

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BANKING AND FINANCE

##### Division of Securities and Finance

RULE NOS.:	RULE TITLES:
3C-560.704	Records to be Maintained by Check Cashers
3C-560.803	Postdated Check
3C-560.805	Money Transmitters

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the Department is withdrawing the proposed amendments to the above referenced rules, which were originally published in Vol. 27, No. 7, February 16, 2001, issue of the Florida Administrative Weekly.

#### DEPARTMENT OF BANKING AND FINANCE

##### Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-7.012	Criteria for Filing a Surety Bond in Lieu of Trusting

#### AMENDED NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 27, No. 10, March 9, 2001 issue of the Florida Administrative Weekly. Based on comments received from the JAPC, the Board has voted to amend subsection 5(b) as follows:

(b) The surety company must have an "underwriting limitation" of not less than \$10,000,000 as report in the U.S. Department of the Treasury's Fiscal Service Dept. Circular 570, incorporated herein by reference and effective \_\_\_\_\_.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

#### DEPARTMENT OF BANKING AND FINANCE

##### Board of Funeral and Cemetery Services

RULE NO.:	RULE TITLE:
3F-10.003	Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund

#### AMENDED NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 26, No. 47, November 24, 2001, issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

3F-10.003 Remittances to the Preneed Funeral Contract Consumer Protection Trust Fund.

For the quarter beginning October 1, 2001, and each quarter thereafter, the following amounts should be remitted to the Preneed Funeral Contract Consumer Protection Trust Fund.

Each certificateholder offering the sale of insurance or by establishing a trust pursuant to s. 497.417 or 497.429 shall remit the sum of \$1.00 per preneed contract. Each certificateholder utilizing s. 497.423 and s. 497.425 shall remit the sum of ~~\$5.00~~ ~~\$1.00~~ for each preneed contract.

#### DEPARTMENT OF INSURANCE

##### Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-47	Uniform Fire Safety Standards for Elevators
RULE NO.:	RULE TITLE:
4A-47.011	Adoption of the Florida Elevator Safety Code

#### AMENDED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly. A Notice of Change was published in Vol. 27, No. 21, May 25, 2001.

4A-47.011 Adoption of the Florida Elevator Safety Code.

(1) The following shall be in compliance with those standards adopted in Chapter 61C-5, Florida Elevator Safety Code, which is hereby adopted and incorporated by reference:

(1) through (3) renumbered (a) through (c).

(2) Chapter 61C-5, Florida Elevator Safety Code, may be obtained by writing to the Department of Insurance, Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

Specific Authority 633.01 FS. Law Implemented 633.01, 633.022 FS. History—New \_\_\_\_\_.

#### DEPARTMENT OF INSURANCE

##### Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-56	Uniform Fire Safety Standards for Migrant Labor Camps
RULE NO.:	RULE TITLE:
4A-56.006	Manufactured Homes in Migrant Labor Camps

# NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 12, March 23, 2001, edition of the Florida Administrative Weekly.

## 4A-56.006 Manufactured Homes in Migrant Labor Camps Standards for Mobile Homes.

Migrant labor Camps using manufactured homes shall comply with NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities, the edition as adopted in 4A-3.012 ~~4A-4.012~~ Florida Administrative Code.

Specific Authority 633.01, 633.022(1)(b) FS. Law Implemented 633.01(1), 633.022(1)(b) FS. History—New 6-30-91, Amended \_\_\_\_\_.

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.:                      RULE TITLE:  
6A-14.072                      Financial Records and Reports

### NOTICE OF HEARING CORRECTION

The State Board of Education announces that its June 26, 2001, hearing will be held at 9:30 a.m., at the Martin County Administrative Building, located at 2401 S. E. Monterey Road, Stuart, Florida. The information regarding the meeting location shown in Vol. 27, No. 21 of the Florida Administrative Code dated May 25, 2001 was incorrect.

## DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:      RULE CHAPTER TITLE:  
14-43                              Regulation of Overhanging  
   Encroachments

RULE NO.:                      RULE TITLE:  
14-43.001                      Regulation of Overhanging  
   Encroachments

### NOTICE OF CHANGE

Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 27, No. 13, dated March 30, 2001.

SUMMARY OF CHANGES: The following changes result from a review by the Joint Administrative Procedures Committee:

1. Changes are made to the Definitions in Section 14-43.001(1)(e) and (2) to clarify the definitions of signs, canopies, and banners.
2. Rule Sections 14-43.001(4)(a), (b), and (c) are revised and restructured, resulting in further renumbering in the subsections of 14-43.001(4).
3. Section 337.406, Florida Statutes, is added to the authority citations for the rule. In addition, other citations were deleted as being no longer applicable.
4. In addition, all references to "permit," "permittee," and "issued" have been removed and replaced with the terms "application(s)," "applicant(s)," and "allowed" as appropriate for the context.

Because this is only one rule, the entire rule amendment, with changes, is printed herein:

## 14-43.001 Regulation of Overhanging Encroachments ~~Over State Rights of Way.~~

### (1) Definitions.

(a) "Banner" means ~~a temporary encroachment in the form of a length or sheet of cloth, fabric, plastic, or other flexible material bearing a message which may be either of the following:~~

1. "Pole Banner" means a banner which is located adjacent to the travel lanes of the roadway and is attached to an existing permanent support.

2. "Street Banner" means a banner which extends over the travel lanes of the roadway and is attached to one or more existing permanent supports.

(b) "Canopy" means a permanent or semi-permanent, on-premise roof-like encroachment or projection partially extending over the right of way.

(c) "Department" means the State of Florida Department of Transportation.

(d) "Governmental Entity" has the same meaning as provided in Section 11.45(1)(c), Florida Statutes.

(e) "Local Governmental Entity" has the same meaning as provided in Section 11.45(1)(d), Florida Statutes.

(f)(e) "Overhanging Encroachment Sign" for purposes of this rule means a sign, canopy, or banner, as these terms are herein defined, permanent encroachment in the nature of an on-premise advertising display pursuant to Section 479.16, Florida Statutes, which are placed along and extends over any state roads which are within municipalities, or which are of curb-and-gutter construction outside municipalities the right of way.

(g) "Sign" has the same meaning as provided in Section 479.01(14), Florida Statutes.

