

PURPOSE AND EFFECT: The Board proposes an amendment to existing rules increasing the fees for application for license, initial licensure, renewal of license, and reactivation of license.

SUBJECT AREA TO BE ADDRESSED: License and application fees.

SPECIFIC AUTHORITY: 456.004(5), 456.013(2), 456.025(1),(5), 456.036(3), 468.802, 468.803(2), 468.805(4), 468.806(1) FS.

LAW IMPLEMENTED: 456.004(5), 456.013(2), 456.025(1),(5), 456.036(3), 468.803(2), 468.805(4), 468.806(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Citations **RULE NO.:** 64B14-7.004

PURPOSE AND EFFECT: The Board proposes an amendment to an existing rule setting forth violations that may be resolved with a citation.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN #C07, Tallahassee, Florida 32399-3257

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Voting System Equipment Regulations **RULE NO.:** 1S-5.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is update the current rule that establishes minimum standards for hardware and software for electronic and electromechanical voting systems pursuant to section 101.015(2), Florida Statutes.

SUMMARY: The rule provides for adoption of a new release of the Florida Voting Systems Standards, Form DS-DE-101, eff.12/01.

The new version of the standards, Form DS-DE-101, eff.12/01; the prior version Form DS-DE-101, eff. 7/98; and a marked-up draft showing changes between the two versions of the form may be found on the department's web site at: <http://election.dos.state.fl.us/votingsystems/fvss.html>

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: 101.015 FS.

LAW IMPLEMENTED: 101.015 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:

TIME AND DATE: 1:00 p.m., January 23, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1721/25, 325 W. Gaines Street, Tallahassee, FL 32301

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Paul Craft, (850)245-6220, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Craft, Division of Elections, 107 West Gaines Street, Room 231, Tallahassee, Florida 32399-0250, pcraft@mail.dos.state.fl.us, (850)245-6220

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-5.001 Voting System Equipment Regulations.

The Department of State, Division of Elections, is required to establish minimum standards for certification and provisional approval of hardware and software for electronic and electromechanical voting systems. The Division shall establish minimum levels of voting systems capability and certify voting system equipment in accordance with the requirements

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:

25-30.4705 Calculation of Rate Reduction After Rate Case Expense is Amortized.

To calculate the rate reduction to be made four years after a rate case as required by section 367.0816, F.S., the following methodology shall be used. The annual amount of rate case expense, which is equal to one-fourth of the total allowed rate case expense, shall be divided by the regulatory assessment fee gross up factor. The resulting number shall then be divided by the revenue requirement to determine the percentage of the rate reduction. The percentage is then multiplied against the new rates to determine the amount of the future rate reduction. Revised tariff sheets implementing the reduction shall be filed no later than one month before the end of the fourth year.

Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.0816, 367.121 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Marshall Willis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 27, No. 41, October 12, 2001

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Cameras and Tape Recorders
by Attorneys

RULE NO.:
33-601.712

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the circumstances under which an attorney bring and use a camera to photograph his inmate client.

SUMMARY: The proposed rule clarifies the circumstances under which an attorney bring and use a camera to photograph his inmate client.

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: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.712 Use of Cameras and Tape Recorders by Attorneys.

(1) An attorney may bring and use a camera to photograph his inmate client if he certifies in writing that the physical condition of the inmate client is relevant to a pending or prospective lawsuit, judicial or quasi-judicial proceeding, or administrative proceeding involving another agency, that he needs to photograph the inmate client to preserve evidence of such condition, and that he will comply with reasonable security procedures. No inmate shall be photographed without his consent. Photographs that might jeopardize security by showing the physical layout of the institution or in any other specific way shall not be permitted.

(2) through (3) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 1-12-83, Formerly 33-5.091, Amended 3-8-98, 3-23-99, Formerly 33-5.0091, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Moore

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2001

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: Permit Fees

RULE NOS.:
40C-1.603

Timeframe for Providing Requested Information 40C-1.1008

PURPOSE AND EFFECT: The purposes of the proposed rule amendments are to (1) revise the fee structure and fee amounts for Environmental Resource Permits, (2) revise the fee amount for mitigation bank permits, and (3) revise the time period for an applicant to respond to a request for additional information (RAI), delegate the authority to further extend that time period, and remove the mandate that District staff prepare a permit application for denial at the next Governing Board meeting because the applicant has failed to respond to an RAI within the allowed time period. The effects of the proposed amendments are to (1) simplify the fee structure and revise fee amounts for Environmental Resource Permits, (2) raise the fee amount for mitigation bank permits, and (3) extend the time period in which an applicant must respond to a request for additional information (RAI) before District staff will

recommend the application for administrative denial, delegate to certain District staff the authority to further extend that time period, and provide that inactive applications that remain incomplete after the requisite time period shall be subject to denial.

SUMMARY: (1) Revises fee structure and fee amounts for Environmental Resource Permits, (2) raises the fee amount for mitigation bank permits, and (3) extends the time period for administrative permit denials, delegates authority to further extend that time period, and provides that inactive applications that remain incomplete after the requisite time period shall be subject to denial.

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

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

SPECIFIC AUTHORITY: 120.54(5), 373.044, 373.109, 373.113, 373.421(2) FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 218.075, 373.083(5), 373.118, 373.421(2) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 13, 2002 (following the regularly scheduled Governing Board Meeting)

PLACE: St. Johns River Water Management District, Headquarters, 4049 Reid Street, Palatka, Florida 32177

Any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman and (386)329-4101, or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-1.603 Permit Fees.

A fee is required and shall be paid to the District when certain applications or petitions are filed pursuant to District rules or permit programs delegated to the District. Effective October 1, 1990, governmental entities shall be required to submit the fees

established except as provided in subsection (12). This fee recovers some of the District's costs of processing applications. The fee schedule is:

(1) through (4) No change.

(5) Chapter 40C-4, F.A.C., environmental resource permits:

(a) Individual and conceptual permits \$4,500

~~1. Systems with less than one acre of dredging or filling in wetlands or other surface waters and which involve the construction of fewer than 10 new boat slips~~ \$3,000

~~2. Systems which involve:~~

~~a. The construction of docking facilities that provide 10 or more new boat slips~~ \$6,500

~~b. Dredging and filling of one acre or greater of wetlands or other surface waters~~ \$4,500

(b) Mitigation Bank permits and conceptual approvals \$10,000 ~~4,500~~

(c) Applications for modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is not increased \$1,000

(d) Applications for modification of individual or conceptual environmental resource permits, or Mitigation Bank permits or conceptual approval permits, where the total land area of the project is increased \$3,000

(e) Chapter 40C-40, F.A.C., standard environmental resource permits:

1. Systems which have a project area greater than or equal to 40 acres \$1,500
~~do not involve dredging or filling in wetlands or other surface waters~~ \$1,000

2. Systems which have a project area less than 40 acres and greater than one acre \$1,000
~~involve dredging or filling in less than one acre of wetlands or other surface waters and have a project area of 40 acres or more~~ \$1,500

3. Systems which have a project area of less than or equal to one acre \$500
~~involve dredging or filling in less than one acre of wetlands or other surface waters and have a project area of less than 40 acres~~ \$700

4. Systems which involve dredging or filling in less than one acre of wetlands or other surface waters and have a project area of less than or equal to one acre \$500

~~5. Systems which do not involve dredging or filling in wetlands or other surface waters and have a project area of less than or equal to 10 acres~~ \$250

(f) Chapter 40C-400, F.A.C., noticed general environmental resource permits set forth in sections 40C-400.417 through 40C-400.499, F.A.C. \$100

(g) through (k) No change.

(6) through (13) No change.

Specific Authority 373.044, ~~373.109~~, 373.113, ~~373.171~~, 373.421(2) FS. Law Implemented ~~218.075~~, 373.109, 373.421(2)-(7) FS., ~~Ch. 94-278, Fla. Laws~~. History--New 10-1-87, Amended 6-1-88, 10-17-88, Formerly 40C-1.202, Amended 8-1-89, 10-19-89, 8-19-90, 7-21-91, 7-23-91, 8-11-91, 9-25-91, 11-12-91, 10-20-92, 11-30-92, 1-6-93, 12-6-93, 1-23-94, 4-12-95, 1-4-96, 4-25-96, 10-2-96, _____.

40C-1.1008 Timeframe for Providing Requested Information.

The applicant shall have 120 ~~90~~ days from receipt of a request for additional information regarding a permit or license application undergoing review by the District to submit that information to the District. If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause shown means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information. The Executive Director, Assistant Executive Director, the Department Directors and Assistant Department Directors of the Departments of Water Resources and Resource Management, the Director of the Division of Water Use Regulation and any Service Center Director are authorized to make a determination that such good cause has been provided. Any application which has not been completed by the applicant within the given time period following a request for additional information by the District shall be subject to recommended for denial at the next regularly scheduled Board meeting. The requested information or written request showing good cause for additional time may be submitted to the District at any time prior to the denial of the application. Denial of an application due to failure to submit requested additional information shall be a denial without prejudice to the applicant's right to file a new application. The applicant may request a section 120.569, F.S., hearing pursuant to chapter 28-106 and section 40C-1.1006, F.A.C., to dispute the necessity of the information required.

Specific Authority 120.54(5), 373.044, 373.113 FS. Law Implemented, 120.54(5), 120.60, 373.083(5), 373.118 FS. History--New 8-4-98, Amended 1-11-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1329, Palatka, Florida 32178-1429, (386)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE:

RULE NO.:

Publications Incorporated by Reference

40C-2.101

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to extend the time period for an applicant to respond to a request for additional information from 90 days to 120 days, to allow more time before an incomplete application will be recommended for administrative denial. This amendment will achieve consistency with the District's concurrent proposed amendment to Rule 40C-1.1008, F.A.C.

SUMMARY: Revises time frame for administrative permit denials.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.219, 373.223, 373.229, 373.236, 373.239, 373.250 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 13, 2002 (following the regularly scheduled Governing Board Meeting)

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

Any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman and (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-2.101 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Parts I, II and III, and the "Water Conservation Public Supply" requirements in Appendix I of the document entitled "Applicant's Handbook, Consumptive Uses of Water", _____ ~~2-8-99~~. The purpose of the document is to provide information regarding the policy, procedure, criteria, and conditions which pertain to the District's administration of the consumptive use permitting program.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.109, 373.219, 373.223, 373.229, 373.236, 373.239, 373.250 FS. History—New 1-1-83, Amended 5-31-84, Formerly 40C- 2.101, 40C-2.0101, Amended 10-1-87, 1-1-89, 8-1-89, 10-4-89, 7-21-91, 7-23-91, 11-12-91, 9-16-92, 1-20-93, 12-6-93, 2-15-95, 7-10-95, 4-25-96, 10-2-96, 1-7-99, 2-8-99, _____.

APPLICANT'S HANDBOOK SECTION

5.3.3 The applicant has 120 ~~90~~ days from the date of the request for additional information to supply that information to the District. If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown the application shall be held in active status for ~~one~~ additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1329, Palatka, Florida 32178-1429, (386)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference RULE NO.: 40C-4.091

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to extend the time period for an applicant to respond to a request for additional information from 90 days to 120 days, to allow more time before an incomplete application will be recommended for administrative denial. This amendment will achieve consistency with the District's concurrent proposed amendment to Rule 40C-1.1008, F.A.C.

SUMMARY: Revises time frame for administrative permit denials.

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

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

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS.

LAW IMPLEMENTED: 373.016, 373.046, 373.413, 373.4135, 373.4136 373.414, 373.415, 373.416, 373.421(2)-(6), 373.426 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 13, 2002 (following the regularly scheduled Governing Board Meeting)

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

Any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman and (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

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

(b) through (c) No change.

(2) No change.

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

APPLICANT'S HANDBOOK SECTION

5.3.3 The applicant has 120 ~~90~~ days from the date of the request for additional information to supply that information to the District. If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

6.4.3 If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, P. O. Box 1329, Palatka, Florida 32178-1429, (386)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40C-8.021

Minimum Surface Water Levels and Flows and Groundwater Levels	40C-8.031
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PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to establish minimum water levels for the following lakes in the following counties: Apshawa North and South, Cherry and Minneola, Lake County; Burkett, Irma, Martha and Pearl, Orange County; Fox and South Lakes, Brevard County; Lowery, Polk County. Also, the proposed rule will revise minimum flows and levels for Lakes Daugharty, Drudy, Emporia, Lower Louise and Pierson, Volusia County; Stella, Putnam County. The proposed rule amendment would also correct a typographical error for Lake Howell in Seminole County, which erroneously has two different levels for "typically saturated" by repealing the 52.6 foot level. Additionally, the proposed rule amendment would clarify the definition of "semi-permanently flooded" in subsection 40C-8.021(16), F.A.C., so that exposure of the ground elevations, rather than water levels causing inundation, is expected to occur every five to ten years for extended periods during moderate droughts.

SUMMARY: This proposed rule would establish or revise minimum water levels for the above listed lakes pursuant to the mandate of section 373.042, Florida Statutes. Each of these levels would have an associated hydroperiod category. The terms herein are already defined in chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 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:

TIME AND DATE: 9:00 a.m., February 13, 2002 (following the regularly scheduled Governing Board meeting)

PLACE: St. Johns River Water Management District, Headquarters, 4049 Reid Street, Palatka, Florida 32178

Any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-8.021 Definitions.

Unless the context indicates otherwise, the following terms shall have the following meanings.

(1) through (15) No change.

(16) "Semi-permanently flooded" means a hydroperiod category where surface water inundation persists in most years. When surface water is absent the water table is usually near the land surface. In many lakes with emergent marshes this water level is near the lower elevation that supports emergent marsh or floating vegetation and peat substrates, or other highly organic hydric substrates. This characterization may not be true for herbaceous wetlands around sandhill type lakes, which often have emergent vegetation that follows declining water levels to below the lower elevation of peat substrate. Water levels causing inundation are expected to occur approximately eighty percent of the time over a long term period of record. Exposure of these ground elevations are ~~Water levels causing inundation is~~ expected to re-occur, on average, about every five to ten years for extended periods (several or more months) during moderate droughts.

(17) through (19) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95,_____.

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) No change.

