals and course required for initial licensure and registration.

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

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

SPECIFIC AUTHORITY: 470.005(1), 470.015(1), 470.018, 470.0201 FS.

LAW IMPLEMENTED: 455.273, 470.015, 470.018, 470.0201 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-17.0034 Continuing Education for License Renewal.

(1) For purposes of these rules continuing education means instructional courses approved by the Board pursuant to Rule 61G8-17.0042 and offered by Board approved continuing education providers registered pursuant to Rule 61G8-17.0041, F.A.C.

(2)(H) All licensed professionals governed by Chapter 470, Florida Statutes, shall be required to successfully complete obtain Board approved continuing education (HIV/AIDS, Communicable Diseases, Professional Education) courses from a provider or providers registered pursuant to Rule 61G8-17.0041, F.A.C. at the time the course is taken, as defined under Chapters 455 and 470, F.S., and this rule chapter, which contributes to increasing or enhancing the license holder's professional skills or which enables the license holder to keep abreast of changes that affect the practice of embalming, funeral directing, or direct disposal.

(3) In Addition, five (5) hours of continuing education credit may be obtained by attending one full day or eight (8) hours, whichever is more, of a regular meeting of the Board of Funeral Directors and Embalmers and compliance with the following:

(a) The licensee must sign in with the Executive Director of the Board, or designee, before the meeting day begins.

(b) The licensee must remain in continuous attendance.

(c) The licensee must sign out with the Executive Director of the Board, or designee, at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board.

(d) A licensee may receive credit only if he/she is not appearing before the board as the subject of disciplinary action at that meeting.

(e) No licensee may use more than (5) hours of continuing education pursuant to this section for the purpose of completing the continuing educational requirements for each biennial renewal.

(4)(2) No license shall be renewed unless the licensee submits confirmation on a form provided by the Department that the licensee has completed the required continuing education hours together with completion of a single board approved course on communicable diseases, including and HIV/AIDS, which course shall contain the subject area requirements set out in Rule 61G8-17.0042(3)(e), F.A.C. Courses approved in communicable diseases shall meet the requirements of sections 455.2226, 470.015, 470.018 and 470.0201, Florida Statutes.

(a) Funeral Directors and Embalmers shall complete twelve (12) hours of continuing education.

(b) Registered Direct Disposers shall complete three (3) contact hours of continuing education.

(c) One (1) hour equals a minimum of fifty (50) minutes and a maximum of sixty (60) minutes of classroom or individualized course of instruction.

(f)(d) No persons who was initially licensed with half or less of the renewal period in the second year of a the biennium remaining prior to renewal shall be required only to pass an approved course attend continuing education programs as a condition to renewing the initial license, except that the programs on communicable diseases including and HIV/AIDS are required as required in section 455.2226, F.S., as a condition for initial renewal.

(5)(3) Failure to meet the continuing education requirements shall render the license/registration ineligible for renewal and the license/registration shall become delinquent revert to inactive status at the end of the biennium.

(4) During the license renewal period of Ninety (90) days prior to the end of the biennium, the Department shall send to each license/registration holder at the last address of record, a notice for renewal. Failure to receive any notification during this period does not relieve the continuing education requirements or waive the license expiration date. The application for renewal shall include a statement in which the licensee shall declare that during the biennium preceding renewal, he or she completed the required hours of approved continuing education.

(5) Each licensee shall be responsible for maintaining the documentation as may be necessary to prove his or her compliance with the continuing education requirements, including the course on communicable diseases including and HIV/AIDS, during the current renewal period and the immediately preceding one, and shall provide such documentation to the Department upon request pursuant to subsection (6) of this rule.

~~(6) The Department shall audit at random a number of licensees as necessary to ensure that these continuing education requirements are met. Falsification of attendance record, or failure, when audited to provide proof of completion of the required number of hours for license renewal, shall be grounds for disciplinary action as provided in 61G8-30.001, F.A.C. If the Board determines not to accept any program attended for credit on the grounds that said program does not meet the requirements of 61G8-17.0041 or 61G8-17.0042, F.A.C., the licensee shall have a 90-day grace period from said determination during which to complete the deficient hours.~~

Specific Authority 455.2226, 470.005(1), 470.015(1), 470.018 FS. Law Implemented 455.2226 ~~455.273~~, 470.015, 470.018 FS. History—New 4-10-94, Amended 3-14-95, 7-25-95, 9-25-95, 9-25-97, 11-11-99, _____.