(2) Overhanging encroachments are prohibited on the Interstate System. Overhanging encroachments shall be authorized, pursuant to Section 337.407(1), Florida Statutes, subject to the following conditions:

(a) No new supports may be located within state right of way.

(b) Any overhanging encroachment must be allowed by the affected local governmental entity.

(c) Any overhanging encroachment which interferes with Department construction must be adjusted or removed at the owner's expense.

(d) Overhanging encroachments may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate their vehicles.

(e) Overhanging encroachments must comply with the setback or clearance requirements set forth in (3) and (4) below. The Department will notify the owner if the

overhanging encroachment must be adjusted to meet setback or clearance requirements, and, upon failure of the owner to make such adjustment, it shall be removed by the Department. If the overhanging encroachment presents a safety hazard, the Department shall remove it and notify the owner of the removal.

(f) No overhanging encroachment may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.

(g) When an overhanging encroachment must be removed by the Department, the owner may reclaim it within 30 calendar days from the date of removal, upon payment of any costs incurred by the Department in removing the encroachment.

(3)(2) Overhanging Signs and Canopies. Overhanging signs and canopies are prohibited along and over on limited access roadways rights of way. Signs and canopies Conditions under which overhanging signs or canopies may only be placed along adjacent to and over any other roads state rights of way within corporate limits of a municipality, or outside municipalities or where curb and gutter construction exists outside municipalities as authorized under Section 337.407, Florida Statutes, are in compliance with the following conditions:

(a) Where curb and gutter construction exists, provided the entire structure, including attachments and supports, must clear the sidewalk vertically by at least nine feet, (2.7 meters) and the outside edge of the structure must be canopy or sign is at least two feet (0.6 meters) behind a the vertical line extending upward from through the face of the curb, and the entire structure must comply complies with the Department's clear zone requirements set forth in Table 2.11.9 2-12.1 Clear Zone Widths and Table 2.11.10 2-12.2 Clear Zone Widths for Curved Alignments on Highways With Flush Shoulders (January 2000 1998), incorporated herein by reference. Copies of these tables are available from the Maintenance Office of Right of Way, 605 Suwannee Street, MS 52 22, Tallahassee, Florida 32399-0450.

(b) Within municipalities where there is no curb and gutter construction, the entire structure provided the sign or canopy, including attachments and supports, may does not extend more than six feet (1.8 meters) over the right of way; may does not extend closer than 12 feet (3.7 meters) from the edge of the driving lane; must have has a vertical clearance of at least 10 ten feet (3 meters); and the entire structure must comply complies with the Department's clear zone requirements as set forth in Table 2.11.9 Clear Zone Widths and Table 2.11.10 Clear Zone Widths for Curved Alignments referenced in the tables identified and incorporated by reference in 14-43.001(2)(a) above.

(e) Where canopies or overhanging signs interfere with construction, they shall be adjusted or temporarily removed at the owner's expense.

(c)(d) The design of said canopies or signs, or canopies as to bracing and attachments to buildings, shall be approved for safety features by the appropriate official of the governmental agency affected.

(d)(e) No canopy or overhanging sign shall be erected away from the site of the business which it promotes advertises.

(f) No canopy or sign may be erected or maintained which would interfere with the Department's maintenance, operations, or other use of a transportation facility.

(e)(g) Lighting of Overhanging signs and canopies shall conform to the requirements of may be lighted, provided, however, the lighting is in compliance with Section 479.11(5), Florida Statutes.

(h) If the Department determines that a canopy or overhanging sign is not erected safely or is not in compliance with the setback or clearance requirements, upon prior written notice by the Department, it must be adjusted by the owner to meet such requirements or it shall be removed by the Department. If the canopy or overhanging sign is removed, the Department shall deliver written notice to the owner. The notice shall advise the owner of the canopy or overhanging sign of his or her right to request an administrative proceeding pursuant to Chapter 120, Florida Statutes. If the canopy or overhanging sign presents a safety hazard, the Department shall remove it and provide written notice of such removal to the permittee.

(i) When a canopy or overhanging sign must be removed by the Department, the owner may reclaim the canopy or sign within 30 calendar days from the date of removal upon payment of any costs incurred by the Department in removing the canopy or sign.

(j) No new supports may be placed within state rights of way for purposes of supporting a canopy or overhanging sign.

(k) This rule shall not authorize the erection of any canopy or sign which is prohibited by the municipality, county, local zoning authority, or agency affected.

(4)(3) Banners. Banners may only be placed along and over any state roads which are within municipalities, or which are of curb and gutter construction outside municipalities subject erected pursuant to a permit issued to a local government entity under the following conditions:

(a) Written authorization for the placement of banners from the local governmental entity must be provided. All banners for which permits are issued shall be erected in accordance with the Manual on Uniform Traffic Control Devices, which is incorporated by reference under Rule 14-15.010, F.A.C.

(b) Banners will be allowed ~~permitted~~ for a period not to exceed 30 consecutive calendar days, ~~on dates set forth in the application. Banner permits for the same event shall not be renewed within 180 days. Banners will not be allowed to be displayed within 180 days of the last day of its most recent display period.~~

(c) ~~Banners are allowed~~ Permits for banners may be issued for routinely recurring events, e.g., events occurring monthly or quarterly, unless otherwise provided in this rule, provided the banner is displayed for no more than three consecutive days per month, ~~for 12 months. The permit duration shall be no more than 12 months.~~

(d) Pole banners must be placed a minimum of 1,000 feet apart on the same side of the travel lane on all limited access facilities, and on non limited access facilities outside the corporate limits of a municipality.

1. The lowest point of the banner must be at least 14 1/2 feet above the pavement elevation;

2. The pole banner must be attached to a light standard or other such device which is permanently located in the right of way. Banners may not be attached to any utility pole.