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
<u>(a) APSHAWA NORTH</u>	<u>LAKE</u>	<u>SEASONALLY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>		<u>85.0</u>	<u>83.3</u>		<u>81.3</u>
<u>(b) APSHAWA SOUTH</u>	<u>LAKE</u>	<u>SEASONALLY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>		<u>86.0</u>	<u>84.7</u>		<u>83.2</u>
<u>(c) ARGENTA</u>	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		50.1	47.7		46.3
<u>(d) ASHBY</u>	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		13.8	12.1		11.1
<u>(e) BANANA</u>	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.0	36.2		34.4
<u>(f) BELL</u>	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		42.5	40.5		38.7
<u>(g) BIG</u>	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		26.1	25.0		23.7
<u>(h) BIG POND</u>	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		41.8	39.5		38.1
<u>(i) BLUE POND</u>	CLAY	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		174.1	173.3		171.7
<u>(j) BOGGY MARSH</u>	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		117.3	115.9		114.5
<u>(k) BRANTLEY</u>	SEMINOLE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		46.3	45.6		44.1
<u>(l) BROOKLYN</u>	CLAY	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		114.6	108.0		101.0
<u>(m) BROWARD</u>	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		40.0	38.25		36.5
<u>(n) BURKETT</u>	<u>ORANGE</u>	<u>SEASONALLY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>		<u>53.5</u>	<u>52.6</u>		<u>51.2</u>
<u>(o) CHERRY</u>	<u>LAKE</u>	<u>SEASONALLY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>		<u>96.0</u>	<u>94.9</u>		<u>93.4</u>
<u>(p) CLEAR</u>	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		37.4	36.4		34.9

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(q) COLBY	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		28.3	26.6	25.2	
(r) COMO	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMINPERMANENTLY FLOODED		38.0	36.2	34.4	
(s) COMO, LITTLE LAKE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.0	36.6	35.2	
(t) COWPEN	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		89.1	85.7	84.2	
(u) COW POND	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		40.5	39.8	37.6	
(v) COON POND	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.7	34.6	33.1	
(w) CRYSTAL/BAKER	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED			35.5 33.9	33.0	
(x) DAUGHARTY	VOLUSIA	N/A SEASONALLY FLOODED N/A TYPICALLY FLOODED N/A SEMIPERMANENTLY FLOODED N/A N/A	46.3	44.8 45.5	42.6 44.5	41.2 43.0	41.5
(y) DAVIS	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		36.2	35.4	34.0	
(z) DEEP	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.0	33.1	32.2	
(aa) DIAS	VOLUSIA	SEASONALLY FLOODED TYPICALLY FLOODED SEMIPERMANENTLY FLOODED		34.5	34.1	32.8	
(bb) DISSTON	FLAGLER	SEASONALLY FLOODED TYPICALLY FLOODED SEMIPERMANENTLY FLOODED		13.8	13.2	12.5	
(cc) DORR	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		43.5	43.1	42.1	
(dd) DREAM POND	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		49.0	47.5	46.0	
(ee) DRUDY	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		42.1 42.3	40.6 41.8	39.1 40.5	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT <u>HIGH</u>	MINIMUM FREQUENT <u>HIGH</u>	MINIMUM AVERAGE <u>LEVEL</u>	MINIMUM FREQUENT <u>LOW</u>	MINIMUM INFREQUENT <u>LOW</u>
(ff) ECHO	PUTNAM	SEASONALLY FLOODED TYPICALLY FLOODED SEMIPERMANENTLY FLOODED		38.8	36.7	35.2	
(gg) EMPORIA	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.9 37.5	35.8 36.4	34.3 35.0	
(hh) ESTELLA	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.6	37.2	36.5	
(ii) FOX	BREVARD	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		16.7	15.3	13.8	
(jj) GENEVA	CLAY	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		103.0	101.0	98.5	
(kk) GEORGES LAKE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		98.4	97.8	97.0	
(ll) GERTIE	VOLUSIA	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		27.5	25.6	23.3	
(mm) GORE	FLAGLER	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		21.6	20.8	19.8	
(nn) GRANDIN	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		81.8	81.3	80.1	
(oo) HELEN	VOLUSIA	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		46.1	44.2	43.6	
(pp) HIRES	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		41.0	39.5	38.0	
(qq) HOKEY	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.4	33.7	32.3	
(rr) HOWELL	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		34.5	33.6	31.8	
(ss) HOWELL	SEMINOLE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED TYPICALLY SATURATED		53.7	52.9 52.6	51.5	
(tt) IRMA	ORANGE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		55.1	54.8	53.4	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
<u>(uu)</u> KERR	MARION	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		24.4	22.9		21.5
<u>(vv)</u> LIZZIE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		43.9	42.7		41.7
<u>(ww)</u> LOUISA	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		96.5	95.4		94.0
<u>(xx)</u> LOWER LAKE LOUISE	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		<u>31.8</u> 32.0	<u>31.2</u> 30.5		<u>29.7</u> 29.2
<u>(yy)</u> LOWERY	<u>POLK</u>	<u>TEMPORARILY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>	<u>130.0</u>		<u>128.0</u>		<u>126.5</u>
<u>(zz)</u> MAGNOLIA	CLAY	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		124.7	124.2		121.4
<u>(aaa)</u> MALL, LITTLE LAKE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.7	36.8		35.2
<u>(bbb)</u> MARGARET	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.2	34.5		32.5
<u>(ccc)</u> MARTHA	<u>ORANGE</u>	<u>SEASONALLY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>		<u>53.5</u>	<u>52.6</u>		<u>51.2</u>
<u>(ddd)</u> MARVIN	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		38.6	37.3		36.3
<u>(eee)</u> MCGRADY	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		41.5	39.9		37.8
<u>(fff)</u> MCKASEL	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED	36.7	35.5			34.1
<u>(ggg)</u> MELROSE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		105.2	104.2		102.8
<u>(hhh)</u> MILLS	SEMINOLE	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		42.5	41.4		39.9
<u>(iii)</u> MINNEOLA	<u>LAKE</u>	<u>SEASONALLY FLOODED</u> <u>TYPICALLY SATURATED</u> <u>SEMIPERMANENTLY FLOODED</u>		<u>96.0</u>	<u>95.3</u>		<u>93.9</u>
<u>(jjj)</u> NETTLES/ ENGLISH	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		44.3	42.7		41.7
<u>(kkk)</u> NORRIS	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		30.5	29.7		29.1

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(lll) NORTH COMO PARK	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		41.3	39.7	38.5	
(mmm) NORTH TALMADGE	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		55.6	54.4	52.9	
(nnn) OMEGA	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		57.4	56.1	54.0	
(ooo) ORIO	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		37.1	35.6	34.7	
(ppp) PAM	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		39.3	37.5	36.1	
(qqq) PEARL	ORANGE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		53.5	52.6	51.2	
(rrr) PIERSON	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		34.4 35.5	33.8 34.2	32.4 32.5	
(sss) PINE ISLAND	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		107.7	106.8	105.4	
(ttt) PREVATT	ORANGE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		56.0	53.0	50.9	
(uuu) PRIOR	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		42.3	40.0	39.0	
(vvv) PURDOM	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		37.0	36.4	35.0	
(www) SAND	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		40.9	39.0	36.6	
(xxx) SAND HILL	CLAY	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		132.0	131.65	129.5	
(yyv) SCOGGIN	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.0	34.1	32.7	
(zzz) SHAW	VOLUSIA	N/A N/A N/A N/A N/A	38.5	36.9	36.2	34.0	32.0
(aaaa) SILVER	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		36.5	35.1	34.0	

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(bbbb) SOUTH	BREVARD	TEMPORARILY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		16.7	15.3		13.8
(cccc) STAR	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		77.5	75.4	74.0	
(dddd) STELLA	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		39.4 39.9	38.6 39.6	37.2 38.0	
(eeee) SUNSET	LAKE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		85.9	83.5	81.0	
(ffff) SWAN	PUTNAM	TEMPORARILY FLOODED TYPICALLY SATURATED		93.0	90.3		
(gggg) SYLVAN	SEMINOLE	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		40.4	38.9	37.5	
(hhhh) TARHOE	PUTNAM	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		37.0	36.0	35.2	
(iiii) THREE ISLAND LAKES	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		23.4	21.8	18.8	
(jjjj) TRONE	PUTNAM	SEASONALLY FLOODED TYPICALLY FLOODED SEMIPERMANENTLY FLOODED		37.5	35.7	34.3	
(kkkk) TROUT	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		23.3	20.9	17.7	
(llll) UPPER LAKE LOUISE	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		35.3	34.6	33.2	
(mmmm) WASHINGTON	BREVARD	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		15.6	14.2	12.8	
(nnnn) WAUBERG	ALACHUA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		67.4	67.1	65.6	
(oooo) WEIR	MARION	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		57.2	56.4	54.9	
(pppp) WINNEMISSETT	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		59.5	57.8	56.0	
(qqqq) WINONA	VOLUSIA	SEASONALLY FLOODED TYPICALLY SATURATED SEMIPERMANENTLY FLOODED		36.1	33.5	32.0	

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421 373.103, 373.415 FS. History--New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sonny Hall, Technical Program Manager, Department of Resource Management, St. Johns River Water Management District, P. O. Box 1329, Palatka, Florida 32178-1429, (386)329-4368, Suncom 860-4368

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2001

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference RULE NO.: 40C-42.091

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to extend the time period for an applicant to respond to a request for additional information from 90 days to 120 days, to allow more time before an incomplete application will be recommended for administrative denial. This amendment will achieve consistency with the District's concurrent proposed amendment to Rule 40C-1.1008, F.A.C.

SUMMARY: Revises time frame for administrative permit denials.

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

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

SPECIFIC AUTHORITY: 120.54(8), 373.044, 373.113, 373.171, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.426 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 13, 2002 (Following the regularly scheduled Governing Board Meeting)

PLACE: St. Johns River Water Management District, Headquarters, 4049 Reid Street, Palatka, Florida 32177

Any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman and (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I "Policy and Procedures", Part II, "Criteria for Evaluation", and Part III "Operation and Maintenance", of the document entitled "Applicant's Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.", effective 4-11-99.

(2) through (3) No change.

Specific Authority 120.54(8), 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.413, 373.416, 373.426. History--New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99,_____.

APPLICANT'S HANDBOOK SECTION

5.6.3 If an applicant requires more than 120 ~~90~~ days in which to complete an application, ~~respond to the request for additional information that will complete an application~~, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

6.4.3 The applicant has 120 ~~90~~ days from the date of the request for additional information to supply that information to the District. If an applicant requires more than 120 ~~90~~ days in which to respond to the request for additional information that will complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management district, P. O. Box 1329, Palatka, Florida 32178-1429, (386)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference

RULE NO.: 40C-44.091

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to extend the time period for an applicant to respond to a request for additional information from 90 days to 120 days, to allow more time before an incomplete application will be recommended for administrative denial. This amendment will achieve consistency with the District's concurrent proposed amendment to Rule 40C-1.1008, F.A.C.

SUMMARY: Revises time frame for administrative permit denials.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.406, 373.418 FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.416 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., February 13, 2002 (following the regularly scheduled Governing Board Meeting)

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

Any person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman and (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459 or Suncom 860-4459

THE FULL TEXT OF THE PROPOSED RULE:

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I "Policy and Procedures" and Part II "Criteria for Evaluation," of the document entitled "Applicant's Handbook: Agricultural Surface Water Management Systems, effective, _____ ~~11-1-99~~.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented, 373.406, 373.413, 373.416 FS. History--New 10-20-92, 7-4-93, 10-3-95, 11-1-99, _____.

APPLICANT'S HANDBOOK SECTION

5.3.3 If an applicant requires more than 120 days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for additional periods commensurate with the good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring the requested information, and that the additional time period requested is both reasonable and necessary to supply the information. The applicant has 90 days from the date of the request for additional information to supply that information to the District. If an applicant requires more than 90 days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown, the application shall be held in active status for one additional period of up to 90 days.

5.3.4 If, within the given time frame, the applicant does not submit the requested information (which was requested within 30 days after receipt of the application) the application may be prepared for denial in accordance with section 40C-1.1008 ~~40C-1.605~~, F.A.C. In such instances, the applicant will be mailed or delivered a notice of the intent to take such action at a minimum of 14 days prior to the meeting at which the Board will consider denial. The applicant may request a section 120.569 ~~120.57~~, F.S., hearing pursuant to Chapter 28-106 and section 40C-1.1007 ~~40C-1.511~~, F.A.C., to dispute the necessity of the information required. The applicant may present evidence to the Board stating why the permit application should not be denied. Denial pursuant to this procedure is not a determination of the merit of an application and does not preclude reapplying at a later time.

6.4.3 If an applicant requires more than 120 ~~90~~ days in which to complete an application, the applicant may notify the District in writing of the circumstances and for good cause shown. As used herein, good cause means a demonstration that the applicant is diligently acquiring

the requested information, and that the additional time period requested is both reasonable and necessary to supply the information.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management district, P. O. Box 1329, Palatka, Florida 32178-1429, (386)329-4347

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 12, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLES:	RULE NOS.:
General Provisions; Forms and Fees	61B-60.002
Application for and Renewal of Broker or Salesperson License	61B-60.003
Bond and Irrevocable Letter of Credit	61B-60.004
Principal Place of Business; Broker's Branch Office License Application and Branch Office License Renewal	61B-60.005
Escrow Depository; Closing Transactions	61B-60.006
Standards of Conduct; Penalties	61B-60.008

PURPOSE AND EFFECT: The purpose of this rule amendment is to renumber forms; delete the forms used for licenses, temporary licenses, surety bonds, and complaints; repeal procedures superseded by the Uniform Rules; clarify application of escrow trust accounts; repeal repetition of statutory requirements for financial institutions holding escrow trust funds; repeal requirements for the letter of credit on the application form, and increase fees paid for fingerprint processing in accordance with section 215.405, Florida Statutes.

SUMMARY: The rule amendment addresses the increase in cost for fingerprint processing for licensing; rennumbers forms and deletes the forms used for licenses, temporary licenses, surety bonds and complaints; repeals procedures superseded by the Uniform Rules; clarifies the application of escrow trust funds; repeals repetition of statutory requirements for financial institutions holding escrow trust funds; and repeals the requirements for the letter of credit on the application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 215.405, 326.002, 326.003, 326.004 FS.

LAW IMPLEMENTED: 326.004, 326.005, 326.006 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., January 22, 2002

PLACE: Warren Building Conference, B-30, 202 Blount Street, Tallahassee, Florida 32399-1030

Those persons who cannot attend in person may submit their comments in writing Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Sharon A. Elzie, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE FULL TEXT OF THE PROPOSED RULES IS:

61B-60.002 General Provisions; Forms and Fees.

(1) through (3) No change.

(4) Fees shall be \$500 for application relating to an initial license and \$500 for biennial renewal of a license. The fee for national fingerprint processing shall be ~~\$43~~ \$33 and shall apply to the initial application process. The fee for each broker's branch office license and renewal thereof shall be \$100, based upon an effective period of 2 years.

(5) No change.