61G8-17.0035 Education Required for Operational Personnel and Non-Licensed Individuals.

~~(1) All unlicensed persons not licensed by the Department who will function as operational personnel affiliated with a direct disposal establishment, cinerator facility, removal service, refrigeration facility, or centralized embalming facility, and unlicensed as well as non-licensed persons who will be involved in the removal or transportation of human remains for a funeral establishment, direct disposal establishment, or cinerator facility must successfully complete one course approved by the Board on communicable diseases, within 10 days after the date they become operational personnel for any entity that is licensed/registered under Chapter 470, F.S. Additionally, all non-licensed persons who will be involved in the removal or transportation of human remains for a funeral establishment must also successfully complete one Board approved course on communicable diseases. The course shall consist of two (2) contact hours which may include video-cassette courses, or other types of audio, video, or alternative nonclassroom home study courses to fulfill the continuing education requirements. Each person shall complete a post course test with 75% correct score, to be graded by the course provider. All persons shall maintain documentation as proof of meeting this health and safety education requirement as a condition of employment with any establishment, facility or service regulated under Chapter 470, F.S.~~

(2) Courses approved pursuant to Rule 61G8-17.0042(3)(c), F.A.C., are also approved for this purpose.

Specific Authority 470.0201 FS. Law Implemented 470.0201 FS. History—New 4-10-94, Amended 9-10-96, 11-20-96, _____.

61G8-17.0036 Course Required for Initial Licensure and Registration.

~~(+) No license or registration governed under Chapter 470, Florida Statutes, shall be granted after October 1, 1993 unless the applicant or licensee submits confirmation to the Board, on~~

~~a form provided by the Board, that he or she has successfully completed a Board approved course on communicable diseases, except as provided in 455.2226(4) and (6), F.S.~~

~~(2) To receive Board approval, courses on communicable diseases shall consist of two (2) contact hours, successful completion of post-examination with 75% correct score, and issuance of a Certificate of Completion to the individual from the course provider.~~

Specific Authority 470.005(1) FS. Law Implemented 470.006(1)(e), 470.007(1)(c), 470.009(1)(e), 470.011(1)(c), 470.017(2)(e) FS. History—New 4-10-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLES:	RULE NOS.:
Continuing Education for Reactivation	61G8-17.004
Continuing Education Provider Requirements	61G8-17.0041
Advertising of Continuing Education Courses	61G8-17.0044

PURPOSE AND EFFECT: The board proposes to amend the existing rule by updating the rule text.

SUMMARY: The rule amendments are for the purpose of updating the continuing education for reactivation, continuing education provider requirements, approval of continuing education courses and advertising of continuing education course.

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

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

SPECIFIC AUTHORITY: 470.005, 470.016, 455.02, 470.005(1), 455.213(7),(8) FS.

LAW IMPLEMENTED: 470.016, 455.02, 455.213(7),(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G8-17.004 Continuing Education for Reactivation.

(1) Every license holder pursuant to Chapter 470, F.S., whose license has been inactive for more than one (1) year shall be required to complete the continuing education requirements of Rule 61G8-17.004~~2~~ ~~34~~, F.A.C., as a condition for reactivating his license.

~~(2)(a)~~ Embalmer licensees must attend courses which include instruction in at least one of the following course areas: theory and practice of embalming, restorative art, pathology, anatomy, microbiology, chemistry, hygiene, public health and sanitation, and the local and state laws and rules relating to the disposition of dead bodies.

~~(3)(b)~~ Funeral director licensees must attend courses which include instruction in at least one of the following course areas: funeral service sanitation, principles of funeral service, funeral home operation, and state and federal laws and rules concerning funeral directing and embalming, disposition of dead human bodies, vital statistics, medical examiners, burial insurance and contracts, offenses concerning dead human bodies and the shipment and care of bodies dying from infectious diseases. A licensee may utilize courses which meet the criterion set forth in subsection (1)(a) of this rule toward completion of the continuing education requirement for funeral director licenses.