~~(d) No banner may be erected or maintained which would interfere with the Department's maintenance, operation, or other use of a transportation facility.~~

~~(e) Any banner that interferes with construction shall be adjusted or removed at the owner's expense.~~

~~(f) No new supports may be placed within state rights of way for purposes of supporting a banner.~~

~~(g) The banner must advertise a public event which is sponsored or supported by a governmental entity.~~

~~(h) Banners may not obstruct the view of any traffic signal, traffic device, or official sign, nor in any way interfere with motorists' ability to safely operate their vehicles.~~

~~(e)(i)~~ Placement of banners on frangible light standards or other frangible devices will require a load rating analysis, signed and sealed by a registered professional engineer, certifying that the specific light standards or devices used to support the banners will handle the additional loadings placed on the structures by the banner and attachments, and will not to exceed the wind loading design requirements of the structure. Copies of load rating analyses previously submitted are acceptable for subsequent applications when all specifications are the same.

(f) Banners may not be placed within 500 feet of a limited access interchange.

(g) Street banners may only be placed on the right of way of non limited access roadways and must vertically clear the pavement by at least 18 feet. Street banners must be a minimum of 1,000 feet apart.

~~(j) The following additional conditions apply to banners adjacent to or across non limited access roadways:~~

~~1. Pole banners must vertically clear any curb by at least nine feet (2.7 meters) and horizontally clear the curb face by at least two feet (0.6 meters). For non limited access roads where there is no curb and gutter, the banners and support structures must vertically clear the pavement by at least 10 feet (3 meters) and horizontally clear the pavement by at least 12 feet (3.7 meters).~~

~~2. Street banners must vertically clear the pavement by at least 17 feet (5.2 meters), and may not obstruct or obscure the view of any traffic signal, traffic device, or official sign.~~

~~(k) In addition to the conditions identified in subsections (3)(a) through (i) above, the following conditions apply to the Interstate Highway System, Florida's Turnpike, and limited access roadways:~~

~~1. Pole banners will only be permitted for display for a duration not to exceed 60 consecutive days and only for events of national or international significance, provided the municipality has not hosted the event within the preceding 12 months. The following are examples of events for which pole banners may be permitted on the Interstate Highway System, Florida's Turnpike, and limited access roadways:~~

- ~~a. The World Cup~~
- ~~b. The Super Bowl~~
- ~~c. The Stanley Cup~~
- ~~d. The World Series~~
- ~~e. Summit of the Americas~~
- ~~f. The Olympic Games~~

~~2. The lowest point of the pole banner must be at least 10 feet (3 meters) above the pavement elevation;~~

~~3. The outside edge of the pole banner may be no closer than 12 feet (3.7 meters) from the edge of the driving lane; and~~

~~4. The pole banner must be attached to a light standard or other such device, which is permanently located in the right of way. No new support structures for pole banners may be placed in the right of way.~~

~~(5)(4) Permit Issuance:~~ Applications for an overhanging encroachment sign, canopy, or banners must be made in writing to the appropriate District Maintenance Office.

(a) Applications for overhanging signs and canopies shall include:

1. The name and address of the applicant.
2. A sketch of the sign or canopy, drawn to scale, which includes the message, letterings, logos, or emblems.
3. A sketch of the specific location of the sign or canopy, including height, location of supports, proximity to utility poles, and the identification of the state highway where the sign or canopy will be located.
4. Sketches or specific descriptions of the method to be used to affix the sign or canopy to the support structure(s).
5. Proof of compliance with any applicable local governmental regulations.

(b) Applications for banners shall be made no later than 30 days and no earlier than 365 days prior to the requested installation date. The application Banner Permit Issuance. Applications for banners shall be on Application for Banner, DOT Form 850-040-75, Rev. 01/01., incorporated herein by reference. Copies of Form 850-040-75 are available from the State Maintenance Engineer or any District Maintenance Engineer. The application shall include:

1. The name and address, and telephone number of the applicant. If the applicant is a business or governmental entity, the name of the contact person must be supplied that is sponsoring or supporting the event. For purposes of this rule, submission of an application for a permit for banners constitutes sponsorship or support for the event.

2. ~~Identification of the event being advertised and a description of the event.~~

2.3. A sketch or drawing of the banner(s), drawn to scale, which includes the entire message that will appear on the banner(s).

3.4. A sketch of the specific location of the banner(s), including height, location of supports, proximity to utility poles, and the identification of the state highway where the banner(s) will be located.

4.5. Sketches, photographs, or specific descriptions of the method to be used to affix the banner(s) to the support structure(s).

5. The beginning and ending dates of the event being promoted.

6. The beginning and ending dates of the display period(s) requested.

7. Proof of compliance with the requirements of subsection (4)(c)(3) and any local governmental regulations.

8. Written authorization from the local governmental entity granting permission to the applicant for the installation of the banners. No banner shall be allowed when the local governmental entity has an ordinance prohibiting its installation.

9. When the roadway requested for banner installation is under the ownership of an Expressway Authority, written authorization from the affected Expressway Authority granting permission to the applicant for the installation of the banners must be provided.

10.8. A load rating analysis by a registered professional engineer, if required by subsection (3)(i). See (4)(d), above.

(c) Banners will not be allowed where a Department construction project is planned or ongoing during the requested display period.

(d)(e) The Applicant Permittee shall agree as follows:

1. To the extent provided by law, the Applicant Permittee shall indemnify, defend, and hold harmless the Department and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Applicant Permittee, its

agents, or employees arising from activities associated herewith under this permit, except that neither the Permittee, its agents, or its employees will be liable under this provision for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the Department or any of its officers, agents, or employees arising from activities under this permit.

2. When the Department receives a notice of claim for damages that may have been caused by the Applicant Permittee in the performance of activities hereunder, that arise under this permit, the Department will immediately forward the claim to the Applicant Permittee. The Applicant Permittee and the Department will evaluate the claim and report their findings to each other within 14 working days and will jointly discuss options in defending the claim. After reviewing the claim, the Department will determine whether to require the participation of the Applicant Permittee in the defense of the claim or to require that the Applicant Permittee defend the Department in such claim as described in this section. The Department's failure to promptly notify the Applicant Permittee of a claim shall not act as a waiver of any right herein to require the participation in or defense of the claim by the Applicant Permittee. The Applicant shall bear all expenses of the Department in defense of the claim. The Department and the Permittee will each pay its own expenses for the evaluation, settlement negotiations, and trial, if any. However, if only one party participates in the defense of the claim at trial, that party is responsible for all expenses at trial.

(e)(d) If the application is denied, the Department shall provide a Notice of Administrative Hearing Rights to advise the applicant in writing of the denial and advise the applicant of his or her right to request an administrative proceeding pursuant to Chapter 120, Florida Statutes.