~~(6) The division, prior to taking final agency action which may adversely affect the substantial interests of a person, including but not limited to the denial of a license application, shall notify that person of the intended agency action and of his right to a formal hearing or an informal proceeding as provided by section 120.57, Florida Statutes, and Chapter 7-4, Florida Administrative Code.~~

~~(7)(a) In those cases in which the division intends to deny an initial license or renewal license to an applicant, or intends to suspend or revoke a license which has been issued, the division shall notify the applicant or licensee that if the applicant or licensee fails to request an administrative hearing~~

within 21 days of the receipt of the notice of the division's intended action, the denial, suspension or revocation shall be conclusive and final agency action.

(b) If the applicant or licensee fails to file a request for an administrative hearing within 21 days after receipt of the division's notice of intended action, the division's action shall become conclusive and final agency action.

(6)(8) Licensees shall, not later than 30 days after a change of business address or affiliation, notify the division in writing of the updated information. The licensee shall return the license to the division. The division will then reissue the license reflecting the changes indicated and revise the effective date referenced on the license to reflect the date that the division actually records the change. Any reissuance pursuant to this rule shall not result in any extension of the expiration date of the license, and the expiration date shall continue to be the date listed on the license prior to its reissuance.

(9) ~~Filing of Complaints. Any person wishing to file a complaint against a licensed broker or salesperson may utilize DBR Form 31-005, YACHT AND SHIP COMPLAINT FORM, effective 11-25-90, incorporated by reference.~~

Specific Authority 215.405, 326.003, 326.004 FS. Law Implemented 326.004 FS. History—New 2-13-90, Amended 11-25-90, 10-11-92, Formerly 7D-60.002, Amended _____.

61B-60.003 Application for and Renewal of Broker or Salesperson License.

(1) Application for License.

(a) All persons desiring to obtain a license to act as a broker or salesperson, shall apply for licensure by filing with the division a completed application on DBPR Form YS 6000-1 ~~DBR Form 31-001, APPLICATION FOR A YACHT AND SHIP EMPLOYING BROKER, BROKER OR SALESPERSON LICENSE, incorporated herein by reference and effective _____ 10-11-92, a copy of which may be obtained at the address referenced in rule 61B-60.002(1), accompanied by the \$500 application fee, the \$43 \$33 fingerprint processing fee, a complete set of fingerprints which comply with the form provided in the application materials, and by the bond or irrevocable letter of credit as provided by rule 61B-60.004, Florida Administrative Code.~~

(b) through (c) No change.

(2) Review for Form.

(a) The division shall review the application within 10 days of its receipt to determine if it is in acceptable form, meaning that the application form is completed in its entirety and the application fee, the \$43 \$33 fingerprint processing fee, a complete set of fingerprints, and bond or letter of credit conforming to the requirements of Rule 61B-60.004, Florida Administrative Code, have been received by the division. If the application is in acceptable form, the division shall issue a temporary 90-day license; ~~DBR form 31-011.~~

(b) through (d) No change.

(3) Review for Good Moral Character.

(a) 1. through 4. No change.

5. Other relevant information generated in the course of the application process that bears upon the applicant's moral character, including but not limited to those acts described by Section 326.006(2)(e)-(f) ~~326.006(3), (4), Florida Statutes; and~~

6. through 7. No change.

7.a. The disposition of criminal charges shall be considered if such constitutes a felony; or if such constitutes a misdemeanor involving moral turpitude, fraud, theft, dishonesty, assault and battery, or false statement.

b. through (c) No change.

(d) If upon completion of its evaluation of the moral character of an applicant, the division concludes that the applicant does possess good moral character, the division shall issue the applicant a license, ~~DBR Form 31-003, YACHT AND SHIP BROKER LICENSE, effective 11-25-90, incorporated by reference,~~ upon payment of all fees owed to the division, if any.

(e) No change.

(f) If upon completion of its evaluation of the moral character of an applicant, the division concludes that the applicant does not possess good moral character, the division shall issue a notice of its intent to deny the application ~~proceed as provided in Rule 61B-60.002(6), Florida Administrative Code.~~

(4) Notification of License Expiration. The division shall notify all licensees of impending license expiration, not less than 60 days prior to expiration, on a DBPR Form YS 6000-6 ~~BPR form 31-007, APPLICATION FOR YACHT AND SHIP LICENSE RENEWAL/BRANCH OFFICE RENEWAL, effective _____ 2-13-97, incorporated by reference, a copy of which may be obtained at the address referenced in rule 61B-60.002(1).~~

(5) Submission of Application for License Renewal. Licensees shall apply for renewal of their license on a DBPR Form YS 6000-6 ~~BPR form 31-007, APPLICATION FOR YACHT AND SHIP LICENSE RENEWAL/BRANCH OFFICE RENEWAL, incorporated in subsection (4) above,~~ accompanied both by a \$500 renewal fee and by the bond or letter of credit or proper continuation certificate, as provided by Rule 61B-60.004, Florida Administrative Code. Completed applications shall be postmarked not less than 30 days prior to the expiration of the current license.

(6) through (7) No change.

(8) If upon completion of the evaluation of moral character, the division approves the application for license renewal, the division shall issue a license ~~BPR form 31-003, YACHT AND SHIP BROKER LICENSE, effective 2-13-97, incorporated by reference.~~

(9) No change.

Specific Authority 215.405, 326.003 FS. Law Implemented 326.004, 326.006 FS. History—New 2-13-90, Amended 11-25-90, 10-11-92, Formerly 7D-60.003, Amended 2-13-97, _____.

61B-60.004 Bond and Irrevocable Letter of Credit.

(1) Applications for licensure as a broker or a salesperson shall be accompanied by a good and sufficient surety bond or irrevocable letter of credit ~~on DBR form 31-002, YACHT AND SHIP BROKER OR SALESPERSON BOND, incorporated herein by reference and effective 8-28-91.~~

(2) through (3) No change.

Specific Authority 326.003 FS. Law Implemented 326.004 FS History--New 2-13-90, Amended 11-25-90, 8-28-91, Formerly 7D-60.004, Amended

61B-60.005 Principal Place of Business; Broker's Branch Office License Application and Branch Office License Renewal.

(1) No change.

(2) In order to obtain a broker's branch office license, a broker licensed by the division shall complete DBPR Form YS 6000-4 ~~DBR Form 31-004, EMPLOYING BROKER'S BRANCH OFFICE LICENSE APPLICATION, effective 11-25-90, incorporated by reference, a copy of which may be obtained at the address referenced in rule 61B-60.002(1),~~ and shall file it with the division, accompanied by the appropriate license fee. Since the expiration date for the branch office license will mirror the expiration date of the broker's license, the pro-rata fee structure for the branch office license will be as follows:

- (a) For a period up to 6 months – \$25;
- (b) For a period between 6 months and 1 year – \$50;
- (c) For a period between 1 year and 18 months – \$75; and
- (d) For any period exceeding 18 months – \$100.

(3) through (7) No change.

(8) Renewal of Branch Office License. In order to renew a broker's branch office license, the broker shall submit a completed DBPR Form YS 6000-6 ~~DBR form 31-007, effective 1-26-97, incorporated by reference, in Rule 61B-60.003(4),~~ accompanied by a renewal fee of \$100. The completed application shall be postmarked not less than 30 days prior to expiration of the branch office license. If the application is deficient for form, the division shall so notify the applicant, and the applicant shall have 10 days after receiving notification of the deficiency in which to correct the deficiency. The application shall be deemed to be in correct form if it is filled out in its entirety and accompanied by the \$100 renewal fee. If the applicant fails to correct the deficiency within this time period, the division shall deny the application ~~by proceeding as set forth in rule 61B-60.002(6), Florida Administrative Code.~~ If the application is in correct form, the division shall issue a branch office license DBR form 31-004, BROKER'S BRANCH OFFICE LICENSE, effective 1-26-97, incorporated by reference.

Specific Authority 326.003 FS. Law Implemented 326.004, 326.006 FS. History--New 2-13-90, Amended 11-25-90, 10-11-92, Formerly 7D-60.005, Amended 1-26-97, _____.

61B-60.006 Escrow Trust Depository; Closing Transactions.

(1) No change.

(2) A broker holding the license of a salesperson shall make all escrow trust account deposits and withdrawals of monies involved in a transaction brokered by the salesperson. Any salesperson who receives any deposit shall immediately deliver the same to the broker under whom he is licensed as a salesperson.

(3) Within 3 working days of receipt of funds pursuant to a purchase contract, all funds received by a broker or salesperson in connection with the sale, exchange, or purchase of a yacht shall be deposited in the broker's escrow trust account and shall remain in the account until the funds are disbursed pursuant to the provisions of the contract or controlling statute. "Escrow trust ~~Trust~~ account" shall mean a segregated account as required by Section 326.005, Florida Statutes, established with a bank or trust company, credit union, or a savings and loan association within the State of Florida having a net worth in excess of 5 million dollars, in which only funds received pursuant to the sale, exchange, or purchase of a yacht as regulated by Chapter 326, Florida Statutes, shall be deposited. No personal or operating funds shall be deposited or intermingled with any funds held in an escrow trust account, and monies deposited into the account shall not be used to pay operating expenses.

(4) A broker shall maintain books and records of receipts, deposits and withdrawals of escrow trust account funds in accordance with generally accepted accounting principles.

Specific Authority 326.003 FS. Law Implemented 326.004, 326.005 FS. History--New 2-13-90, Amended 11-25-90, Formerly 7D-60.006, Amended

61B-60.008 Standards of Conduct; Penalties.

(1) No change.

(2) The division shall suspend or revoke the license of a broker or salesperson under the provisions of Section 326.006(2)(e), (f), Florida Statutes, for cause shown including the violation of applicable administrative rules, ~~upon proceeding in accordance with Rule 61B-60.002(6), (7), Florida Administrative Code.~~

(3) through (4) No change.

Specific Authority 326.002, 326.003, 326.004 FS. Law Implemented 326.004, 326.006 FS. History--New 11-25-90, Amended 10-11-92, Formerly 7D-60.008, 7D-60.009, 7D-60.010, Amended 1-26-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peter Butler, Chief, Bureau of Customer Service, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1032

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 18, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 7, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Florida Elevator Safety Code 61C-5
RULE TITLES: RULE NOS.:

Elevators, Dumbwaiters, Escalators, Moving Walks, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts	61C-5.001
Elevator Fees; Permits, Annual Certificates of Operation	61C-5.006
Fees; Elevator Certificates of Competency, Renewal	61C-5.007
Service Maintenance Contracts	61C-5.013

PURPOSE AND EFFECT: The purpose is to update the existing rules and implement requirements imposed by Chapter 399, Florida Statutes. The effect will be to put the public on notice of these new rule provisions and requirements of Chapter 399, Florida Statutes, to provide greater clarity, and to implement the statutory requirements of this program.

SUMMARY: The proposed rule development will address language clarification relative to inspector certification, inspections and implementation of recent legislation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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: 399.02, 399.02(5)(d), 399.07(1)(d), 399.07(2)(d), 399.10, 399.105(2) FS.

LAW IMPLEMENTED: 399.02, 399.02(2), 399.02(5)(d), 399.07(1)(d), 399.07(2)(d), 399.105 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: 1:00 p.m. – 3:00 p.m., EST, January 18, 2002

PLACE: The Second Floor Hearing Room, The McCarty Building, 941 West Morse Boulevard, Winter Park, Florida
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 business hours before the hearing by contacting Lee M.

Cornman, Management Review Specialist, (850)488-1133. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, Telephone (850)488-1133

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-5.001 Elevators, Dumbwaiters, Escalators, Moving Walks, ~~Manlifts~~, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts.

The installation and maintenance of elevators, dumbwaiters, escalators, moving walks, ~~manlifts~~, inclined and vertical wheelchair lifts, and inclined stairway chairlifts, in Florida, shall be governed by the following standards, which are hereby adopted by reference, with certain amendments and exclusions. This rule shall not apply to hand-operated dumbwaiters, construction hoists, or other similar temporary lifting or lowering apparatus.

(1) American National Standard Safety Code for elevators and escalators, ASME A17.1, 1996 edition, effective 10-4-00 and ASME A17.1a, 1997 addenda, effective 10-4-00, and ASME A17.1b, 1998 addenda, effective 10-4-00.

(2)(a) American National Standard Inspectors Manual for Electric Elevators, ASME A17.2.1, 1996 edition, including ASME A17.2.1a, 1997 Addenda and ASME A17.2.1b, 1998 Addenda.

(b) American National Standard ~~I~~ inspectors Manual for Hydraulic Elevators ASME A17.2.2, 1997 edition including ASME A17.2.2a, 1998 Addenda.

(c) American National Standard Inspectors Manual for Escalators and Moving Walks, ASME A17.2.3, 1998 edition.

~~(3) American National Standard Safety Code for Manlifts, ASME A90.1, 1992 edition.~~

~~(3)(4)~~ National Fire Protection Association, NFPA-70, National Electrical Code, 1999 edition.

~~(4)(5)~~ The Uniform Fire Safety Standards for Elevators, Chapter 4A-47, Florida Administrative Code, established by the Department of Insurance, State Fire Marshal's Office, are hereby adopted by reference.

~~(5)(6)~~ Each elevator shall be accessible to Americans with Disabilities in accordance with the Federal Americans with Disabilities Act Accessibility Guidelines, Appendix B, Sections 4.10 and 4.11 and all applicable requirements, references, and drawings set forth in these sections.

~~(6)(7)~~ The following rules of ASME A17.1, are hereby amended as follows:

(a) Rule 211.9e is added, and reads as follows: Each car in a multicar group shall be sequentially numbered from left to right, as viewed from the elevator lobby.

(b) Rule 101.3a of the ASME A17.1, which is amended to read as follows: Rule 101.3a General Requirements. A permanent, safe and convenient means of access to elevator machine rooms and overhead machinery spaces shall be provided for authorized persons. The key to the machine rooms and overhead machinery spaces shall be kept on the premises at all times and readily available for use by state elevator inspectors.

(c) Rule 211.8 Switch Keys, of ASME A17.1, is amended to read as follows: The switches required by Rule 211.2 through 211.5, for all elevators in a building, must be operable by the same keys. This key must not operate any other switch and shall not be part of a building master key system. There must be a key for the designated level switch and for each elevator in the group. These keys must be kept on the premises at all times in a location readily accessible to authorized personnel, and state elevator inspectors, but not where the key is available to the general public. NOTE: (RULE 211.8): Local authorities may specify a uniform keyed lock box to contain the necessary keys.

(d) Rule 805.2d is added, and reads as follows: The key for the starting switches must be kept on the premises at all times in a location readily available to authorized personnel and state elevator inspectors, but not where the key is available to the general public.

(e) Rule 106.1b(3). Drains connected directly to sewers shall not be installed in elevator pits. Where drains are not provided to prevent the accumulation of water, a sump of adequate size and depth to accommodate a pump shall be provided, with or without a pump.

