

SPECIFIC AUTHORITY: 154.011(5) FS.  
 LAW IMPLEMENTED: 154.011 FS.  
 IF REQUESTED WITHIN 21 DAYS 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., June 25, 2001  
 PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Peck, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-16.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

(1) through (6) No change.

(7) "Poverty guidelines" means the non-farm family poverty income scale adopted by the United States Department of Health and Human Services (HHS), as published in the Federal Register; February 16~~5~~, 2001~~0~~ edition (Volume 66~~5~~, Number 33~~4~~) pages 10695-10697 ~~7555-7557~~. A copy of the poverty guidelines can also be obtained by writing to: the Office of Maternal and Child Health, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723.

(8) through (12) No change.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History--New 10-14-93, Amended 4-29-96, Formerly 10D-121.002, Amended 1-9-01,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Bob Peck, Bin #A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annie Neasman, Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2001

### Section III

## Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-208.101	Employee Grooming, Uniform and Clothing Requirements

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in the Vol. 27, No. 4, January 26, 2001; Vol. 27, No. 16, April 20, 2001; and Vol. 27, No. 21, May 25, 2001, editions of the Florida Administrative Weekly have been withdrawn.

#### DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-208.101	Employee Grooming, Uniform and Clothing Requirements

#### NOTICE OF CANCELLATION OF PUBLIC HEARING

Notice is hereby given that the public hearing on the above referenced proposed Rule which was scheduled for 9:00 a.m., on June 5, 2001, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399, has been cancelled.

#### WATER MANAGEMENT DISTRICTS

##### South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference

#### NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 14, April 6, 2001, issue of the Florida Administrative Weekly:

THE FULL TEXT OF THE RULE ADOPTED BY THE SOUTH FLORIDA WATER DISTRICT'S GOVERNING BOARD ON MAY 10, 2001, IS:

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) through (j) No change.

(k) Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County, effective [insert date].

CHANGES MADE TO ADDRESS COMMENTS RECEIVED BY THE JOINT ADMINISTRATIVE PROCEDURES COMMITTEE ARE TO THE DELEGATION AGREEMENT AMONG THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT, AND BROWARD COUNTY, INCORPORATED BY REFERENCE IN ADOPTED SUBSECTION (k) OF RULE 40E-4.091, FLA. ADMIN. CODE, AS FOLLOWS:

CHANGE NO. 1:

Section 10, paragraph C(4), is amended to read as follows:

(4) Processing and issuance or denial of requests for project specific variances under Section 373.414(17) sections 120.542 or 403.201 of the Florida Statutes for mixing zones, turbidity, and dissolved oxygen associated with ERP, WRM, or SWM permits for which authority is delegated to DPEP. The DPEP shall publish, or shall require a petitioner for a variance to publish notice, in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected, of proposed agency action; and the DPEP shall afford interested persons an opportunity for a hearing on each application for a variance. If no request for hearing is filed with the DPEP within 14 days of published notice, the DPEP may proceed to final agency action without a hearing;

CHANGE NO. 2:

Section 14, paragraph C, is amended to read as follows:

C. The incorrect agency has begun processing an application or petition and transfer of the application or petition would be inefficient, and the activity is one that otherwise could be delegated under Section 373.441 of the Florida Statutes and Rule 62-344 of the Florida Administrative Code; or

TO OBTAIN A COPY OF THE DELEGATION AGREEMENT, AS AMENDED, CONTACT: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email at [pbell@sfwmd.gov](mailto:pbell@sfwmd.gov)

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Managed Care and Health Quality**

RULE NO.: 59A-4.1075                      RULE TITLE: Medical Directors

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 49, December 8, 2000, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 97-69R

RULE CHAPTER NO.: 62-113                      RULE CHAPTER TITLE: Delegations

RULE NO.: 62-113.100                      RULE TITLE: Purpose

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 27, No. 14, April 6, 2001, issue of the Florida Administrative Weekly, in accordance with subparagraph 120.54(3)(d)1., F.S. The rule incorporates by reference a “Delegation Agreement among the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County,” which will implement a partial delegation of the Environmental Resource Permit program from the Department to Broward County. As a result of comments expressed in an April 25, 2001, letter from the Joint Administrative Procedures Committee, the Department proposes to amend two sections of the Delegation Agreement as follows:

Section 10, paragraph C(4), is amended to read as follows:

(4) Processing and issuance or denial of requests for project specific variances under Section 373.414(17) sections 120.542 or 403.201 of the Florida Statutes for mixing zones, turbidity, and dissolved oxygen associated with ERP, WRM, or SWM permits for which authority is delegated to DPEP. The DPEP shall publish, or shall require a petitioner for a variance to publish notice, in the Florida Administrative Weekly and in a newspaper of general circulation in the area affected, of proposed agency action; and the DPEP shall afford interested persons an opportunity for a hearing on each application for a variance. If no request for hearing is filed with the DPEP within 14 days of published notice, the DPEP may proceed to final agency action without a hearing;