~~(4)(c)~~ Direct disposer licensees must attend courses which include instruction in at least one of the following course areas: ~~health, safety, and laws and rules~~ ~~the laws and rules of the state and federal government concerning disposition of dead human bodies, vital statistics, medical examiners, and offenses concerning dead human bodies.~~

~~(2) All courses shall be given at a mortuary school or college which is approved by the American Board of Funeral Service Education or other agency approved by the Board, or courses approved by the Board which are given by another organization. A licensee who attends a course which is not given by an approved mortuary school or college must submit a course description to the Board in order that the Board may determine whether the course meets with the requirements of subsection (1) of this rule.~~

~~(3) A licensee is exempt from continuing education requirements at the time of renewal if the licensee was on active duty with the Armed Forces at any time during the biennium. However, this exemption will not arise on the basis of the performance of short periods of active duty (such as summer or weekend drills) by a member of the Armed Forces Reserves.~~

~~(4) A funeral director or embalmer who is a spouse of a member of the Armed Forces and was caused to be absent from Florida for more than six months during the biennium due to the spouse's duties with the Armed Forces shall be exempt from continuing education requirements during that biennium. The licensee must show satisfactory proof of the absence and the spouse's military status.~~

Specific Authority 470.005, 470.016, 455.02 FS. Law Implemented 470.016, 455.02 FS. History--New 11-11-79, Amended 8-25-81, 11-22-83, 4-10-84, Formerly 21J-17.04, 21J-17.004, Amended 1-2-95, 2-16-98, _____.

61G8-17.0041 Continuing Education Provider Requirements.

(1) For purposes of definitions, the following shall apply to this rule:

(a) "Board" means the Board of Funeral Directors and Embalmers.

(b) "Course" means any course, seminar or other program of instruction which has been approved by the Board for the purposes of complying with continuing education requirements. All courses given by a mortuary school or college approved by the American Board of Funeral Service Education shall be approved courses ~~with~~ ~~without~~ application to the Board for continuing education approval pursuant to Rule 61G8-17.0042.

(c) "Hour" means a minimum of fifty minutes or a maximum sixty minutes of classroom or alternative non-classroom continuing education ~~individualized home study instruction.~~

(d) "Continuing Education Provider" means the person or legal entity ~~that who~~ is approved pursuant to this rule and ~~that who~~ is responsible for conducting a course approved pursuant to this rule ~~chapter. The provider is responsible for maintaining records regarding the name and license number of each person who completes a continuing education course and for reporting completion to the Board, as required.~~

(2) To receive Board approval, a course provider shall demonstrate to the Board that ~~its instructors have it has~~ special training, knowledge, or skill regarding the content of the continuing education course process. Providers must submit to the Board the application form, as referenced in rule 61G8-14.007(23), together with the fee required ~~fee~~. No continuing education provider may offer continuing education courses programs or grant continuing education credit hours until it has received the Board's approval in accordance with this rule.

(3) Upon approval, each continuing education provider shall be issued a continuing education provider number. Continuing education provider numbers status shall be valid, upon approval by the Board, unless subject to discipline, until May 31st of odd numbered years to coincide with the biennial renewal of funeral director licenses. Continuing education provider numbers must be renewed biennially. Providers shall

use their number in the course syllabus, in all other course materials including certificates of completion, and in all advertising materials.

(4) The continuing education provider must submit to the Board, in writing, notice of any substantial changes in the information provided in the initial request for provider course approval. This notification must be made within 30 days following the date the change is effective.

(5) ~~The Board shall maintain~~ A a list of all currently approved continuing education course providers registered with the Board shall be available on the Board of Funeral Directors and Embalmers' web site accessible from: <http://www.MyFlorida.com> and from the Board's office.

(6) The Board shall deny ~~approval of,~~ suspend, or revoke the provider number and approval of the registration of any provider for any of the following acts or omissions:

(a) Obtaining, or attempting to obtain registration or course approval, ~~or once registered as a course,~~ through fraud, deceit, false statements or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.