~~(7)(8)~~ Specifically excluded from ASME A17.1, 1996 edition and supplements are:

(a) Part XVIII, entitled Screw Column Elevators.

(b) Part XXI, entitled Private Residence Inclined Stairway Chairlifts and Inclined and Vertical Wheelchair Lifts.

(c) Section 1200 General Requirements, Rule 1200.1 Conformance with Safety Code for Existing Installations.

(d) Part V, Private Residence Elevators.

Specific Authority 399.02 FS. Law Implemented 399.02 FS. History--Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98, 10-4-00, _____.

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

(1) ~~Each a~~Application for an elevator permit to erect or move shall be accompanied by a fee of \$250. ~~Every permit~~ Issued permits will ~~becomes~~ become invalid if ~~unless~~ the work authorized by such permit does not ~~is~~ commenced within 1

year after issuance, ~~or~~ if the work authorized by such permit is suspended or abandoned for a period of 1 year after the time the work is commenced, ~~provided that, for good cause, One~~ or more extensions of time, for periods not exceeding 90 days each, may be allowed. Such extensions shall be in writing and signed by the director or his designee. The following grounds for extension shall constitute good cause for the granting of an extension:

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

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

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

(2) through (3) No change.

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

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

	FEES UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
NUMBER OF LANDINGS		
Elevators serving 0-2 landings	\$32	\$72
Elevators serving 3-5 landings	\$36	\$77
Elevators serving 6-10 landings	\$41	\$81
Elevators serving 11-15 landings	\$45	\$86
Elevators serving over 15 landings	\$45	\$90

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

TYPE OF INSTALLATION	FEE UNDER SERVICE MAINTENANCE CONTRACT	FEE NO SERVICE MAINTENANCE CONTRACT
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Special purpose
Elevators, ~~Manlifts,~~
Moving Walks

\$45

\$90

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

(5) through (6) No change.

Specific Authority 399.03(2), 399.07(1)(d), 399.07(2)(d), 399.10 FS. Law Implemented 399.07(1)(d),(2)(d) FS. History–New 8-21-79, Amended 11-20-79, 10-8-81, 4-21-82, 8-1-82, 11-27-83, 9-19-84, 10-8-85, Formerly 7C-5.06, Amended 10-31-88, 7-1-92, 10-11-92, Formerly 7C-5.006, Amended 2-2-94, 1-1-98, 5-24-01.

61C-5.007 Fees; Elevator Certificates of Competency, Renewal.

(1) The initial application for an elevator certificate of competency shall be accompanied by a fee of ~~\$50~~\$40.

(2) The renewal application for an elevator certificate of competency shall be accompanied by a fee of \$50.

~~(3) All applicants for a Certificate of Competency must have a degree in mechanical or electrical engineering from a four year, accredited College or University or equivalent work experience in the construction, installation, inspection, maintenance, and repair of elevators. Work in the areas indicated above may be substituted on a year for year basis for the required College training.~~

~~(3)(4) Each Certificate of Competency shall be issued for a one calendar year period from the date of issuance and must be renewed shall expire at the end of the one year period unless renewed by the division. For the purpose of this section, certificates will expire on December 31 at 11:59 p.m. of each year. Applications for renewal certificates of competency must be paid by January 1 of each year.~~

~~(4)(5) Before an initial An Elevator Certificate of Competency may only be issued to an individual who has is issued by the division, the applicant must pass successfully completed an examination conducted by the division or a provider approved by the division, its designee covering the construction, installation, inspection, maintenance, and repair of elevators and their associated systems appurtenances. The division shall maintain a listing of approved providers which may be obtained from the Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.~~

~~(5)(6) Pursuant to s. 399.01(15), Florida Statutes, e~~Each elevator company must register and have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence ~~and the~~

~~name of at least one employee who holds a current Certificate of Competency issued pursuant to section 399.045, Florida Statutes.~~

~~(6)(7) Any elevator company that fails to register with the division is subject to an administrative fine set by the division not greater than \$1,000~~ 500 in addition to any other penalty provided by law.

~~(7) Pursuant to s. 399.01(16), Florida Statutes, each certified elevator inspector shall file with his or her annual registration a valid Certificate of Comprehensive General Liability insurance evidencing inspector coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence.~~

~~(8) Pursuant to s. 399.01(17), Florida Statutes, each certified elevator technician shall file with his or her annual registration a valid Certificate of Comprehensive General Liability insurance evidencing technician coverage limits in the minimum amounts of \$100,000 per person and \$300,000 per occurrence.~~

Specific Authority 399.01(15), 399.01(19), 399.02(5)(d), 399.10, 399.105(2) FS. Law Implemented 399.02(5)(d) FS. History–New 10-8-81, Amended 11-27-83, 2-19-84, Formerly 7C-5.07, Amended 4-11-91, Formerly 7C-5.007, Amended 2-2-94.

61C-5.013 Service Maintenance Contracts.

~~(1) If a service maintenance contract is in effect, the elevator owner must provide, as part of the annual renewal process, information on:~~

~~(a) The dates the contract is in effect;~~

~~(b) The serial number for which elevator the contract was executed; and,~~

~~(c) That each service maintenance contract executed by the owner meets the requirements of the Florida Building Code.~~

~~(2)(4) For the purpose of this chapter, the term “routine examination” as it relates to the definition of a service maintenance contract means:~~

~~(a) Registered elevator companies that enter into service maintenance contracts with elevator owners must follow the procedures within the scope of ASME A17.2.1, A17.2.2, and A17.2.3, Inspectors Manual, and latest Addendas, for its routine examinations of elevators;~~

~~(b) The safety tests required by ASME A17.1 and its latest Addendas must be conducted within the time frames established by that standard;~~

~~(c) The routine examination by registered elevator companies shall be performed at least on a yearly basis; and~~

~~(d) The elevator service maintenance company must make a written record indicating the date or dates of routine examinations and required testing. This record must be maintained in the elevator machine room, available for review by the division or its contractual designees.~~

~~(3)(2)~~ If the required code related tests are not included in a service maintenance contract, the service contract will not be valid and would not be considered to be a service maintenance contract pursuant to Section 399.01(7), Florida Statutes.

Specific Authority 399.02, 399.03, 399.061(1)(a) FS. Law Implemented 399.01 FS. History—New 2-2-94, Amended 10-4-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lee M. Cornman, Management Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2001, Vol. 27, No. 46

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: _____ RULE NO.: _____

Schedule of Fees 61G15-24.001

PURPOSE AND EFFECT: The Board proposes to update the rule text with regard to fees charged by the Board.

SUMMARY: This rule is being amended to correct the description of certain fees imposed by the Board.

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: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), 471.011, 471.019 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Administrator, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-24.001 Schedule of Fees ~~Adopted by Board.~~

(1) through (2)(e) No change.

(f) ~~Delinquency Fee Late renewal penalty~~ – \$100.00

(g) through (3) No change.

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2001

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: _____ RULE NO.: _____

Voluntary Certification Categories 61G19-6.016

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

SUMMARY: The Board has determined that this rule should be amended to delete rule text that is not necessary.

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: 468.606, 468.609(10) FS.

LAW IMPLEMENTED: 468.609(10) 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, Building Code Administrators, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.016 Voluntary Certification Categories.

The following voluntary certification categories are created. All specialty licenses require a standard certification.

(1) through (3) No change.

~~(4) Electrical Inspector. Electrical Inspector means a person who is certified as both a commercial and residential electrical inspector.~~

(5) through (7) renumbered (4) through (6) No change.

Specific Authority 468.606, 468.609(10) FS. Law Implemented 468.609(10) FS. History—New 7-5-95, Amended 7-7-96, 8-6-97, 6-25-98, 12-28-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Building Code Administrators and
Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE TITLE: RULE NO.:

One and Two Family Dwelling

Inspector Certification

61G19-6.017

PURPOSE AND EFFECT: The purpose for the rule is to
provide procedures relating to one and two family dwelling
inspector certification.

SUMMARY: The Board proposes to promulgate a new rule
which will provide language for one and two family dwelling
inspector certification.

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: 468.606 FS.

LAW IMPLEMENTED: 468.609(2),(7) 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,
Building Code Administrators, Northwood Centre, 1940 N.
Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.017 One and Two Family Dwelling Inspector Certification.

(1) Provisional certification may be obtained in the
category of one and two family dwelling inspector, provided
that the licensee's supervisor holds standard certification
pursuant to Chapter 468, Part XII, F.S.

(2) Applicants for standard or provisional certification in
this category must meet the eligibility requirements according
to one of the following criteria:

(a) Five years' experience as a registered or certified state
general, building, or residential contractor in a managerial or
supervisory capacity that included operational control and
direction of building, mechanical, electrical, and plumbing
personnel or subcontractors on residential projects; or

(b) Five years' experience as a job superintendent or
project manager in a managerial or supervisory capacity that
included operational control and direction of building,
mechanical, electrical, and plumbing personnel or
subcontractors on residential projects; or

(c) Five years' experience including two years of hands-on
electrical experience, two years of hands-on building
experience, and one year of hands-on experience in either
mechanical or plumbing; or

(d) Standard certification as an inspector in any of the
categories listed in section 468.603(6), plus at least six months'
hands-on experience in each of the following areas in which
the applicant does not hold standard certification: building,
plumbing, electrical, and mechanical; or

(e) A combination of postsecondary education in the field
of construction or a related field and experience which totals
four years, with at least one year of such total being experience
in construction, building code inspection, or plans review; or

(f) A combination of technical education in the field of
construction or a related field and experience which totals four
years, with at least one year of such total being experience in
construction, building code inspection, or plans review; or

(g) Standard certification as an inspector in any of the
categories listed in section 468.603(6), plus satisfactory
completion of a one and two family inspector training program
of not less than 500 hours.

Specific Authority 468.606 FS. Law Implemented 468.609(2),(7) FS. History—
New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Building Code Administrators and Inspectors Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Building Code Administrators and
Inspectors Board

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2001

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 01-37R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Surface Water Quality Standards 62-302

RULE TITLE: RULE NO.:

Everglades Protection Area

Phosphorus Criterion 62-302.540

SUMMARY: This proposed rule will implement the requirements of subparagraph 373.4592(4)(e)2., Florida Statutes, by establishing a numeric phosphorus criterion of 10 parts per billion (ppb) for the freshwater portions of the Everglades Protection Area. "Phosphorus criterion" is defined in paragraph 373.4592(2)(j), Florida Statutes, as "a numeric interpretation for phosphorus of the Class III narrative nutrient criterion." The Class III nutrient criterion is set forth in Rule 62-302.530(48)(b) as follows: "In no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora or fauna."

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH**Board of Clinical Laboratory Personnel**

RULE TITLE: RULE NO.:

Trainee Registration 64B3-4.001

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

SUMMARY: The Board determined that individuals enrolled in a Board-approved histology program shall be issued a two-year trainee 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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2),(3),(4), 483.825, 483.827 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 FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-4.001 Trainee Registration.

(1) through (3) No change.

(4) Upon graduation from a Board approved training program, a student who intends to work in a laboratory licensed under Chapter 483, Florida Statutes, shall apply for licensure.

(a) Individuals enrolled in a Board-approved histology program shall be issued a two-year trainee registration.

(5) through (6) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.809(3), 483.811(2),(3),(4), 483.825, 483.827 FS. History--New 7-20-93, Formerly 21KK-4.001, 61F3-4.001, Amended 4-10-96, 7-3-97, Formerly 59O-4.001, Amended 3-19-98, 2-15-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: October 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: December 12, 2001

DEPARTMENT OF HEALTH**Board of Clinical Laboratory Personnel**

RULE TITLE: RULE NO.:

Director; Limitations, Qualifications

and Responsibilities

64B3-5.007

PURPOSE AND EFFECT: The Board proposes to eliminate unnecessary duplication by striking information that was located in multiple locations.

SUMMARY: The proposal deletes director responsibilities that are set forth elsewhere in the rules.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 483.051, 483.805(4) FS.

LAW IMPLEMENTED: 483.041(5), 483.051(1), 483.811(2), 483.823(1), 483.824 FS.

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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.007 Director; Limitations, Qualifications and Responsibilities.

(1) through (4) No change.

~~(5) Responsibilities of a Director. The director is responsible for the:~~

~~(a) Overall operation and administration of the clinical laboratory.~~

~~(b) Employment of personnel who have appropriate education and experience and are competent to perform the procedures and tasks assigned to them and perform test methods according to the laboratory's policies and procedures.~~

~~(c) Prompt, accurate and proficient performance, recording and reporting of test results.~~

~~(d) Compliance of the laboratory with all applicable state and federal laws, rules and regulations.~~

~~(e) Performance of the duties of a supervisor or technologist, as needed.~~

~~(f) Physical plant and environmental conditions of the clinical laboratory which shall be appropriate for the testing performed and provide a safe environment where employees are protected from physical, chemical and biological hazards.~~

~~(g) Verification of test methodologies and testing systems to determine the accuracy, precision, and other pertinent characteristics of the method or system to assure quality results required for patient care.~~

~~(h) Enrollment and active participation of the laboratory in a proficiency testing program for the testing performed which meets the requirements of Rule Chapter 59A-7, F.A.C., and the review of proficiency testing reports to evaluate performance, identify problems that require corrective action and initiate the necessary corrective action.~~

~~(i) Quality control and quality assurance programs established and maintained by the laboratory to assure the quality of clinical laboratory services provided and to identify and correct problems as they occur.~~

~~(j) Remedial actions taken and documented whenever significant deviations from the clinical laboratory's established performance characteristics are identified.~~

~~(k) Inclusion of pertinent information required for interpretation in test reports.~~

~~(l) Availability of consultation services to the clinical laboratory's clients on matters relating to the quality of test results reported, the methodology used, and their interpretation concerning specific patient conditions.~~

~~(m) Assessment of laboratory staffing needs and the advisement of management when insufficient clinical laboratory personnel are employed.~~

~~(n) Laboratory procedure manual approved by the clinical laboratory director and for its distribution to all personnel responsible for any aspect of the testing process.~~

~~(o) Policies and procedures established to monitor and evaluate clinical laboratory personnel and personnel who collect, process and handle specimens, perform test procedures and report test results. When necessary, identify needs for remedial training or continuing education to improve skills.~~

~~(p) Selection of the clinical laboratory's test menu and methods, the schedule of testing, the criteria for specimen collection and rejection and the methods for reporting results.~~

~~(q) Patient identification system established and maintained by the laboratory.~~

~~(r) Financial management of resources for the clinical laboratory and for establishing and maintaining accurate billing practices.~~

~~(s) Workload limits for each individual examining slides in cytology and for ensuring that individuals do not exceed the slide limit established in Chapter 59A-7, F.A.C., regardless of testing location.~~

~~(t) Specify in writing the responsibilities and duties of each person engaged in laboratory test performance. In each case, the procedures which the individual is authorized to perform and whether supervision is necessary shall be annotated.~~

Specific Authority 483.051, 483.805(4) FS. Law Implemented 483.041(5), 483.051(1), 483.811(2), 483.823(1), 483.824 FS. History--New 6-6-85, Formerly 10D-41.67, Amended 3-11-90, Formerly 10D-41.067, Amended 7-1-97, Formerly 59O-5.007, Amended 5-26-98, 3-2-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Clinical Laboratory
Personnel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 12, 2001

DEPARTMENT OF HEALTH**Board of Clinical Laboratory Personnel**

RULE TITLE: RULE NO.:

Licensure Examinations 64B3-7.001

PURPOSE AND EFFECT: The Board proposes to add another exam provider for licensure as a technologist and another exam for technicians.