(6) Failure to comply with the provisions of this rule shall result in the issuance of a Notice of Intent to Deny the Application or a Notice of Noncompliance, which shall include a Notice of Administrative Hearing Rights.

(7) Provision of any notice, denial, revocation, or Notice of Administrative Hearing Rights by the Department under this rule shall not constitute or create entitlement to an administrative hearing where such right does not otherwise exist.

Specific Authority 334.044(2), 337.407 FS. Law Implemented 337.406, 316.006, 316.077, 337.29, 337.407, 338.237, 479.01, 479.107, 768.28 FS. History—Amended 3-21-64, 5-9-70, 7-9-75, Formerly 14-43.01, Amended 8-3-99.

## DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-75	Qualification, Selection, and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT

RULE NOS.:	RULE TITLES:
14-75.0022	Consultant Qualification Process
14-75.003	Minimum Technical Qualification Standards by Type of Work
14-75.004	Consultant Competitive Selection Process
14-75.0052	Professional Consultant Work Performance Evaluation System
CHANGE NOTICE	

The notice of rulemaking was published in Vol. 27, No. 14, Florida Administrative Weekly, dated April 6, 2001. There were no requests for hearing and no hearing was conducted.

SUMMARY OF CHANGES: The following changes result from a review by the Joint Administrative Procedures Committee:

1. Rule Section 14-75.0022(4)(c)9.d. is being changed to include incorporation by reference language and a certified copy of the cited manuals will be filed with the Department of State. Also, the titles and dates are editorially corrected.

2. Rule Section 14-75.0022(4)(c)11. is being changed to read: "Such report will be in the format specified in the Department's Overhead Audit Guidelines, 2000."

3. In Rule 14-75.0022, Sections 337.107 and 337.1075, Florida Statutes, are deleted from the Specific Authority citations and added to the Law Implemented citations.

4. In Section 14-75.003(5), the sentence relating to requiring a consultant to submit examples of recently completed work is being deleted as follows: ~~"Additionally, the Department may require the consultant to submit examples of recently completed work performed by the personnel listed in the application to qualify the applicant to perform the indicated activities."~~

5. In Section 14-75.003(5)(h)1.d., the reference to the Department's Soils and Foundation Manual is being deleted as follows: ". . . using the applicable ~~Department FDOT Standard Specifications for Road and Bridge Construction, FDOT Soils and Foundation Manual procedures~~ and Federal Highway Administration guidelines and checklist."

6. Section 14-75.004(2)(c), is changed to read as follows:

"(c) If fewer than three consultants respond to the advertisement, the Department shall review its list of firms prequalified for the major type(s) of work advertised, and select no fewer than ten prequalified firms (or all prequalified firms if fewer than 10 are prequalified) deemed to be the most highly qualified, based on the criteria in Section 287.055(4)(b), Florida Statutes. The Department shall then contact each of the listed consultants and conduct similar discussions concerning the project, until it has at least three consultants interested in the project."

7. Section 14-75.004(3), is changed as follows:

~~"(3) Each professional service contract evaluation shall be based on an evaluation of contract performance using a the following grading system for Schedule, Management, and~~

Quality, except for Groups 10.1 and 10.2, which will be scored one composite grade Construction Engineering and Inspection, which shall be developed using a similar grading system and procedure. The scoring system for all work groups will be as follows:

Excellent – 100 points

Good – 90 points

Average – 80 points

Marginal – 70 points

Unsatisfactory – 0-60 points"

8. The Department is reinstating (not deleting) Group 20 Appraisal Services, previously numbered as 14-75.003(5)(p), to 14-75.003(5)(n), which also will require the renumbering of subsequent Groups 21 through 25 [14-75.003(5)(n) through 14-75.003(5)(q) to 14-75.003(5)(o) through 14-75.003(5)(r)]. Form 375-030-01, Rev. 05/01, Request for Qualification Package for Professional Consultants, also is being revised to add Work Group 20 on Page 3 of 5.

## STATE BOARD OF ADMINISTRATION

RULE NO.:	RULE TITLE:
19-9.001	Investment Policy Statement
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 the Vol. 27, No. 10, which is the March 9, 2001, issue of the Florida Administrative Weekly. The Investment Policy Statement, which is adopted and incorporated by reference in Rule 19-9.001, will be changed as follows:

1) In the Investment Policy Statement, Section IX, regarding the roles of bundled providers and third-party administrators, will now read as follows:

A. The Board selects a single private party to serve as the third-party administrator for PEORP. The Board makes the final determination as to whether any third-party administrator shall be approved for the program. Administrative services such as individual and collective recordkeeping and accounting, IRC limit monitoring, enrollment, beneficiary designation and changes, disbursement of monies, and other centralized administrative functions shall be provided by the single third-party administrator selected by the Board.

B. Bundled provider(s) selected to provide investment products to the participants may provide administrative services, which may include but not be limited to asset custody, calculation of daily net asset values, and other services that are uniquely relevant to the bundled provider mandate. The SBA retains the right to delineate through the contract the specific administrative services to be provided by the Bundled Provider.

C. Notwithstanding Paragraphs A. and B., where this Investment Policy Statement authorizes allocated products and any are selected, the bundled provider may engage in

appropriate record keeping, education and informational services for those allocated products. The Board shall specify the administrative services to be provided by such bundled provider in the solicitation documents and contracts for services. The SBA retains the right to delineate through the contract the specific administrative services to be provided by the Bundled Provider.

(2) In the Investment Policy Statement, Section XI.A(11), regarding General Investment Option Guidelines, will now read as follows:

(11) Each investment option offered in Tier IV must:

(a) Have a prudent degree of diversification relative to its performance benchmark;

(b) Be readily transferable from a PEORP account to another PEORP investment option;

(c) Be readily transferable to a private-sector or public-sector defined contribution plan accounts and self-directed individual retirement accounts;

(d) Be compliant with section 404(c) of the Employee Retirement Income Security Act of 1974 and the provider must agree to be liable for any loss to a participant's or beneficiary's account which results from the failure of the provider's option to be compliant with section 404(c).