Section 14, paragraph C, is amended to read as follows:

C. The incorrect agency has begun processing an application or petition and transfer of the application or petition would be inefficient, and the activity is one that otherwise could be delegated under Section 373.441 of the Florida Statutes and Rule 62-344 of the Florida Administrative Code; or

In addition to the above, the Notice of Rulemaking erroneously referred to the title of the Agreement as an “Operating Agreement.” The correct title of the Agreement is “Delegation Agreement.” Therefore the following change also is proposed to the rule as published:

62-113.100 Purpose.

- (1) No change.
- (2) Delegations to political subdivisions.
- (a) through (o) No change.

(p) #01-1: Delegation Operating Agreement Between the Florida Department of Environmental Protection, the South Florida Water Management District, and Broward County Regarding Implementation of Environmental Resource Permitting, Compliance, and Enforcement, under part IV, chapter 373, F.S., [insert date of execution].

- (3) No change.

The full text of the Delegation Agreement can be found at: <http://www8.myflorida.com/environment/law/waterprograms/wetlands/erp/draft/97-69r-ag.doc> There you will find both a “coded” version (showing the proposed changes in a struck-through and underlined format) and a “clean” version with the changes adopted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas Fry, Environmental Administrator, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, Florida 32399-2400, phone (850)921-9890, e-mail: [Doug.Fry@dep.state.fl.us](mailto:Doug.Fry@dep.state.fl.us).

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Retailer Double Bonus Commission Incentive      RULE NO.: 53ER01-39  
 SUMMARY OF THE RULE: A Retailer Double Bonus Commission Incentive will be conducted May 28, 2001, through June 24, 2001. During the Incentive period, eligible retailers shall receive, in addition to their regular 5% sales commission, a 5% bonus commission for each eligible dollar in sales (excluding FLORIDA LOTTO™ sales) that exceeds their established sales goal.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER01-39 Retailer Double Bonus Commission Incentive.

(1) Beginning May 28, 2001, through June 24, 2001, the Florida Lottery shall conduct a Retailer Double Bonus Commission Incentive (“Incentive”) for all eligible on-line and instant-only Florida Lottery retailers. During the Incentive period, eligible retailers shall receive, in addition to their

regular 5% sales commission, a 5% bonus commission for each eligible dollar in sales (excluding FLORIDA LOTTO™ sales) that exceeds their established sales goal.

(2) For purposes of this Incentive:

(a) Instant ticket sales are defined as instant ticket book settlements that are recorded by the Lottery’s gaming system.

(b) On-line sales are defined as all on-line game sales, excluding FLORIDA LOTTO, sold through the Lottery’s gaming system.

(c) The base period is defined as April 2, 2001, through April 29, 2001.

(d) The Incentive period is defined as May 28, 2001, through June 24, 2001.

(e) Retailer Eligibility. All retailers that became active on or before April 2, 2001, and remain active up to and throughout the Incentive period shall be eligible for a bonus commission and shall be included in the Incentive. Retailers whose locations experience a change of ownership, as defined in Rule 53ER00-21, Florida Administrative Code, during the Incentive period shall not be included in the Incentive.

(f) Sales Eligible for a Bonus Commission.

1. For an instant-only retailer that became active on or before April 2, 2001, (regardless of whether it became an on-line retailer after April 2, 2001) only the instant ticket sales that exceed its established sales goal during the Incentive period shall be eligible for, and included in, bonus commission calculations.

2. For an on-line retailer that became active on or before April 2, 2001, (regardless of whether it became an instant-only retailer after April 2, 2001) both instant and on-line sales, as applicable, excluding FLORIDA LOTTO, that exceed its established sales goal during the Incentive period shall be eligible for, and included in, bonus commission calculations.

(3) Double Bonus Commission. An eligible retailer will receive its regular 5% sales commission plus an additional 5% bonus commission, for a total sales commission of 10%, for each eligible dollar of lottery games sales, excluding FLORIDA LOTTO, that exceeds the retailer’s established sales goal described in subsection (4) below. Any settlement adjustments made during the Incentive period shall be included in final sales calculations.

(4) Retailer Sales Goals.

(a) Instant-only Retailer Sales Goals. The sales goal for a retailer that was an active instant-only retailer on or before April 2, 2001, will be an amount equal to the retailer’s instant ticket sales during the base period.

(b) On-line Retailer Sales Goals. The sales goal for a retailer that was an active on-line retailer on or before April 2, 2001, will be an amount equal to the retailer’s total instant and on-line sales, excluding FLORIDA LOTTO sales, during the base period.