SUMMARY: The Board proposes that the American Association of Bioanalysts be added as an examination provider for licensure as a technologist or technician.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.017, 483.809(2) FS.

LAW IMPLEMENTED: 456.017, 483.809(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-7.001 Licensure Examinations.

(1) through (5) No change.

(6) For licensure as a technologist:

(a) A state examination in one or more of the following specialties: microbiology, serology/immunology, clinical chemistry, hematology, immunohematology, blood banking/immunohematology, histology, or examinations prepared by the American Society of Clinical Pathologists, the American Medical Technologists (AMT), ~~or~~ the National Certification Agency for Clinical Laboratory Personnel (NCA), or the American Association of Bioanalysts (AAB); or

(b) In the specialty of cytology, the Cytotechnologist Examination prepared by the Board of Registry of the American Society of Clinical Pathologists; or

(c) In the specialty of cytogenetics, the Clinical Laboratory Specialist in Cytogenetics Examination prepared by the National Certification Agency for Medical Laboratory Personnel; or

(d) In the specialty of histocompatibility, the Certification Examination for Histocompatibility Technologists, prepared by the American Board of Histocompatibility and Immunogenetics; or

(e) In the specialty of radioassay, the Certification Examination in Radioassay, prepared by the Clinical Ligand Assay Society Certification Board; or

(f) In the specialty of blood gas analysis, either the Cardiovascular Science Examination, prepared by Cardiovascular Credentialing International, or the Advanced Pulmonary Function Technologist Examination, prepared by the National Board of Respiratory Care.

(g) In the specialty of blood banking/immunohematology, the Technologist Certification Examination in Blood Banking, or the Specialist in Blood Banking Certification Examination, prepared by the Board of Registry of the American Society of Clinical Pathologists are also acceptable in addition to the options stated in (6)(a) above.

(7) No change.

(8) For licensure as a Technician:

(a) There shall be two types of examinations. A candidate may choose either a generalist examination covering microbiology, serology/immunology, clinical chemistry,

hematology and immunohematology or an examination in histology. A candidate may alternately choose to take either one of the generalist medical laboratory technician or medical technologist examinations administered by the American Society of Clinical Pathologists (ASCP), the National Certification Agency for Medical Laboratory Personnel (NCA), or American Medical Technologists (AMT) or the technician histology or technologist histology examination administered by the American Society of Clinical Pathologists (ASCP).

(b) The applicant shall be licensed as a generalist technician in the specialties of microbiology, serology/immunology, clinical chemistry, hematology, and immunohematology upon passage of the state generalist examination ~~or~~ of the American Society of Clinical Pathologists (ASCP), the National Certification Agency for Medical Laboratory Personnel (NCA), ~~or the American Medical Technologists (AMT), or the American Association of Bioanalysts (AAB)~~ medical laboratory technician or medical technologist generalist examination; or

(c) The applicant shall be licensed as a technician in the specialty of histology upon passage of the state histotechnician examination or the histotechnician or histotechnologist examination administered by the American Society of Clinical Pathologists (ASCP).

(d) There is no technician level radioassay, blood banking, blood gas analysis, cytology, histocompatibility or cytogenetics examination.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 5-12-93, Formerly 21KK-7.001, 61F3-7.001, Amended 12-5-95, Formerly 59O-7.001, Amended 3-19-98, 6-23-98, 7-1-99, 4-10-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 28, 2001

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Examination and Reexamination Fees	64B3-9.003
Refunds	64B3-9.007
Change of Status Fee	64B3-9.013

PURPOSE AND EFFECT: The Board proposes to repeal the existing rules.

SUMMARY: The Board has decided to repeal these out-of-date rules relating to examination and reexamination fees, refunds, and changed status fee.

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

Any person who wishes to provide information regarding 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: 483.807(1), 483.805(4), 456.036(5), 483.819(1) FS.

LAW IMPLEMENTED: 483.807, 483.807(1), 456.036(5), 483.819(1) FS.

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

All written material received by the Department within 21 days of the date of publication of this notice shall be made a part of the official record.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-9.003 Examination and Reexamination Fees.

~~The fee for each examination taken including reexamination is \$150.~~

Specific Authority 483.807(1) FS. Law Implemented 483.807(1) FS. History—New 12-7-93, Formerly 61F3-9.003, 59O-9.003, Amended 5-26-98, 1-28-99, 7-15-99, 9-6-00, Repealed.

64B3-9.007 Refunds.

~~(1) All application fees are nonrefundable.~~

~~(2) Examination fees are refundable only if the applicant is found by the Board to be ineligible to sit for the examination.~~

~~(3) Licensure renewal fees, reactivation and voluntary late fees are nonrefundable.~~

Specific Authority 483.805(4), 483.807(1) FS. Law Implemented 483.807 FS. History—New 12-7-93, Formerly 61F3-9.007, 59O-9.007, Amended 5-26-98, 6-10-99, Repealed.

64B3-9.013 Change of Status Fee.

~~The fee for change of status is \$25. This fee shall be assessed only when such an application is made at times other than at the time for licensure renewal.~~

Specific Authority 483.807(1), 456.036(5), 483.819(1) FS. Law Implemented 483.807(1), 456.036(5), 483.819(1) FS. History—New 4-9-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Address of Licensee 64B8-40.008

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

SUMMARY: The rule amendment is for the purpose of permitting licensees to notify the Council electronically of a change of address.

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: 468.507, 468.514, 456.035 FS.

LAW IMPLEMENTED: 456.073(1) 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: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-40.008 Address of Licensee.

Each person holding a license issued pursuant to Part X of Chapter 468, Florida Statutes, must maintain on file with the Council the current address at which any notice required by law may be served by the Department, the Board, the Council, or its agents. Within 60 days of changing this address, whether or not within this state, the licensee shall notify the Council of the new address either in writing or electronically of the new address. If the licensee uses electronic notification, it is the responsibility of the licensee to ensure that the electronic notification was received by the Council.

Specific Authority 456.035, 468.507, 468.514 FS. Law Implemented 456.073(1) FS. History—New 4-6-92, Formerly 21M-46.008, 61F6-46.008, 59R-40.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 1, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2001

DEPARTMENT OF HEALTH**Board of Medicine**

RULE TITLE: RULE NO.:
Fees 64B8-41.001
PURPOSE AND EFFECT: The Board proposes to update the
existing rule.

SUMMARY: The rule amendment provides for a \$5 fee to
combat unlicensed activity.

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: 456.036, 468.507, 468.508 FS.

LAW IMPLEMENTED: 456.036, 456.065, 468.508 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: Kaye Howerton, Executive Director,
Dietetics and Nutrition Practice Council, 4052 Bald Cypress
Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) through (3) No change.

(4) The fee for initial licensure shall be \$175.00. There shall be an additional fee of \$5.00, payable at the time of initial licensure for the fund to combat unlicensed activity pursuant to Section 456.065.

(5) No change.

(6) The biennial renewal fee shall be \$100.00. There shall be an additional fee of \$5.00, payable at the time of each biennial renewal, for the fund to combat unlicensed activity pursuant to Section 456.065.

(7) through (9) No change.

(10) The fee for renewal of inactive status shall be \$95.00. There shall be an additional fee of \$5.00, payable at the time of each biennial renewal, for the fund to combat unlicensed activity pursuant to Section 456.065.

(11) No change.

Specific Authority 456.036, 468.507, 468.508 FS. Law Implemented 456.036, 456.065, 468.508 FS. History—New 4-9-89, Amended 8-28-90, 11-9-92, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, 6-22-99, 8-19-99, 9-26-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 1, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2001

DEPARTMENT OF HEALTH**Board of Medicine**

RULE TITLE: RULE NO.:
Exemption of Spouses of Members of
Armed Forces from License
Renewal Requirements 64B8-42.004

PURPOSE AND EFFECT: The purpose for the rule is to
provide procedures relating to exemption of spouses of
members of armed forces from license requirements.

SUMMARY: The Board proposes to promulgate a new rule
entitled "Exemption of Spouses of Member of Armed Forces
from License Renewal Requirements."

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: 468.507, 456.024 FS.

LAW IMPLEMENTED: 456.024 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: Kaye Howerton, Executive Director,
Dietetics and Nutrition Practice Council, 4052 Bald Cypress
Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-42.004 Exemption of Spouses of Members of
Armed Forces from License Renewal Requirements.

A licensee who is the spouse of a member of the Armed Forces
of the United States and was caused to be absent from the State
of Florida because of the spouse's duties with the armed forces
shall be exempt from all licensure renewal provisions under

these rules during such absence. The licensee must show satisfactory proof to the Council of the absence and the spouse's military status.

Specific Authority 468.507, 456.024 FS. Law Implemented 456.024 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Documentation RULE NO.: 64B8-44.004

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

SUMMARY: The rule amended will update the current rule by providing for a custodian of a licensee's patient medical records.

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: 456.057(19), 468.507 FS.

LAW IMPLEMENTED: 456.057(19), 468.503(3),(4),(8),(9), 468.516, 468.518(1)(f),(h),(j),(k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.004 Documentation.

(1) through (6) No change.

(7) In the event of the death of a licensee, or the mental or physical incapacitation of the licensee, or the abandonment of medical records by a licensee, the Board may temporarily or permanently appoint a person or entity as a custodian of the licensee's patient medical records.

Specific Authority 456.057(19), 468.507 FS. Law Implemented 456.057(19), 468.503(3),(4),(8),(9), 468.516, 468.518(1)(f),(h),(j),(k) FS. History--New 1-1-92, Formerly 21M-50.004, Amended 6-22-94, Formerly 61F6-50.004, 59R-44.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: November 21, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Citations RULE NO.: 64B8-44.005

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

SUMMARY: The rule amendment is for the purpose of adding disciplinary violations for which a citation may be imposed.

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: 468.507, 456.077 FS.

LAW IMPLEMENTED: 456.077, 46.517, 468.518 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-44.005 Citations.

(1) through (3) No change.

(4) The Board designates the following as citation violations, which shall result in a penalty of \$100:

(a) through (e) No change.

(f) Failure to comply with continuing education requirements.

(g) Failure to timely pay required fees and fines.

(h) Failure to comply with advertising requirements.

(i) Failure to display signs, licenses, and permits.

(5) through (6) No change.

Specific Authority 468.507, 456.077 FS. Law Implemented 456.077, 468.517, 468.518 FS. History—New 1-1-92, Formerly 21M-50.005, 61F6-50.005, 59R-44.005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: General Requirements **RULE NO.:** 64B8-45.001

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

SUMMARY: The purpose of the rule amendments is to add required continuing education in the prevention of medical errors.

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: 456.013(7), 456.013(8), 468.507 FS.

LAW IMPLEMENTED: 456.013(7), 468.514, 468.515 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-45.001 General Requirements.

(1) through (6) No change.

(7) Two (2) hours of the required thirty contact hours per biennium shall relate to prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to chapter 395, F.S., for its employees, up to one hour of the two-hour course may be specifically related to error reduction and prevention methods used in that facility.

Specific Authority 456.013(7), 456.013(8), 468.507 FS. Law Implemented 456.013(7), 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Dietetics and Nutrition Practice Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses **RULE NO.:** 64B8-52.003

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

SUMMARY: The purpose of the rule amendments is to update the rule text with regard to procedure for approval of attendance at continuing education courses, and to require continuing education in prevention of medical errors.

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: 478.43(1),(4), 478.50(2),(4)(a),(b) FS.

LAW IMPLEMENTED: 456.013, 456.033, 478.43(4), 478.50(2),(4)(a),(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-52.003 Procedure for Approval of Attendance at Continuing Education Courses.

(1) through (2) No change.

(3) No fewer than, and no more than 2 hours each biennium must be obtained by each licensee in approved offerings on blood-borne diseases including 1 hour on HIV/AIDS education. Approved offerings in HIV/AIDS are those that meet the requirements of Section 456.033(1), F.S.

Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.033, F.S., are approved by this council.

(4) Two (2) hours each biennium must be obtained by each licensee in approved offerings on prevention of medical errors, including a study of root-cause analysis, error reduction and prevention, and patient safety. Courses approved by any Board within the Division of Medical Quality Assurance of the Department of Health pursuant to Section 456.013(7), F.S., are approved by this council.

(4) through (6) renumbered (5) through (7) No change.

Specific Authority 478.43(1),(4), 478.50(2),(4)(a),(b) FS. Law Implemented 456.013, 456.033, 478.43(4), 478.50(2),(4)(a),(b) FS. History—New 6-1-93, Formerly 21M-77.003, 61F6-77.003, Amended 5-11-95, Formerly 59R-52.003, Amended 2-9-98, 2-16-99, 2-17-00, 9-21-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: EQUIPMENT AND DEVICES; PROTOCOLS FOR LASER
AND LIGHT-BASED DEVICES

RULE NO.:

64B8-56.002

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

SUMMARY: The rule amendment is for the purpose of adding Chapter 459, Florida Statutes to the text.

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: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3),
478.42(5), 478.43(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Kaye Howerton, Executive Director,
Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin
#C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-56.002 Equipment and Devices; Protocols for Laser
and Light-Based Devices.

(1) No change.

(2) Licensed electrologists may not use laser and
light-based hair removal or reduction devices unless they:

(a) through (c) No change.

(d) Are operating under the direct supervision and
responsibility of a physician properly trained in hair removal
and licensed pursuant to the provisions of Chapter 458 or 459,
Florida Statutes.

(3) through (6) No change.

Specific Authority 478.43 FS. Law Implemented 458.331(1)(v), 458.348(3),
478.42(5), 478.43(4) FS. History—New 9-12-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Electrolysis Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 1, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: INITIAL LICENSURE FEE FOR PHYSICAL THERAPISTS

RULE NO.:

64B17-2.002

PURPOSE AND EFFECT: The Board proposes to raise the
initial licensure fees.

SUMMARY: The Board is amending this rule by changing the
initial licensure fee during the first year of the biennial renewal
period and deleting a fee reference for the second year of the
biennial renewal period.