(e) Allow transfers of participants' balances into and out of the option at least daily;

(f) Have no surrender fees or deferred loads/charges;

(g) Have no fees or charges for insurance features (e.g. mortality and expense risk charges);

(h) To the extent allowed by law, notwithstanding failure to meet one or more of the IPS Section XI(11)(c),(d)-(f) requirements, an option may be authorized if: (i) it produces significant and demonstrable incremental retirement benefits relative to other comparable products in the market place and comparable Tier I, Tier II, or Tier III options; and (ii) the incremental benefits are sufficient to offset all associated fees, charges and the expected economic cost of the variance(s) with the IPS Section XI(11)(c),(d)-(f) requirements. Comparability shall be based on the option's underlying investments, consistent with the guidelines in IPS Section XI(12).

3) In the Investment Policy Statement, Section XII.D, regarding Investment Manager Selection and Monitoring Guidelines, will now read as follows:

D. In the selection of bundled providers and their proposed products and services, value afforded, as that term is used in Section 121.4501(9)(a), Florida Statutes, shall be evaluated based on the value added to the process of accumulating retirement benefits for participants. This evaluation shall consider the following factors in arriving at any staff recommendation:

1) Products or services that are either not otherwise available to the participants within the program, or which, as part of the bundle of investment products and services, can be reasonably expected to offer participants a desirable, cost

effective, value-added, and convenient alternative to the investment options and attendant services available to participants in Tiers I-III;

2) The type and quality of investment products offered;

3) The type and quality of non-investment services offered; and

4) Other significant elements that provide value to participants, consistent with the mandates of Section 121.4501, Florida Statutes.

## STATE BOARD OF ADMINISTRATION

### RULES NOS.:

19-10.002

19-10.003

### RULE TITLES:

Asset Transfer Procedures: True Up Transfer for Initial Transfers Occurring between 7/1/02 and 3/31/03

Asset Transfer Procedures: For employees who become eligible to participate in PEORP by reason of employment in a regularly established position with a state employer commencing after June 1, 2002; or with a district school board employer commencing after September 1, 2002; or with a local employer commencing after December 1, 2002

### NOTICE OF CABINET AGENDA ON JUNE 26, 2001

The Trustees of the State Board of Administration, on June 26, 2001, will consider the proposed new rules in Rule Chapter 19-10, F.A.C.:

These proposed new rules implement two additional asset transfer procedures after the initial transfer which occurs between July 1, 2002 and March 31, 2003. Proposed new Rule 19-10.002 adopts procedures for the true-up transfer from the defined benefit plan to the defined contribution plan after the initial transfers outlined in adopted Rule 19-10.001. Proposed new Rule 19-10.003 adopts asset transfer procedures for employees hired after the initial transfer dates set out in adopted Rule 19-10.001 and adopts an enrollment election form. The rule development workshop was held on January 23, 2001. Changes were made and incorporated in the draft which was proposed for rulemaking at the Trustees meeting on May 15, 2001. Notice was filed with the Secretary of State and printed in the Florida Administrative Weekly on May 25, 2001. The rule hearing is scheduled for June 18, 2001. After the rule hearing, any public comments, comments received by the Board, or comments from the Joint Administrative Procedures Committee will be incorporated into the proposed rulemaking.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                      RULE TITLE:  
 33-210.201                      ADA Provisions for Inmates  
    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. 27, No. 19, May 11, 2001, issue of the Florida Administrative Weekly.

33-210.201 ADA Provisions for Inmates.

(1) through (5) No change.

(6) Effective Communication. Reasonable accommodation shall be afforded to inmates with disabilities to ensure equally effective communication with staff, other inmates, and, ~~where applicable~~, the public.

(a) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 958.04 FS. History—  
 New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS****St. Johns River Water Management District**

RULE NO.:                      RULE TITLE:  
 40C-9.101                      Land Management Policy  
    NOTICE OF CHANGE

Notice is hereby given that the following change has been made in the proposed rule which was published in the Florida Administrative Weekly on January 5, 2001, Vol. 27, No. 1, in accordance with subparagraph 120.54(3)(d)1., F.S.

40C-9.101 Land Management Policy.

(4) Pursuant to Section 373.1395, Florida Statutes, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District lands or park areas provided to the public for recreational purposes. Additionally, the District is not responsible for any injury to persons or property caused by an act or omission of a person who goes on District lands or water areas leased to the state for outdoor recreational purposes. This subsection does not apply when the District charges a fee for entering onto or for the public or commercial use of District lands or park areas.

**AGENCY FOR HEALTH CARE ADMINISTRATION****Certificate of Need**

RULE NO.:                      RULE TITLE:  
 59C-1.002                      Definitions

**NOTICE OF WITHDRAWAL**

The agency is withdrawing the proposed amendments to Rule 59C-1.002(41) published in Vol. 26, No. 51, Florida Administrative Weekly, December 22, 2000. The amendments proposed a change in the definition of tertiary services which would have eliminated adult open heart surgery from the definition.

Additional information about this withdrawal, and other actions regarding adult open heart surgery, are found in a Notice of Change that is expected to appear elsewhere in this edition of the FAW.

**AGENCY FOR HEALTH CARE ADMINISTRATION****Certificate of Need**

RULE NO.:                      RULE TITLE:  
 59C-1.033                      Open Heart Surgery Program  
    NOTICE OF CHANGE

Proposed amendments to Rule 59C-1.033, open heart surgery program, were published December 22, 2000, in Vol. 26, No. 51 of the F.A.W. The agency subsequently added to the proposed amendments with a Notice of Change published May 4, 2001, in Vol. 27, No. 18 of the F.A.W. With this present Notice of Change, the agency is revising the originally-proposed amendments; and the changes identified in this present notice replace and supersede all language appearing in the May 4, 2001 notice of change.

The present changes revise the proposed amendments to subsection (7) of Rule 59C-1.033 by revising the methodology used to calculate need for additional adult open heart surgery programs. Compared to the December 22, 2000 proposal, there is a change from 250 to 300 in the threshold volume number; a continuation of the current language limiting net need to one additional program in a district per batching cycle, except under special circumstances; a change that creates a preference for any applicant from a county that meets certain criteria when there is a net need in the district; a change that establishes a demonstration of need for enhanced access, in the absence of numeric need, for an applicant in a county that meets those same criteria; and a change specifying that the agency will consider the impact of an approval on existing open heart surgery programs in the district. The modifications in other subsections of Rule 59C-1.033, as published December 22, 2000, are not affected by this notice of change.