(b) Failing to provide complete and accurate information in the initial application registration or in any notification of change in information.

(c) Failing to timely notify the Board of a change in the information required for approval as a registration of course continuing education provider.

(d) Falsifying of any records regarding the continuing education courses conducted by the ~~course~~ provider or the persons who attended the course.

(e) Failing to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who completed the course.

(f) Failing to provide the Board with copies of any documentation or other information required to be maintained by the course provider pursuant to this rule.

(g) Advertising that a course has been approved by the Board prior to the date the approval is granted.

(h) Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 470, Florida Statutes, or the rules adopted by the Board ~~to implement that Chapter.~~

(7) In the event of suspension or revocation of a provider's approval and number ~~registration~~, the provider shall cancel all the scheduled courses and refund all fees collected by the continuing education provider course sponsor in connection with the scheduled courses.

(8) The Board shall approve or deny any application for provider at the first available meeting of the Board. If the application is denied, the Board shall identify the specific reasons for the denial in writing. A provider that has been denied may have its application resubmitted to the Board with modifications.

(9) The Board shall not deny or withdraw approval for any provider on the basis that another provider is offering the same or a similar course approved by the Board.

~~(10) Upon approval of a provider, the Board shall assign the provider a number. The providers shall use the number in the course syllabus, in all other course materials to include certificates of completion, and in all written advertising materials used in connection with the course.~~

Specific Authority 470.005(1), 455.213(7),(8) FS. Law Implemented 455.213(7),(8) FS. History--New 4-10-94, Amended 1-25-95, 3-14-95, 7-25-95, 9-25-95, _____.

61G8-17.0044 Advertising of Continuing Education Courses.

(1) A course provider may not advertise a course as one approved by the Board for continuing education until such approval is granted by the Board.

(2) A course provider may not include any false or misleading information regarding the contents, instructors, providers, or number of continuing education contact hours of any course approved under this rule.

(3) All advertisement concerning continuing education course offerings must include the Board approved course number, approved provider number, continuing education contact hours awarded upon completion, and total costs to the participant.

Specific Authority 470.005(1), 455.213(7),(8) FS. Law Implemented 455.213(7),(8) FS. History--New 4-10-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral Directors and Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

**DEPARTMENT OF HEALTH
Board of Occupational Therapy**

RULE TITLE: Requirements for License Renewal of an Active License

RULE NO.: 64B11-5.001

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

SUMMARY: Active status licensees applying for an inactive license status must pay the renewal fee.

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

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

SPECIFIC AUTHORITY: 455.711, 468.219 FS.
LAW IMPLEMENTED: 455.604, 455.711, 468.219 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FAW.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #CO5, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for License Renewal of an Active License.

(1) through (7) No change.

(8) Active status licensees may apply to the Board for an inactive license status at any time.

(a) Active status licensees applying for inactive license status at the time of license renewal must pay the inactive status renewal fee and, if applicable, the delinquency fee and the fee to change licensure status set forth in Rule 64B11-5.006, F.A.C.

(b) Active status licensees applying for inactive license status at a time other than at the time of license renewal must pay the fee to change licensure status set forth in Rule 64B11-5.006, F.A.C.

Specific Authority ~~456.036~~ ~~455.711~~, ~~468.204~~, 468.219, ~~468.221~~ FS. Law Implemented ~~456.036(4)~~ ~~455.711(4)~~, ~~456.033~~ ~~455.604~~, 468.219, ~~468.221~~ FS. History—New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

DEPARTMENT OF HEALTH
Board of Occupational Therapy

RULE TITLE: Requirements for Reactivation of an Inactive License
RULE NO.: 64B11-5.003

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

SUMMARY: Inactive status licensees applying for active status at the time of license renewal must pay the license renewal fee.

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

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

SPECIFIC AUTHORITY: 455.711 FS.
LAW IMPLEMENTED: 468.219(2) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-32599

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.003 Requirements for Reactivation of an Inactive License.

(1) through (3) No change.