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

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

SPECIFIC AUTHORITY: 456.013(2), 486.025, 486.061 FS.

LAW IMPLEMENTED: 456.013(2), 486.081(2) FS.

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: Kaye Howerton, Board Executive
Director, Board of Physical Therapy Practice, 4052 Bald
Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.002 Initial Licensure Fee for Physical Therapists.

(1) ~~An applicant who has been certified by the Board during the first year of the biennial renewal period as having satisfied the licensure requirements of either Rule Chapter 64B17-3, 64B17-3.001 or 64B17-3.004, Florida Administrative Code, shall not be issued a license until the applicant he remits to the Department an initial licensure fee in the amount of \$100 \$55.~~

(2) ~~An applicant who has been certified by the Board during the second year of the biennial renewal period as satisfying requirements of Rule 64B17-3.001 or 64B17-3.003, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$30.~~

Specific Authority 456.013(2), 486.025, 486.061 FS. Law Implemented 456.013(2), 486.081(2) FS. History—New 8-6-84, Formerly 21M-7.35, Amended 6-20-89, Formerly 21M-7.035, Amended 10-17-90, Formerly 21MM-2.002, 61F11-2.002, 59Y-2.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH**Board of Physical Therapy Practice**

RULE TITLE:

Initial Licensure Fee for Physical

Therapist Assistants

RULE NO.:

64B17-2.004

PURPOSE AND EFFECT: The Board proposes to raise the initial licensure fees.

SUMMARY: The Board is amending this rule by changing the initial licensure fee during the first year of the biennial renewal period and deleting a fee reference for the second year of the biennial renewal period.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(2), 486.106, 486.107(2) 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 PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-2.004 Initial Licensure Fee for Physical Therapist Assistants.

(1) ~~An applicant who has been certified by the Board during the first year of the biennial renewal period as having satisfied the licensure requirements of either Rule Chapter 64B17-4, 64B17-2.001 or 64B17-2.004, Florida Administrative Code, shall not be issued a license until the applicant he remits to the Department an initial licensure fee in the amount of \$100 \$55.~~

(2) ~~An applicant who has been certified by the Board during the second year of the biennial renewal period as satisfying the licensure requirements of Rule 64B17-2.001 or 64B17-2.004, Florida Administrative Code, shall not be issued a license until he remits to the Department an initial licensure fee in the amount of \$30.~~

Specific Authority 486.025 FS. Law Implemented 456.013(2), 486.106, 486.107(2) FS. History—New 8-6-84, Formerly 21M-10.35, Amended 4-12-87, 9-22-87, 6-20-89, Formerly 21M-0.035, Amended 10-17-90, Formerly 21MM-2.004, 61F11-2.004, 59Y-2.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH**Board of Physical Therapy Practice**

RULE TITLE:

Licensure Examination Subjects and Passing

Score; Additional Requirements

After Third Failure

RULE NO.:

64B17-3.002

PURPOSE AND EFFECT: The Board proposes to provide the applicant with greater flexibility in preparing to re-take the examination for the fourth time.

SUMMARY: The Board proposes to amend this rule for Licensure Examination Subjects and Passing Score to allow the applicant to determine what remedial assistance he or she needs to be successful.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.109 FS.

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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure.

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed to prepare the applicant for the physical therapy examination by a physical therapy program accredited by the American Physical Therapy Association. An applicant who has completed these additional requirements may take the examination on two more occasions. An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.

Specific Authority 456.017, 486.025, 486.051 FS. Law Implemented 456.017, 486.051 FS. History—New 8-6-84, Formerly 21M-7.22, Amended 3-16-88, 6-20-89, Formerly 21M-7.022, Amended 6-6-90, 6-3-92, 3-24-93, Formerly 21MM-3.002, 61F11-3.002, Amended 12-22-94, Formerly 59Y-3.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE:
Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure

RULE NO.:

64B17-4.002

PURPOSE AND EFFECT: The Board proposes to provide the applicant with greater flexibility in preparing to re-take the examination for the fourth time.

SUMMARY: The Board proposes to amend this rule for Licensure Examination Subjects and Passing Score to allow the applicant to determine what remedial assistance he or she needs to be successful.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.109 FS.

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: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-4.002 Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure.

(1) through (2) No change.

(3) An applicant must reapply in order to retake the examination. If an applicant wishes to take the examination for the fourth time, the applicant must submit to the Board for approval satisfactory evidence of having successfully completed the following since the last taking of the examination: successful completion of a course of study or internship designed to prepare the applicant for the physical therapy assistant examination by a physical therapist or physical therapist assistant program accredited by the American Physical Therapy Association. An applicant who has completed these additional requirements may take the examination on two more occasions. An applicant who has failed the Department administered examination after five attempts is no longer eligible to take the examination.

Specific Authority 456.017(1)(b), 486.025, 486.104 FS. Law Implemented 456.017, 486.104 FS. History—New 8-6-84, Formerly 21M-10.22, Amended 4-12-87, 3-16-88, 6-20-89, Formerly 21M-10.022, Amended 6-3-92, 3-24-93, Formerly 21MM-4.002, 61F11-4.002, Amended 12-22-94, Formerly 59Y-4.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: Continuing Education
PURPOSE AND EFFECT: The Board proposes to amend continuing education requirements and to allow for emergency or hardship exceptions.

RULE NO.:
64B17-9.001

SUMMARY: The Board is specifying the emergency or hardship circumstances under which licensees shall be granted waivers or extensions of time with regard to the continuing education requirements.

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 provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-9.001 Continuing Education.

(1) through (6) No change.

(7) The Board shall make exceptions for licensees from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: 1) involving long term personal illness or illness involving a close relative or person for whom the licensee has care-giving responsibilities; 2) where the licensee can demonstrate that the required course(s) are not reasonably available; and 3) other demonstrated economic, technological or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

Specific Authority 486.025 FS. Law Implemented 486.109(2) FS. History—New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 15, 2001

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE TITLES: Voluntary Inactive Certification
Training Program
Cardiopulmonary and Advanced Cardiac
Life Support Courses

RULE NOS.:
64E-2.0094
64E-2.036
64E-2.038

PURPOSE AND EFFECT: Cardiopulmonary Resuscitation/Advanced Cardiac Life Support: To develop rules to comply with section 401.27, F.S., which was amended during the 2001 Legislative Session directing the department to provide for a rule identifying advanced cardiac life support training equivalent to that offered by the American Heart Association and cardiopulmonary resuscitation training equivalent to that offered by the American Heart Association and American Red Cross.

SUMMARY: Same as above.

STATEMENT OF ESTIMATED REGULATORY COSTS: A. A Cardiopulmonary (CPR) or Advanced Cardiac Life Support (ACLS) card is usually valid for a two-year period and it is estimated that many EMS providers and approximately 36,000 paramedics and emergency medical technicians working in Florida will be affected by this rule.

B. It is estimated that the cost to the individual applicant for CPR or ACLS certification will be the same or possibly decreased because of the increased availability of these courses.

The cost to the Department of Health, Bureau of EMS, will increase proportion to the number of requests for approval. Thus, the exact cost cannot be determined at this time; however, it is reasonable to anticipate that the majority of the 250 licensed EMS providers will explore the feasibility of CPR or ACLS equivalent courses either through phone calls, letters, or course equivalency approval pursuant to the rule. It should be noted that many of the EMS providers directly or indirectly incur the cost of training required for recertification including CPR or ACLS courses.

C. It is estimated that the cost for initial CPR certification will be \$30-50 and initial ACLS certification will be \$100-125. The cost for CPR refresher certification is the same, and the cost for ACLS refresher certification is estimated to be \$85-110.

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: 401.27, 401.35 FS.

LAW IMPLEMENTED: 401.27, 401.2715 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 1:00 p.m., January 22, 2002

PLACE: Division of Emergency Medical Services and Community Health Resources, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida 32311-7829

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Lesley, Government Analyst, Division of Emergency Medical Services and Community Health Resources, 4052 Bald Cypress Way, Bin #C15, Tallahassee, Florida 32399-1735, (850)245-4440, Ext. 2733, or Fax (850)921-8162

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.0094 Voluntary Inactive Certification.

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

(b) Hold either a current American Heart Association Basic Life Support Cardiopulmonary Resuscitation course card or an American Red Cross Cardiopulmonary Resuscitation course card or equivalent pursuant to section 64E-2.038, F.A.C.

(c) through (3) No change.

Specific Authority 401.27, 401.35 FS. Law Implemented 401.27, 401.34, 401.35 FS. New 8-4-98, Amended 1-3-99, 9-3-00, _____.

64E-2.036 Training Programs.

(1) through (4)(c)1.a. and b. No change.

~~e. Courses such as American Red Cross and American Heart Association CPR and ACLS will be reviewed to determine if there is documentation that they were conducted consistent with national standards, or that they have been reviewed and approved by another state's EMS Office, or by the Continuing Education Coordinating Board for Emergency Medical Services (CECBEMS).~~

2. through (8) No change.

Specific Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History—New 9-3-00, Amended 4-15-01, _____.

64E-2.038 Cardiopulmonary and Advanced Cardiac Life Support Courses.

(1) Any public or private entity desiring to conduct a Cardiopulmonary Resuscitation (CPR) or advanced cardiac life support (ACLS) course equivalent to those conducted by the American Heart Association (AHA) or American Red Cross (ARC), shall apply in writing to the department for approval.

The application for approval shall be processed in accordance with Section 120.60, F.S. The following information shall be submitted in writing:

(a) Name of entity, address, phone.

(b) Name of individual responsible for oversight of the equivalent course, address, phone.

(c) Course title. Course titles must include the following information based on type of course and hours of student credit:

1. CPR initial course 8 hours

2. CPR renewal course 4 hours

3. ACLS initial course 16 hours

4. ACLS renewal course 8 hours

(d) Florida location of training site.

(e) Course outline and course content.

(f) Name of the Florida licensed physician and license number.

(g) To be approved the CPR course must meet the Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care incorporated by reference and available from American Heart Association, 7272 Greenville Avenue, Dallas, Texas 75231-4596, Phone: (214)706-1611. The applicant must include a copy of the proposed CPR curriculum outlining the following subjects:

1. Techniques of airway management.

2. Chest compressions.

3. Assessment and treatment of airway obstruction.

4. Assessment and treatment of acute ischemia.

5. Resuscitation and termination of treatment.

(h) To be approved the ACLS course must meet the Guidelines 2000 for Cardiopulmonary Resuscitation and Emergency Cardiovascular Care incorporated by reference in (g) above. The applicant must include a copy of the proposed ACLS curriculum outlining the following subjects:

1. Techniques of airway management.

2. Assessment and treatment of dysrhythmias.

3. Assessment and treatment of acute ischemia.

4. Resuscitation and termination of treatment.

(i) Documentation signed by the physician stating he or she has reviewed and approved the course curriculum.

(j) Documentation of the physician's current employment by or contract with any hospital that delivers in-hospital emergency medical services.

(k) A copy of the physician's contract with the applicant showing the physician oversight of the medical training of students.

(l) Documentation that the faculty is currently licensed in Florida as a physician, nurse or paramedic as provided in chapters 458, 459, 464, or 401, F.S., or who is currently certified as an instructor in CPR or ACLS by AHA or ARC.

(m) A copy of the student's course completion certificate and card which includes: name of institution, course title, date of course, expiration date of the certificate and card, and original signature of the contracted physician and course instructor.

(2) The CPR or ACLS student completion certificate and card must be issued with original signatures to each student successfully completing the course and shall be valid for a period of up to 24 months.

(3) The minimum number of clock hours for an initial CPR course shall be 8 and CPR renewal courses shall be 4. The minimum number of clock hours for an initial ACLS course shall be 16 and ACLS renewal courses shall be 8.

(4) The department shall periodically conduct monitoring site visits to entities conducting CPR or ACLS equivalency training to verify that the training is being conducted in compliance with chapter 401, F.S., and chapter 64E-2, F.A.C., documented through a system of record keeping.

(5) Any changes to the required information in this section must be submitted, in writing, to the department within 30 days of the change for review and approval.

(6) If the applicant is approved, the department shall issue the entity a certificate of approval which shall be valid for 24 months.

Specific Authority 401.35 FS. Law Implemented 401.27 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Lesley, Government Analyst
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Art Clawson, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: December 15, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 26, 2001
P.O. G10454

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Cooperative Assistance Program	66B-1
RULE TITLES:	RULE NOS.:
Policy	66B-1.004
Funds Allocation	66B-1.005
Application Process	66B-1.006
Application Form	66B-1.007
Project Eligibility	66B-1.008
Project Administration	66B-1.009
Project Agreement	66B-1.010
Reimbursement	66B-1.011
Accountability	66B-1.012

PURPOSE AND EFFECT: The purpose of the proposed rule making is to provide guidance to the District and the program applicants in the administration of the District's Cooperative Assistance Program. The proposed rule amendment consists of reorganizing and simplifying the rule, in addition to some minor additions and deletions. The effect of the proposed rule amendments will be to clarify the intent and application of the program rules for a more effective and efficient program.

SUMMARY: The proposed rule making will include the following provisions in the program rule: add sub-headings to each sub-section; move policy sub-sections to appropriate rule sections; add non-compliance conditions to policy section; add education facilities and programs eligibility conditions; allow Board policy for determination for overall funding availability; set project funding ratio; define pre-agreement costs and eligibility; clarify the procedure for the application process; clarify the eligibility of interlocal agreement process; clarify the method of application evaluation; delete the application form section; list the property control requirements; set public marina eligibility; set the parameters of the project agreement; clarify matching funds requirement; set the provisions for minor cost estimate modifications; delete project agreement section; and clarify the reimbursement process; The effect of the rule development is to implement changes in the administration of the District's Cooperative Assistance Program that will assist the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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: 11:00 a.m., January 18, 2002

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.004 Policy.

The following constitutes the policy of the District regarding the administration of the program.

(1) Financial Assistance Eligibility: Eligible state agencies may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, public recreation, inlet management, environmental education and boating safety projects directly related to the waterways.

(2) Notification: The District will notify, by direct mail and/or advertised public notice, all eligible state agencies of the program and the upcoming authorized submission period.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

(4) The District and the project sponsor shall enter into a project agreement prior to the release of program funds.

(5) The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(6) The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis unless otherwise authorized by the Board. Board authorization shall only be given if the applicant can demonstrate that the project cannot be accomplished otherwise.

(7) The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land-based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.

(4)(8) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in whole or in part by program funds, shall not require a paid

membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

(9) ~~The project sponsor shall not commence work on an approved project prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects.~~

(10) The project shall be completed within three (3) years of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(11) Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of (1) the percentage total of project funding that the Board has agreed to fund, or (2) the maximum application funding assistance amount.

(12) The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits and regulations in the development of the project.