By a separate action expected to be published elsewhere in this edition of the F.A.W., the agency is also withdrawing its proposed amendment to Rule 59C-1.002 that, if adopted, would have eliminated adult open heart surgery from the definition of tertiary services.

Accordingly, when adopted, subsection (7) of Rule 59C-1.033 will read as follows:

(7) Adult Open Heart Surgery Program Need Determination.

(a) An additional open heart surgery programs shall not normally be approved in the district if any of the following conditions exist:

1. There is an approved adult open heart surgery program in the district;

2. One or more of the operational adult open heart surgery programs in the district that were operational for at least 12 months as of 3 months prior to the beginning date of the



quarter of the publication of the fixed need pool performed less than 300 adult open heart surgery operations during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool; or,

3. One or more of the adult open heart surgery programs in the district that were operational for less than 12 months during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool performed less than an average of 25 adult open heart surgery operations per month.

(b) Provided that the provisions of paragraphs (7)(a) do not apply, the agency shall determine the net need for an additional adult open heart surgery programs in the district based on the following formula:

$$NN = [(POH/500) - OP] \geq 0.5$$

where:

1. NN = The need for an additional adult open heart surgery programs in the district projected for the applicable planning horizon. The additional adult open heart surgery program may be approved when NN is 0.5 or greater.

2. POH = the projected number of adult open heart surgery operations that will be performed in the district in the 12-month period beginning with the planning horizon. To determine POH, the agency will calculate COH/CPOP x PPOP, where:

a. COH = the current number of adult open heart surgery operations, defined as the number of adult open heart surgery operations performed in the district during the 12 months ending 3 months prior to the beginning date of the quarter of the publication of the fixed need pool.

b. CPOP = the current district population age 15 years and over.

c. PPOP = the projected district population age 15 years and over. For applications submitted between January 1 and June 30, the population estimate used for CPOP shall be for January of the preceding year; for applications submitted between July 1 and December 31, the population estimate used for CPOP shall be for July of the preceding year. The population estimates used for CPOP and PPOP shall be the most recent population estimates of the Executive Office of the Governor that are available to the agency 3 weeks prior to publication of the fixed need pool.

3. OP = the number of operational adult open heart surgery programs in the district.

(c) In the event there is a demonstrated numeric need for an additional adult open heart surgery program pursuant to paragraph (7)(b), preference shall be given to any applicant from a county that meets the following criteria:

1. None of the hospitals in the county has an existing or approved open heart surgery program; and

2. Residents of the county are projected to generate at least 1200 annual hospital discharges with a principal diagnosis of ischemic heart disease, as defined by ICD-9-CM codes 410.0

through 414.9. The projected number of county residents who will be discharged with a principal diagnosis of ischemic heart disease will be determined as follows:

$$PIHD = (CIHD/CoCPOP \times CoPPOP)$$

where:

PIHD = the projected 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over;

CIHD = the most recent 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over, as available in the agency's hospital discharge data base;

CoCPOP = the current estimated population age 15 and over for the county, included as a component of CPOP in subparagraph 7(b)2.;

CoPPOP = the planning horizon estimated population age 15 and over for the county, included as a component of PPOP in subparagraph 7(b)2.

(d) In the event no numeric need for an additional adult open heart surgery program is shown in paragraphs (7)(a) or (7)(b) above, the need for enhanced access to health care for the residents of a service district is demonstrated for an applicant in a county that meets the criteria of paragraph (7)(c)1. and 2. above.

(e) An additional adult open heart surgery program will not normally be approved for the district if the approval would reduce the 12 month total at an existing adult open heart surgery program in the district below 300 open heart surgery operations.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE NO.:  
59G-4.010

RULE TITLE:  
Advanced Registered Nurse  
Practitioner Services

### SECOND 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. 27, No. 16, April 20, 2001, issue of the Florida Administrative Weekly.

Appendix D, pp D-1 through D-6: delete current maximum base rate fees. Replace with new maximum base rate fees which are a 4% increase over the current maximum base rate fee.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE NO.:  
59G-4.230

RULE TITLE:  
Physician Services

## SECOND 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. 27, No. 16, April 20, 2001, issue of the Florida Administrative Weekly.

Appendix J, pp. J-1 through J-6: delete current maximum base rate fee and replace with new fees. The new maximum base rate fees are a 4% increase over the current maximum base rate fee.

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.010  
 RULE TITLE: Training Program Provider Fees  
 NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly. A Notice of Additional Public Hearing, scheduled for May 17, 2001 for the purpose of discussing this rule was published in Vol. 27, No. 18, May 4, 2001 issue of the Florida Administrative Weekly and incorrectly numbered as 61G19-7.0010. This change is due to comments received from the Joint Administrative Procedures Committee and a conference call Board meeting held on June 1, 2001.

The rule shall now read as follows:

61G19-7.010 Training Program Provider Fees.

(1) Training program providers registering with the Board who are registered with the Board to provide continuing education courses under 61G19-9 shall pay no fee for training program provider registration. All others shall pay a fee of \$100 for training program provider registration.

(2) The fee for reviewing each training program approval application shall be \$25.00 per one hundred (100) program hours; the minimum fee shall be \$25.00, the maximum shall be \$100.00.

(3) Government agencies providing training programs shall pay no fee for program or program provider registration.

Specific Authority 455.213(2), 468.606 FS. Law Implemented 455.213(2), 468.609 FS. History—New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE NO.: 64B8-9.009  
 RULE TITLE: Standard of Care for Office Surgery

## 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. 27, No. 7, of the February 16, 2001, issue of the Florida Administrative Weekly. The Surgical Care Committee of the Board held a public hearing on the Rule on May 19, 2001, in Tampa, Florida, and recommended changes to subsection (2) of the proposed rule. The Board, at its meeting held on June 2, 2001, in Dania, Florida voted to accept the recommendations of the Surgical Care Committee. The changes to subsection (2) are as follows:

1. The proposed new language set forth in subsection (2)(e) of the rule shall be deleted.
2. The existing subsection (2)(d) shall be renumbered as (2)(e).
3. The proposed subsection (2)(g) shall be renumbered as (2)(f) and shall be changed to read as follows:

“(f) Liposuction may be performed in combination with another separate surgical procedure during a single Level II or Level III operation, only in the following circumstances:

1. When combined with abdominoplasty, liposuction may not exceed 1000 cc of supernatant fat;
2. When liposuction is associated and directly related to another procedure, the liposuction may not exceed 1000 cc of supernatant fat;
3. Major liposuction in excess of 1000 cc supernatant fat may not be performed in a remote location from any other procedure.”