(4) Inactive status licensees applying for active status at the time of license renewal must pay the license renewal fee, any applicable reactivation fees and, if applicable, the delinquency fee and the fee to change licensure status as set forth in Rule 64B11-5.006, F.A.C.

(5) Inactive status licensees applying for active status at any time other than at the time of licensure renewal must pay the difference between the inactive status renewal fee and the active status renewal fee as set forth in Rule 64B11-5.006, F.A.C.

Specific Authority ~~456.036(4)~~ ~~455.711~~, ~~468.204~~ FS. Law Implemented ~~456.036(4)~~, 468.219(2), ~~468.221~~ FS. History—New 4-17-95, Formerly 59R-64.020, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 8, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2001

DEPARTMENT OF HEALTH
Board of Pharmacy

RULE TITLE: Nuclear Pharmacy – Minimum Requirements
RULE NO.: 64B16-28.902

PURPOSE AND EFFECT: The purpose of the rule amendment is to expand the requirements.

SUMMARY: The Board proposes to amend this rule by expanding the requirements for a nuclear pharmacy.

TIME AND DATE: 9:00 a.m., March 28, 2001
PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Policy, Program Support, 1317 Winewood Boulevard, Bldg. 3, Room 421, Tallahassee, Florida 32399-0700. Telephone (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.202 Calculation of Assistance Time Limits.

(1) No change.

(2) Mental Health and Substance Abuse Treatment Impact. Participants who are not exempt from temporary cash assistance (TCA) work requirements may earn one month, for up to a maximum of 12 additional months, of TCA eligibility for each month of participation in which the individual fully complies with the requirements of the mental health or substance abuse treatment program. The earned treatment credit can only be awarded upon successful completion of treatment and is limited to one-time only during the individual's 48-month lifetime limit on receipt of TCA.

(3) Treatment Certification. The regional workforce board (RWB) designee must track monthly verification of participation and obtain certification of successful completion of treatment from the treatment program provider by using the CF-ES 2299, Substance Abuse and Mental Health (SAMH) Treatment Verification, Oct 00, incorporated by reference. Section C of the CF-ES 2299 must be completed by the SAMH provider to indicate the months the participant fully complied with treatment and to certify successful completion. The RWB designee must forward the CF-ES 2299 to the department to request verification that the participant received TCA during the indicated months of treatment.

(4) Verification of Earned Months: Upon receipt of the CF-ES 2299, the Economic Self-Sufficiency (ESS) Specialist must verify that the participant received TCA for each month of treatment indicated in section C and notify the RWB designee and the individual of the additional months of TCA eligibility available.

(5) Impact on Hardship Exemption. If available, the earned months of eligibility are to be used to extend the receipt of TCA prior to requesting a hardship exemption. Participants will still be eligible to apply for a hardship exemption after any earned months have been applied.

(6) Copies of forms CF-ES 2090 and CF-ES 2299 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Office, 1317 Winewood Boulevard, Building 3, Room 423, Tallahassee, Florida 32399-0700.

Specific Authority 414.45 FS. Law Implemented 414.105(3) FS. History--New 5-30-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon, Operations and Management Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency, Policy Bureau, Program Support Unit
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 16, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2000

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE CHAPTER TITLE: Teacher Education and Compensation Helps (T.E.A.C.H.) Scholarship Program
RULE CHAPTER NO.: 65C-26

RULE TITLES: General Information 65C-26.001
Program Guidelines 65C-26.002
Allocation Methodology 65C-26.003

PURPOSE AND EFFECT: This document creates minimum standards for the Teacher Education and Compensation Helps (T.E.A.C.H.), Early Childhood® Program. The T.E.A.C.H. Early Childhood® Program is a licensed and registered program that provides scholarships to eligible child care center directors, teachers, and family child care home providers to work toward earning an A.S. degree in Child Development and Education, a Child Development Associate (CDA) credential, CDA Equivalency, CDA renewal, or Florida Child Care and Education Program Administrator Credential.

SUMMARY: Created s. 402.3017, F.S., authorizes the Department of Children and Families to establish by rule minimum standards for the T.E.A.C.H. Early Childhood® Scholarship Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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: 402.3017 FS.