(5)(13) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in s. 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6)(14) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of maintenance for other similar local facilities and in accordance

with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

~~(7)(15)~~ Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

~~(8)(16)~~ Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District's intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

~~(17)~~ All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility.

~~(9)(18)~~ Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

~~(10)(19)~~ Third-Party Agreements: Projects that are being developed and operated by a third party which is a not for profit agency shall have sufficient oversight by the eligible project sponsor. Such oversight at a minimum will include a project liaison that is a staff member of the eligible project sponsor, oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement, and submission of the third party's most recent audited financial statement. All third party projects shall be open to the public in accordance with this rule.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(2) FS. History—New 12-17-90, Amended 2-6-97, Formerly 16T-1.004, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01,_____.

66B-1.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible state and regional agencies of the availability of program funding and the authorized submission period. Applications will be reviewed by the Board utilizing District Forms No. 98-01 Cooperative Assistance Program Application Evaluation and Rating Form (effective date 3-31-99) hereby incorporated by reference and available from the District office.

(1) Funding Assistance Availability: The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. ~~Funding for the construction phase of a project may be approved by the District Board for a multiple year period subject to budgeting and appropriations pursuant to the provisions of Chapter 200, F.S.~~

(2) Project Funding Ratio: All financial assistance and support to eligible state and regional agencies shall require, at minimum, equal matching funds from the project sponsor with the exception of public navigation projects that meet the provisions of s. 66B-1.005(6). Applicant's in-house costs are limited pursuant to s. 66B-1.007(1)(c). All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty (50) percent of the state share of the cost of an inlet project. The District shall not contribute funding to both the state and local shares of an inlet management project. The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting over 50% of the total assistance funding available for the program, will be reviewed and approved by the Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. ~~All financial assistance and support to eligible state agencies shall~~

require equal matching funds from the project sponsor with the exception of public navigation projects. Project sponsors of public navigation projects shall provide matching funds of at least ten (10) per cent of the total cost of the project. All financial assistance to seaports shall require equal matching funds.

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting over 50% of the total assistance funding available for the program, will be reviewed and approved by the Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process.

(5)(4) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to ninety (90%) per cent program funds include:

(a) Navigation channel dredging where the project sponsor demonstrates that the source of channel sedimentation has been identified and is in the process of or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.

(b) Navigation channel lighting and markers.

Other public navigation projects or project elements will only qualify for up to fifty percent (50%) program funding.

~~(5) Interlocal Agreements.~~ The District may enter into interlocal agreements to accomplish the goals of this program provided that funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs at the time of the request. Interlocal agreements will be considered by the Board at any time upon submission of a proposal on the forms of this program. Interlocal agreements under this program shall be in compliance with Chapters 374 and 163, F.S., and will only be approved for multi-agency projects that involve more than one project site or more than one political sub-division of the state, will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel in Martin County as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, or will have multiple funding partners including the Corps of Engineers as the project manager. Interlocal agreements may include participation in government sponsored projects at privately owned waterway related facilities that serve the public on a

first come, first serve basis. Interlocal agreement projects shall comply with all other provisions of this rule, except for the permitting and property control requirements.

(6) Inlet Management: Projects and project elements in the categories of inlet management shall benefit public navigation within the District and shall be consistent with a Department of Environmental Protection approved inlet management plan.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.005, Amended 5-17-98, 3-31-99, 3-21-01, _____.

66B-1.006 Application Process.

(1) Application Period: Applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting.

(2) Application Form: Florida Inland Navigation District Cooperative Assistance Program Application Form Number FIND 90-12 (effective date 12-17-90) is hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program shall be made on this form.

(3)(2) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Resolution Form No. 90-11 (effective date 12-17-90) hereby incorporated by reference and available from the District office located at 1314 Marcinski Road, Jupiter, Florida 33477.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 3-5-00), hereby incorporated by reference and available from the District office.

(5)(3) Application Review: If the proposed project is a construction project within a single County, a pre-application meeting will be held with the local FIND Commissioner prior to formal submission of the application. If the proposed project is a regional project, a pre-application meeting will be held with District staff prior to formal submission of the application. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-16 (effective date 2-6-97), hereby incorporated by reference and available from the District office, and for compliance with the eligibility requirements of this rule. ~~If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 3-5-00), hereby incorporated by reference and available from the District office.~~ When an application is determined by staff to be incomplete or ineligible, Staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to

bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding.

(6)(4) Interlocal Agreements: The District may enter into interlocal agreements to accomplish the goals of this program provided that funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs at the time of the request. Interlocal agreements will be considered by the Board at any time upon submission of a proposal on the forms of this program. Interlocal agreements under this program shall be in compliance with Chapters 374 and 163, F.S., and will only be approved for multi-agency projects that involve more than one project site or more than one political sub-division of the state, will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel in Martin County as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, or will have multiple funding partners including the Corps of Engineers as the project manager. Interlocal agreements may include participation in government sponsored projects at privately owned waterway related facilities that serve the public on a first come, first serve basis. Applications that the Board determines meet the criteria set forth in s. 66B-1.005(5) can qualify for project assistance through an interlocal agreement pursuant to s. 163, F.S. or s. 374.984(6)(a), F.S. District staff will identify applications that appear to meet these criteria and present them to the Board for its determination as to the funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for the permitting and property control requirements.

(7)(5) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request. The applicant's presentation will at a minimum include a discussion of the applicant's answers to the Evaluation and Rating Criteria on Form No. 00-25. Following the presentations, the Board will review the applications and evaluate them using the Project Evaluation and Rating Form No. 00-25 (effective date 1-01) hereby incorporated by reference and available from the District office.

(8)(6) Application Evaluation: Following the presentations, the Board will review the applications and evaluate them using the Project Evaluation and Rating Form No. 00-25 (effective date 1-01) hereby incorporated by reference and available from the District office. The total points awarded to each application by the Commissioners will

be averaged to determine an applications final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application.

(9)(7) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.006, Amended 3-5-00, 3-21-01, _____.

66B-1.007 Application Form.

~~Florida Inland Navigation District Cooperative Assistance Program Application Form Number FIND 90-12 (effective date 12-17-90) is hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program shall be made on this form.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-1.007, Repealed _____.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, and inlet management directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension improvement, operation or maintenance of the following for public use on land and water:

1. Public navigation channel dredging
2. Public navigation aids and markers
3. Inlet management projects that are a benefit to public navigation in the District
4. Public shoreline stabilization
5. Public spoil disposal site development
6. Waterway signs and buoys for safety, regulation or information
7. Public boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp
8. Public boat docking and mooring facilities
9. Waterways related environmental education programs and facilities
10. Public fishing and viewing piers
11. Public waterfront boardwalks

12. Waterways boating safety programs and equipment

13. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project

14. Other waterway related projects.

(b) Ineligible Project or Project Elements: costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping
2. Park and playground equipment
3. Restrooms
4. Tennis courts
5. Roadways
6. Parking areas for cars without boat trailers
7. Utilities not on docking or launching facilities
8. Lighting not on docking or launching facilities or boat trailer parking areas
9. Irrigation equipment
10. Maintenance equipment
11. Picnic shelters and furniture
12. Vehicles to transport vessels.
13. Operational items such as fuel, oil, etc.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding:

- a. Project management, administration and inspection;
- b. Design, permitting, planning, engineering or surveying costs for completed construction project;
- c. Restoration of sites disturbed during the construction of an approved project;
- d. Equipment costs.

2. The following project costs will be eligible only as matching costs and cannot exceed fifteen (15) percent of the applicants match:

- a. Applicant's non-recurring personnel costs;
- b. Applicant's equipment costs;
- c. Applicant's In-house project management administration and inspection costs;
- d. Applicant's In-house design, permitting, planning, engineering or surveying costs for completed construction project;
- e. Applicant's other in-kind services.

Before reimbursement is made by the District on any of the costs listed in subsection 1. or 2. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

(d) Phase I Projects: Applications for eligible waterway projects that include construction elements below mean high water will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for Phase II funding will demonstrate that the environmental permitting element of Phase I will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency stating that a permit is not required. Should the environmental permitting element of Phase I of an application for a construction project not be completed by the District's final TRIM hearing, the Phase II project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) Property Control: The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits and regulations in the development of the project.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility.

(5)(2) Final Decisions: The Board will make all final decisions on the eligibility of a project or specific project costs.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, _____.

66B-1.009 Project Administration.

~~The District will administer all funded projects through an executed project agreement.~~ The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. ~~A project agreement will be executed between the District and the project sponsor.~~

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the executive director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category nor result in a reallocation of more than 35% of the approved funding of the project among project elements. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement.

(4)(2) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project.

(5)(3) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project.

(6)(4) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8)(5) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-13 (effective date 12-17-90) hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by s. 66B-1.013.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9)(6) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment, which will include all retained funds from previous requests.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-1.009, Amended 3-21-01, _____.

66B-1.010 Project Agreement.

~~(1) For each funded project, the District and the project sponsor will enter into a project agreement setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule.~~

~~(2) All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. Agreed changes shall be evidenced by a formal amendment to the project agreement.~~

~~(3) All project agreement amendments shall be approved by the District board. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History--New 12-17-90, Formerly 16T-1.010, Amended 3-21-01, Repealed.

66B-1.011 Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis unless otherwise authorized by the Board. Board authorization shall only be given if the applicant can demonstrate that the project cannot be accomplished otherwise. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. However, the Board may approve the payment of all or a portion of the program funds upon the execution of the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-14 (effective date 12-17-90) hereby incorporated by reference and available from the District office.

(1) Project Reimbursement: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of (1) the percentage total of project funding that the Board has agreed to fund, or (2) the maximum application funding assistance amount.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(3)(4) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation, such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(4)(2) Retainage: The District shall retain ten per cent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(5)(3) Advanced Payment: For those projects where the Board approves payment of project funds in advance, the project sponsor shall provide an accounting of the expended program funds prior to the expiration date of the contract. Any program funds not expended pursuant to the Project Agreement shall be reimbursed to the District.

~~(4) In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-1.011, Amended 3-31-99, _____.

66B-1.012 Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system that meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with s. 66B-1.009(4) during the project period. These reports will summarize the work accomplished since the previous report, problems encountered, percentage of project completion and any other appropriate information.

(3) Completion Certification: All required final completion certification documents and materials as outlined in s. 66B-1.009(8)(5) of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District, or by an auditor selected by the District, for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-1.012, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

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

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Waterways Assistance Program	66B-2
RULE TITLES:	RULE NOS.:
Policy	66B-2.004
Funds Allocation	66B-2.005
Application Process	66B-2.006
Application Form	66B-2.007
Project Eligibility	66B-2.008
Project Administration	66B-2.009
Project Agreement	66B-2.010
Reimbursement	66B-2.011
Accountability	66B-2.012
Small-Scale Spoil Island Restoration and Enhancement Projects	66B-2.014

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to provide guidance to the District and the program applicants in the administration of the District's Waterways Assistance Program. The proposed rule amendment consists of reorganizing and simplifying the rule, as well as minor additions and deletions. The effect of the proposed rule amendments will be to clarify the intent and application of the program rules for a more effective and efficient program.

SUMMARY: The proposed rule making will include the following provisions in the program rule: add sub-headings to each sub-section; move policy sub-sections to appropriate rule sections; add project funding ratio and pre-agreement expenses criteria to the funds allocation section; cite the appropriate forms, minimum requirements and process for application; allow for specific rule exemptions for interlocal agreements; cite the appropriate form utilized for project evaluation and rating; delete application form section; set property control requirements for eligibility; require permits for eligibility; set public marina qualification criteria; clarify the administration of an agreement by establishing criteria for the project agreement, required matching funds, agreement modification and project completion; delete project agreement section; list the terms for reimbursement; set authorized expenditure criteria; and add a new section to administer the requirements of a small-scale spoil island restoration and enhancement program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) 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: 11:30 a.m., January 18, 2002

PLACE: The District Office, 1314 Marcinski Road, Jupiter, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) Financial Assistance Eligibility: Financial assistance, support and cooperation may be provided to eligible governmental agencies for approved projects as follows:

(a) Member counties may be provided financial assistance, support or cooperation in planning, acquisition, development, construction, reconstruction, extension, improvement, operation or the maintenance of public navigation, public recreation, inlet management, environmental education, law enforcement and boating safety projects directly related to the waterways. Member counties may also be provided financial assistance, support, and cooperation in planning and carrying out beach renourishment and inlet management projects.

(b) Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out public navigation, public recreation, inlet management, environmental education, law enforcement and boating safety projects directly related to the waterways. Eligible local governments may also be provided financial assistance, support and cooperation in planning and carrying out beach renourishment and inlet management projects.

(c) Navigation related districts may be provided with financial assistance to pay part of the costs of the planning and acquisition of dredge material management sites if the Board finds that the site is required for the long-range maintenance of the Atlantic Intracoastal Waterway channel. All such sites must meet the development and operational criteria established by the District through a long-range dredge material management

plan for that county. Navigation related districts may also be provided with assistance for environmental mitigation projects associated with waterway improvement related activities and inlet management projects if the Board finds that the project benefits public navigation in the Atlantic Intracoastal Waterway. All navigation related districts shall contribute at least equal matching funds to any District financial assistance provided. Seaports may also be furnished assistance and support in planning and carrying out environmental mitigation projects. All seaport projects shall benefit publicly maintained channels and harbors. Each seaport shall contribute matching funds for funded projects.

(2) Notification: The District will notify by direct mail and/or advertised public notice all eligible governmental agencies of the program and the upcoming authorized submission period. Funding allocations to navigation related districts, member counties and local governments shall be based upon the proportional share of the District's ad valorem tax collections from each county.

(3) Project Approval: Approval of projects by the District shall be in accordance with these rules.

~~(4) The District and the project sponsor shall enter into a project agreement prior to the release of program funds.~~

~~(5) The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.~~

~~(6) The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis.~~

~~(7) The site of a new proposed land-based development project shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land-based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.~~

(4)(8) Project Accessibility: Facilities or programs funded in whole or in part by program funds shall be made available to the general public of all of the member counties on a non-exclusive basis without regard to race, color, religion, age, sex or similar condition. Additionally, facilities funded in

whole or in part by program funds, shall not require a paid membership for the general public of all of the member counties as a condition to use the facilities. User or entrance fees may be charged for the use of facilities funded in whole or in part by program funds, however such fees shall be reasonable and shall be the same for the general public of all of the member counties.