4. The existing subsection (2)(e) shall be renumbered as (2)(g).

5. The proposed new subsection (2)(i) shall be renumbered as (2)(h), and shall be changed to read as follows:

“(h) The Board of Medicine adopts the “Standards of the American Society of Anesthesiologists for Basic Anesthetic Monitoring,” approved by House Delegates on October 21, 1986 and last amended on October 21, 1998, as the standards for anesthetic monitoring by any qualified anesthesia provider.

1. These standards apply to general anesthetics, regional anesthetics, and monitored anesthesia care (Level II and III as defined by this rule) although, in emergency circumstances, appropriate life support measures take precedence. These standards may be exceeded at any time based on the judgment of the responsible supervising physician or anesthesiologist. They are intended to encourage quality patient care, but observing them cannot guarantee any specific patient outcome. They are subject to revision from time to time, as warranted by the evolution of technology and practice. This set of standards address only the issue of basic anesthesia monitoring, which is one component of anesthesia care.

2. In certain rare or unusual circumstances some of these methods of monitoring may be clinically impractical, and appropriate use of the described monitoring methods may fail

to detect untoward clinical developments. Brief interruptions of continual monitoring may be unavoidable. For purpose of this rule, "continual" is defined as "repeated regularly and frequently in steady rapid succession" whereas "continuous" means "prolonged without any interruption at any time."

3. Under extenuating circumstances, the responsible supervising physician or anesthesiologist may waive the requirements marked with an asterisk (\*); it is recommended that when this is done, it should be so stated (including the reasons) in a note in the patient's medical record. These standards are not intended for the application to the care of the obstetrical patient in labor or in the conduct of pain management.

a. Standard I

I. Qualified anesthesia personnel shall be present in the room throughout the conduct of all general anesthetics, regional anesthetics and monitored anesthesia care.

II. OBJECTIVE. Because of the rapid changes in patient status during anesthesia, qualified anesthesia personnel shall be continuously present to monitor the patient and provide anesthesia care. In the event there is a direct known hazard, e.g., radiation, to the anesthesia personnel which might require intermittent remote observation of the patient, some provision for monitoring the patient must be made. In the event that an emergency requires the temporary absence of the person primarily responsible for the anesthetic, the best judgment of the supervising physician or anesthesiologist will be exercised in comparing the emergency with the anesthetized patient's condition and in the selection of the person left responsible for the anesthetic during the temporary absence.

b. Standard II

I. During all anesthetics, the patient's oxygenation, ventilation, circulation and temperature shall be continually evaluated.

II. OXYGENATION

(A) OBJECTIVE – To ensure adequate oxygen concentration in the inspired gas and the blood during all anesthetics.

(B) METHODS:

(I) Inspired gas: During every administration of general anesthesia using an anesthesia machine, the concentration of oxygen in the patient breathing system shall be measured by an oxygen analyzer with a low oxygen concentration limit alarm in use.\*

(II) Blood oxygenation: During all anesthetics, a quantitative method of assessing oxygenation such as a pulse oximetry shall be employed.\* Adequate illumination and exposure of the patient are necessary to assess color.\*

III. VENTILATION

(A) OBJECTIVE – To ensure adequate ventilation of the patient during all anesthetics.

(B) METHODS:

(I) Every patient receiving general anesthesia shall have the adequacy of ventilation continually evaluated. Qualitative clinical signs such as chest excursion, observation of the reservoir breathing bag and auscultation of breath sounds are useful. Continual monitoring for the presence of expired carbon dioxide shall be performed unless invalidated by the nature of the patient, procedure or equipment. Quantitative monitoring of the volume of expired gas is strongly encouraged.\*

(II) When an endotracheal tube or laryngeal mask is inserted, its correct positioning must be verified by clinical assessment and by identification of carbon dioxide analysis, in use from the time of endotracheal tube/laryngeal mask placement, until extubation/removal or initiating transfer to a postoperative care location, shall be performed using a quantitative method such as capnography, capnometry or mass spectroscopy.\*

(III) When ventilation is controlled by a mechanical ventilator, there shall be in continuous use a device that is capable of detecting disconnection of components of the breathing system. The device must give an audible signal when its alarm threshold is exceeded.

(IV) During regional anesthesia and monitored anesthesia care, the adequacy of ventilation shall be evaluated, at least, by continual observation of qualitative clinical signs.

IV. CIRCULATION

(A) OBJECTIVE – To ensure the adequacy of the patient's circulatory function during all anesthetics.

(B) METHODS:

(I) Every patient receiving anesthesia shall have the electrocardiogram continuously displayed from the beginning of anesthesia until preparing to leave the anesthetizing location.\*

(II) Every patient receiving anesthesia shall have arterial blood pressure and heart rate determined and evaluated at least every five minutes.\*

(III) Every patient receiving general anesthesia shall have, in addition to the above, circulatory function continually evaluated by at least one of the following: palpation of a pulse, auscultation of heart sounds, monitoring of a tracing of intra-arterial pressure, ultrasound peripheral pulse monitoring, or pulse plethysmography or oximetry.

V. BODY TEMPERATURE

(A) OBJECTIVE – To aid in the maintenance of appropriate body temperature during all anesthetics.

(B) METHODS: Every patient receiving anesthesia shall have temperature monitored when clinically significant changes in body temperature are intended, anticipated or suspected."