LAW IMPLEMENTED: 402.3017 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., March 26, 2001
PLACE: 1317 Winewood Blvd., Building 6, Conference Room 355, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Regina Pleas, Specialist, 1317 Winewood Blvd., Building 6, Room 386, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-26.001 General Information.

(1) The Department of Children and Family Services is authorized to contract for the administration of the Teacher Education and Compensation Helps (T.E.A.C.H.) Scholarship Program, which provides educational scholarships to caregivers and administrators of early childhood programs, family day care homes and large family child care homes. The Teacher Education and Compensation Helps (T.E.A.C.H.) Scholarship Program is herein referred to as T.E.A.C.H. Scholarship Program.

(2) For the purpose of administering the T.E.A.C.H. Scholarship Program the state has been divided into four regions, as follows:

Region 1	Region 2	Region 3	Region 4
<u>Escambia County</u>	<u>Pasco County</u>	<u>Hillsborough County</u>	<u>Palm Beach</u>
<u>Okaloosa County</u>	<u>Pinellas County</u>	<u>Manatee County</u>	<u>Broward County</u>
<u>Santa Rosa County</u>	<u>Brevard County</u>	<u>Charlotte County</u>	<u>Indian River</u>
<u>Walton County</u>	<u>Orange County</u>	<u>Collier County</u>	<u>Martin County</u>
<u>Bay County</u>	<u>Osceola County</u>	<u>DeSoto County</u>	<u>Okeechobee County</u>
<u>Calhoun County</u>	<u>Seminole County</u>	<u>Glades County</u>	<u>St. Lucie County</u>
<u>Franklin County</u>	<u>Citrus County</u>	<u>Hendry County</u>	
<u>Gadsden County</u>	<u>Hernando County</u>	<u>Lee County</u>	
<u>Gulf County</u>	<u>Lake County</u>	<u>Sarasota County</u>	
<u>Holmes County</u>	<u>Marion County</u>	<u>Dade County</u>	
<u>Jackson County</u>	<u>Sumter County</u>	<u>Monroe County</u>	
<u>Jefferson County</u>		<u>Hardee County</u>	
<u>Leon County</u>		<u>Highlands County</u>	
<u>Liberty County</u>		<u>Polk County</u>	
<u>Madison County</u>			
<u>Taylor County</u>			
<u>Wakulla County</u>			
<u>Washington County</u>			
<u>Alachua County</u>			
<u>Bradford County</u>			
<u>Columbia County</u>			
<u>Dixie County</u>			
<u>Gilchrist County</u>			
<u>Hamilton County</u>			
<u>Lafayette County</u>			
<u>Levy County</u>			
<u>Putnam County</u>			
<u>Suwannee County</u>			
<u>Union County</u>			
<u>Baker County</u>			
<u>Clay County</u>			
<u>Duval County</u>			
<u>Nassau County</u>			
<u>St. Johns County</u>			
<u>Flagler County</u>			
<u>Volusia County</u>			

Specific Authority 402.3017 FS. Law Implemented 402.3017 FS. History–New _____.

65C-26.002 Program Guidelines.

The T.E.A.C.H. Scholarship Program will be administered in accordance with the guidelines found in, “Opportunities For Child Caregivers T.E.A.C.H.” brochure, hereby incorporated by reference, and copies of which may be obtained from:

T.E.A.C.H. Program
Florida Children’s Forum
2807 Remington Green Circle
Tallahassee, FL 32308

Specific Authority 402.3017 FS. Law Implemented 402.3017 FS. History–New _____.

65C-26.003 Allocation Methodology.

(1) Funds will be proportionately allocated to the regions based on child care capacity of the following child care arrangements in each of the regions:

- (a) Licensed child care facilities;
- (b) Specialized child care facilities for the care of mildly-ill children;
- (c) Licensed and registered family day care homes;
- (d) Large family child care homes.

(2) Before November 30 of each State fiscal year the administrator of the T.E.A.C.H. Scholarship Program designated by the Florida Children’s forum will identify under-utilization of funds in any of the four regions. The surplus funds will be redistributed to the other regions based on projected, documented need and with the approval of the department’s Child Care Services program office.

Specific Authority 402.3017 FS. Law Implemented 402.3017 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Regina Pleas, Specialist, 1317 Winewood Blvd., Building 6, Room 386, Tallahassee, FL 32399, (850)488-4900

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, Director Child Care Services, 1317 Winewood Blvd., Building 6, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 29, 2000

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-228.010	Purpose
4-228.020	Scope
4-228.030	Definitions
4-228.040	Course Providers
4-228.050	School Officials and Administrative Supervising Instructors
4-228.060	Instructors and Supervising Instructors
4-228.080	Course Approval; Requirements; Guidelines
4-228.090	Course Offerings and Attendance Records
4-228.100	Certification of Students
4-228.150	Advertising
4-228.160	Prohibited Practices
4-228.180	Forms
4-228.190	Transition Time in the Event of Rule Changes
4-228.210	Penalties for Course Providers, School Officials, Supervising Instructors, Instructors, and Monitors
4-228.220	Non-Compliance
4-228.230	Extensions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 35, September 1, 2000, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at hearing, and by the Joint Administrative Procedures Committee. The rules are changed as follows:

Rule 4-228.010:

To Specific Authority, 626.2816(2) is added.

Rule 4-228.020:

In paragraph (1)(d), the language “administrative supervising instructors,” is deleted.

In subsection (2), the reference to section 626.869, Florida Statutes, is changed to read section 626.869(5), Florida Statutes.

Section 648.396 is deleted from Law Implemented.

Rule 4-228.030:

In paragraph (2)(f), the language “administrative supervising instructor,” is deleted.

Subsection (3) is deleted, and the following subsections renumbered.

In subsection (3) (formerly (4)) the language “administrative supervising instructor,” is deleted.

In paragraph (3)(c) (formerly (4)(c)), the revision date of Form DI4-1137 is changed to 7/97;

In paragraph (3)(e) (formerly (4)(c)), the revision date of Form DI4-398 is changed to 6/97.

Paragraph (3)(f) (formerly (4)(f)) is deleted.

In paragraph (9) (formerly (10)) the language “administrative supervising instructor,” is deleted.

In paragraph (37)(c) (formerly (38)(c)), the revision date 7/97 is added to Form DI4-1137, Application for School Official Appointment.

In subparagraphs(42)(c)1. and 4. (formerly (43)(c)1. and 4.) the word “administrative” is deleted.

To Specific Authority, 626.2816(2),(3) is added.

Rule 4-228.040:

In paragraphs (2)(a),(b), and (d), the language “administrative supervising instructor,” is deleted.

In sub-subparagraph (3)(a)3., the language “administrative supervising instructor,” is deleted.

In sub-subparagraph (3)(a)4.d., the language “administrative supervising instructor,” is deleted, and the revision date of Form DI4-465 is changed to 7/97.

Paragraph (4)(b) is changed to read: Provide documentation of at least 3 years experience as a provider of educational or training programs. or

Rule 4-228.050 is changed to read:

4-228.050 School Officials.

(1) A school official of required continuing education courses shall be appointed by an officer of the course provider, using Form DI4-1137, Application For School Official Appointment, rev. 7/97, which is adopted in rule 4-228.180;

(2) Application for approval of a school official shall be submitted with the initial application for course approval on Form DI4-1137, Application for School Official Appointment, rev. 7/97, which is adopted in 4-228.180.

Specific Authority 624.308, 648.26 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.2815, 626.869(5), 648.36 FS. History—New 8-17-93, Amended 4-11-94, 2-28-95,_____.

Rule 4-228.060:

Paragraph (2)(a) is changed to read: Certification of the instructor's experience or education shall be furnished by the sponsoring course provider or the instructor on Form DI4-398, Certification of Instructor, rev. 6/97, which is adopted in 4-228.180, or on Form DI4-1269, Application for Supervising Instructor Approval, rev. 2/99, which is adopted in 4-228.180, whichever is applicable.

In paragraphs (3)(b),(6)(c) and (d), and (7)(a), the language “administrative supervising instructor” or “administrative supervising instructors” is deleted.