6. The existing subsections (2)(f) and (g), the proposed new subsection (l), and the existing subsections (h) and (i) shall be renumbered as subsections (i) through (m).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

## DEPARTMENT OF HEALTH

### Board of Medicine

RULE NO.:	RULE TITLE:
64B8-56.002	Equipment and Devices; Protocols for Laser and Light-based Devices

#### FOURTH NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 24, of the June 16, 2000, issue of the Florida Administrative Weekly. The Board, at its meeting of June 2, 2001, in Dania, Florida, voted to make a change to the rule. The change is as follows: the first sentence of subsection (3) shall be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Economic Self-Sufficiency Services Program

RULE NOS.:	RULE TITLES:
65A-33.007	Verification
65A-33.008	Program Administration

#### NOTICE OF WITHDRAWAL

Notice is hereby given that amendment of the above rules, as noticed in Vol. 27, No. 16, the April 20, 2001 issue of the Florida Administrative Weekly has been withdrawn.

## FISH AND WILDLIFE CONSERVATION COMMISSION

### Manatees

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
68C-22	Manatees
RULE NO.:	RULE TITLE:
68C-22.006	Brevard County Zones

#### NOTICE OF CHANGE

Notice is hereby given that changes have been made to proposed amendments to Rule 68C-22.006, in accordance with §120.54(3)(d)1., Florida Statutes. The proposal was originally published in the Florida Administrative Weekly (Vol. 27, No. 16) on April 20, 2001. Public hearings were held on May 3 (in Melbourne) and on May 23 (in Palm Beach Gardens). Administrative challenges to the proposed amendments are pending before the state Division of Administrative Hearings.

On May 23 the Commission approved the rule as proposed on April 20, 2001, with the following changes: [1] Existing regulations were removed in the Indian River immediately south of the NASA Railroad Bridge and east of the ICW in the Titusville area and proposed regulations were removed in the Banana River immediately south of the central SR 528 and SR 520 causeways (east of the western relief bridges and west of the main Banana River channel); and [2] The effective date of the amendments was set for six months after the rule is adopted or as signs are posted in individual areas, whichever occurs sooner. The final amendment language for the paragraphs affected by the changes is shown below, followed by the maps showing all of the zones as approved by the Commission. For additional information, or for a copy of the final amendments in their entirety, please contact Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management, 620 South Meridian Street, Tallahassee, Florida 32399 (850)922-4330.

68C-22.006 Brevard County Zones.

(1) No change from original proposal.

(2) The following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway. Access to the NO ENTRY and MOTORBOATS PROHIBITED zones designated in paragraphs (2)(a) and (b) will be provided in accordance with procedures set forth in subsection (4), hereunder, and applicable provisions of Rule 68C-22.003.

(a) through (c) No change from original proposal.

(d) SLOW SPEED (All Year)

1. and 2. No change from original proposal.

3. Indian River, Titusville Area: All waters west of the ICW channel south of the Florida East Coast Railroad Bridge and north of the State Road 402 Bridge and Causeway.

4. through 14. No change from original proposal.

15. Banana River, State Road 528 to State Road 520: All waters south of State Road 528, east of a line bearing 180° from the easternmost point (approximate latitude 28° 24' 18" North, approximate longitude 80° 38' 53" West) of the central State Road 528 Causeway, and north of an east-west line 1,000 feet south of the point where the State Road 528 Bridge crosses over the main Banana River channel, except as otherwise designated under (2)(c)2.; All waters west of a line running from a point (approximate latitude 28° 24' 16" North, approximate longitude 80° 39' 30" West) on the State Road 528 Causeway east of the western State Road 528 Relief Bridge to a point (approximate latitude 28° 21' 26" North, approximate longitude 80° 39' 32" West) on the State Road 520 Causeway approximately 1,200 feet west of the water storage tanks, and; All waters south of a line bearing 270° from the southwesternmost point (approximate latitude 28° 23' 29"

North, approximate longitude 80° 37' 10" West) of Long Point in Cape Canaveral to a point (approximate latitude 28° 23' 29" North, approximate longitude 80° 37' 49" West) in the Banana River approximately 3,500 feet west of Long Point, and east of a line bearing 174° from said point in the Banana River to a point (approximate latitude 28° 21' 28" North, approximate longitude 80° 37' 35" West) on the State Road 520 Causeway approximately 1,000 feet west of Cape Canaveral Hospital Complex.

16. Banana River, Cocoa Beach Area: All waters east of a line bearing 186° from the westernmost point (approximate latitude 28° 21' 26" North, approximate longitude 80° 38' 52" West) of the State Road 520 Causeway east of the main Banana River channel, and within 1,000 feet south of the State Road 520 Causeway; All waters within 1,000 feet of the general contour of the western shoreline of the Banana River, south of State Road 520 and north of Buck Point and an extension of said shoreline to a point 1,000 feet south of Buck Point, excluding the main Banana River channel where the channel is less than 1,000 feet from the western shoreline, and; All waters east of a line commencing at a point (approximate latitude 28° 21' 25" North, approximate longitude 80° 38' 30" West) on the State Road 520 Causeway (approximately 2,000 feet east of the State Road 520 Bridge over the main Banana River channel), then bearing 190° to a point (approximate latitude 28° 19' 15" North, approximate longitude 80° 38' 55" West) in the Banana River approximately 1,900 feet west of

the northwesternmost point of the Cocoa Beach Municipal Park, then bearing 270° to a point (approximate latitude 28° 18' 38" North, approximate longitude 80° 38' 55" West) in the Banana River approximately 1,700 feet west of the southwesternmost point of the Cocoa Beach Municipal Park, then bearing 171° for approximately 3,000 feet to a point (approximate latitude 28° 18' 07" North, approximate longitude 80° 38' 50" West) in the Banana River east of channel marker "15," then bearing 124° to a point (approximate latitude 28° 16' 52" North, approximate longitude 80° 36' 45" West) in the Banana River 1,000 feet west of the eastern shoreline of the Banana River, then heading in a southerly direction 1,000 west of and parallel with the eastern shoreline of the Banana River to the line's terminus at a point (approximate latitude 28° 15' 51" North, approximate longitude 80° 36' 38" West) in the Banana River near the northern boundary of Patrick Air Force Base.

17. through 18. No change from original proposal.

(e) No change from original proposal.

(3) through (5) No change from original proposal.

(6) The amendments of Rule 68C-22.006(2) through (5), as approved by the commission on May 23, 2001, shall become effective when the requisite regulatory signage is posted or erected in the designated waterway or segment of waterway of Brevard County or six months from the date the rule amendments are filed for adoption, whichever is sooner.

INSERT MAP

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