~~(9) The project sponsor shall not commence work on an approved project prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be authorized if they are less than fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only fifty (50) percent of the pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects.~~

(10) The project shall be completed within three (3) years of the date beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

~~(11) Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of (1) the percentage total of project funding that the Board has agreed to fund, or (2) the maximum application funding assistance amount.~~

~~(12) The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits and regulations in the development of the project.~~

(5)(13) Waterway Impacts: All development projects must be designed so as not to impact navigation along the District's waterways through the placement of structures, attendant uses, or the necessity of a boating speed zone for safety purposes. Before applying for boating speed zone designation in District waterways because of a project funded by this program, the sponsor shall first receive approval from the Board. The Board will use the criteria found in s. 327.46(1), F.S., in determining whether to approve the proposed boating speed zone.

(6)(14) Project Maintenance: The project sponsor shall be responsible for the operation, maintenance, and management of the project for the anticipated life of the project and shall be responsible for all expenses required for such purposes. The project shall be maintained in accordance with the standards of

maintenance for other similar local facilities and in accordance with applicable health standards. Project facilities and improvements shall be kept reasonably safe and in reasonable repair to prevent undue deterioration and to encourage public use. The project sponsor shall have full legal authority and financial ability to operate and maintain the project facilities.

~~(15) The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.~~

~~(16) All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten (10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility.~~

~~(7)(17) Public Information Availability:~~ Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

~~(8)(18) Third-Party Agreements:~~ Projects that are being developed and operated by a third party which is a not-for-profit agency shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, oversight of the operating hours and admission fees of the facility by the eligible project sponsor through a legal agreement, and submission of the third party's most recent audited financial statement. All third party projects shall be open to the public in accordance with this rule.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History—New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01,_____.

66B-2.005 Funds Allocation.

The Board will allocate funding for this program based upon the District's overall goals, management policies, fiscal responsibilities and operational needs for the upcoming year. If funds are determined to be available for the program, the District will notify potential eligible governmental agencies of the availability of program funding. Applications will be reviewed by the Board utilizing District Forms No. 91-25 Waterways Assistance Program Application Evaluation and

Rating Form, and 91-25A Waterways Assistance Program Navigation Districts Application Evaluation and Rating Form, (effective date 1-2001) hereby incorporated by reference and available from the District office.

(1) Funding Assistance Availability: In as much as the District has other fiscal responsibilities and operational needs, financial assistance to eligible government agencies shall not exceed an amount equal to eighty (80) per cent of the proportional share of the District's ad valorem tax collections from each county in which such agencies are located. The District may make an exception to this funding limitation, if funds are determined to be available based upon the District's overall goals, management policies, fiscal responsibilities and operational needs, in counties that are recovering from a state of emergency declared under Chapter 252, Florida Statutes.

(2) Project Funding Ratio: All financial assistance and support to eligible governmental agencies shall require, at minimum, equal matching funds from the project sponsor with the exception of public navigation projects that meet the provisions of s. 66B-2.005(7). Applicant's in-house costs are limited pursuant to s. 66B-2.008(1)(c). All financial assistance to seaports shall require equal matching funds. The District shall contribute no more than fifty percent (50%) of the local share of the cost of an inlet management or beach renourishment project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. ~~The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process.~~

(3) Pre-agreement Expenses: ~~The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in~~

~~Section 66B-2.005(1) from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in Section 66B-2.005(1) from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.~~

(4) Multi-Year Funding: The construction phase of projects that are large scale, involve multiple phases, have a construction time line of one year or longer, or are requesting a significant amount of assistance funding in relation to the total assistance available for the county where the project is located, will be reviewed and approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. The determination by the Board to provide assistance funding on a multi-year basis can be made at any time during the application review process. All financial assistance and support to eligible government agencies shall require equal matching funds from the project sponsor with the exception of public navigation projects. Project sponsors of public navigation projects shall provide matching funds of at least ten (10) per cent of the total cost of the project. All financial assistance to seaports shall require equal matching funds.

(5) Seaport Funding Eligibility: Financial assistance to seaports may exceed the proportional share of the District's ad valorem tax collections as set forth in s. 66B-2.005(1) from the county in which such seaport is located if the seaport can demonstrate that a regional benefit occurs from the port's activities. Financial assistance to a seaport project that demonstrates a regional benefit shall not exceed an amount equal to (i) the proportional share of the District's ad valorem tax collections as set forth in s. 66B-2.005(1) from the counties where the benefit is demonstrated less (ii) funding allocated in the same fiscal year to all other local government projects funded in those counties.

(6)(5) Inlet Management and Beach Renourishment: Projects and project elements in the categories of inlet management and beach renourishment shall be subject to the following provisions. The District shall contribute no more than fifty per cent of the local share of the cost of the project. The District shall not contribute funding to both the state and local shares of an inlet management or beach renourishment project. Funding for the construction phase of an inlet management or beach renourishment project may be approved by the District Board for a multiple year period subject to budgeting and allocation pursuant to the provisions of Chapter 200, F.S. Additionally the following provisions shall be met for inlet management or beach renourishment projects:

(a) Inlet Management

1. Inlet management projects shall benefit public navigation within the District and shall be consistent with Department of Environmental Protection approved inlet management plans and the statewide beach management plan pursuant to s. 161.161, F.S. Inlet management projects that are determined to be consistent with Department of Environmental Protection approved inlet management plans are declared to be a benefit to public navigation.

(b) Beach Renourishment

1. All projects in this category shall be consistent with the statewide beach management plan. Beach renourishment projects shall only include those beaches that have been adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project. The determination of beach areas that are adversely impacted by navigation for the purposes of this program shall be made by Department of Environmental Protection approved inlet management plans. If state funding is not provided for a beach project, public access with adequate parking must be available in accordance with s. 161, F.S.

(7)(6) Public Navigation: Projects or project elements in the category of public navigation that will qualify for up to ninety (90%) per cent program funds include:

(a)1. Navigation channel dredging where the project sponsor demonstrates that the source of channel sedimentation has been identified and is in the process of or has been controlled, or that the frequency and amount of shoaling is such that dredging will provide an improvement to the channel that will last for twenty (20) years or more and therefore is more cost effective than identifying and correcting the cause of shoaling, or that the cost of identifying the source of channel sedimentation exceeds the cost of the dredging project.,

(b)2. Navigation channel lighting and markers.

Other public navigation projects or project elements will only qualify for up to fifty percent (50%) program funding.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1),(3) FS. History--New 12-17-90, Amended 6-24-93, 9-5-96, 2-6-97, Formerly 16T-2.005, Amended 5-17-98, 8-26-99, 3-1-01, _____.

66B-2.006 Application Process.

(1) Application Period: Applications for assistance through this program will be submitted during the authorized submission period that shall be established by vote of the Board at a scheduled meeting. Applications for assistance through this program shall be submitted during the authorized submission period, which is from March 1st through May 1st of each year, unless modified by vote of the Board at a scheduled meeting. The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Resolution Form No. 90-21 (effective date 12-17-90) hereby incorporated by reference and available from the District office located at 1314 Marenski Road, Jupiter, FL 33477.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Application Form Number FIND 90-22 (effective date 4-12-95) and 93-22A (effective date 4-12-95) are hereby incorporated by reference and available from the District office. With the exception of Small-Scale Spoil Island Restoration and Enhancement projects, all applications for financial assistance and support through this program, from member counties and local governments shall be made on Form Number FIND 90-22. All applications for financial assistance and support through this program from navigation related districts shall be made on Form Number FIND 93-22A. Applications will be reviewed by the local FIND Commissioner before being submitted to the District Office. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 4-12-95) and for compliance with the eligibility requirements of this rule. If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00). When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding.

(3) Sponsor Resolution: The project sponsor shall approve the submission of an application by official resolution from its governing board or commission. Said resolution shall be made on FIND Resolution Form No. 90-21 (effective date 12-17-90) hereby incorporated by reference and available from the District office located at 1314 Marcinski Road, Jupiter, FL 33477.

(4) Attorney's Certification: If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00).

(5)(2) Application Review: Applications will be reviewed by the local FIND Commissioner before being submitted to the District Office. Upon receipt in the District office, staff will review the applications for completeness of the informational requirements identified in the Application Checklist, FIND Form Number 90-26 (effective date 4-12-95) and for compliance with the eligibility requirements of this rule. If the application is for a project that is a land based development project the applicant shall submit an Attorney's Certification of Title, FIND Form Number 94-26 (effective date 5-25-00). When an application is determined by staff to be incomplete or ineligible, staff will immediately inform the applicant by mail. The applicant will then have until the date established by the Board in the application package to bring the application into

compliance. If the applicant fails to provide a complete application in compliance with these rules, the application will not be considered for funding.

(6)(3) Interlocal Agreements: Applications that the Board determines will directly benefit the maintenance of the Atlantic Intracoastal Waterway channel as documented by the District's long range dredged material management plans, will directly benefit the maintenance of the Okeechobee Waterway channel in Martin County as documented by the District's long range dredged material management plan, will directly benefit the maintenance or improvement of District property, or have multiple funding partners including the Corps of Engineers as the project manager can qualify for project assistance through an interlocal agreement pursuant to s. 163, F.S. or s. 374.984(6)(a), F.S. District staff will identify these applications and present them to the Board for their determination as to funding. Interlocal agreement projects shall comply with all other provisions of this rule, except for pre-agreement expenses, permitting and property control requirements. The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

(7)(4) Application Presentations: Applications determined to be complete and in compliance with this rule will be forwarded to the Board for review and then scheduled for presentation to the Board at a scheduled meeting of the Board. Applicants can decline to make a presentation to the Board by submitting a written request. The applicant's presentation will at a minimum include a discussion of the applicant's answers to the Evaluation and Rating Criteria on Form No. 91-25. Following the presentations, the Board will review the applications and evaluate them using the Project Evaluation and Rating Form No. 91-25 (effective date 1-2001) hereby incorporated by reference and available from the District office.

(8)(5) Application Evaluation and Rating Score: Following the presentations, the Board will review the applications and evaluate them using the Project Evaluation and Rating Form No. 91-25 (effective date 1-2001) hereby incorporated by reference and available from the District office. The total points awarded to each application by the Commissioners will be averaged to determine an applications final rating score. The final rating score for each application must equal or exceed 35 points for the application to be considered for funding assistance. Reconsideration of any application with a final rating score of less than 35 points will only occur if the majority of the Commissioners evaluating the

project rated the project equal to or exceeding 35 points and two-thirds of the Commissioners vote for reconsideration of the application.

(9)(6) Funding Determination: The Board will hold a funding allocation meeting at which time the Board will determine the allocation of funds, if any, to each project. Allocations will be based in part upon the cumulative score of the applications as calculated from the Project Evaluation and Rating Form. Allocations will also be based upon the specific needs of the individual counties.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 4-12-95, Formerly 16T-2.006, Amended 5-25-00, 3-21-01, _____.

66B-2.007 Application Form.

~~Florida Inland Navigation District Waterways Assistance Program Application Form Number FIND 90-22 (effective date 4-12-95) and 93-22A (effective date 4-12-95) are hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program, from member counties and local governments shall be made on Form Number FIND 90-22. All applications for financial assistance and support through this program from navigation related districts shall be made on Form Number FIND 93-22A.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 6-24-93, 2-3-94, 4-12-95, Formerly 16T-2.007, Repealed _____.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation, public recreation, environmental education, boating safety, spoil site acquisition directly related to the waterways, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, improvement, operation or maintenance of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging.
2. Public navigation aids and markers.
3. Inlet management projects that are a benefit to public navigation in the District.
4. Public shoreline stabilization.
5. Public spoil disposal site development.
6. Waterway signs and buoys for safety, regulation or information.
7. Public boat ramps and launching facilities and land acquisition for additional trailer parking at an existing boat ramp.

8. Public boat docking and mooring facilities
9. Derelict Vessel Removal.
10. Waterways related environmental education programs and facilities.
11. Public fishing and viewing piers.
12. Public waterfront boardwalks.
13. Waterways boating safety programs and equipment.
14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project.
15. Other waterway related projects.

(b) Ineligible Projects or Project Elements: Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping.
2. Park and playground equipment.
3. Restrooms for non-waterway users.
4. Tennis courts.
5. Roadways providing access to non-waterway users.
6. Parking areas for non-waterway users.
7. Utilities for non-waterway related facilities.
8. Lighting for non-waterway related facilities.
9. Irrigation equipment.
10. Maintenance equipment.
11. Picnic shelters and furniture.
12. Vehicles to transport vessels.
13. Operational items such as fuel, oil, etc.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will eligible for program funding or as matching funding:
 - a. Project management, administration and inspection;
 - b. Design, permitting, planning, engineering or surveying costs for completed construction project;
 - c. Restoration of sites disturbed during the construction of an approved project;
 - d. Equipment costs.
2. The following project costs, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, will be eligible only as matching costs and cannot exceed fifteen (15) percent of the applicants match:
 - a. Applicant's non-recurring personnel costs;
 - b. Applicant's equipment costs;
 - c. Applicant's in-house project management administration, and inspection costs;

d. Applicant's in-house design, permitting, planning, engineering or surveying costs for completed construction project;

e. Applicant's other in-kind services.

Before reimbursement is made by the District on any of the costs listed in subsection 1. or 2. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

(d) Phase I Projects: Applications for eligible waterway projects that include construction elements below mean high water will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for Phase II funding will demonstrate that the environmental permitting element of Phase I will be completed by the District's final TRIM hearing. This demonstration will be by the submission of the required environmental permit(s) or by the submission of a letter from the agency stating that a permit is not required. Should the environmental permitting element of Phase I of an application for a construction project not be completed by the District's final TRIM hearing, the Phase II project will not be considered for funding. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency.

(2) Property Control: The site of a new proposed land-based development project, with the exception of those projects requesting Small-Scale Spoil Island Restoration and Enhancement funding, shall be dedicated for the public use for which the project was intended for a minimum period of 25 years after project completion. Such dedication shall be in the form of a deed, lease, management agreement or other legally binding document and shall be recorded in the public property records of the county in which the property is located. This property control requirement also applies to a project site owned by another governmental entity. The governmental entity that owns the project site may be joined as a co-applicant to meet this property control requirement. Existing land based development projects that are being repaired, replaced or modified must demonstrate that the project site has been dedicated for public use for at least 25 years with at least 10 years remaining on the dedication document.

(3) Permits: The project sponsor is responsible for obtaining and abiding by any and all federal, state and local permits and regulations in the development of the project.

(4) Public Marina Qualifications: All public marina projects funded through this program shall include sewage pumpout facilities for vessels, unless the applicant can demonstrate that inclusion of such a facility is physically, operationally or economically impracticable. All public marina projects funded through this program shall have at least ten

(10%) percent of their slips or mooring areas available for transient vessels. Program funds to public marina projects shall not be utilized for maintenance of the facilities if revenues generated by the facility are not exclusively allocated to the operation, maintenance and improvement of the public marina facility.

(5)(2) Final Decisions: The Board will make all final decisions on the eligibility of a Project or specific project costs.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History--New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01.

66B-2.009 Project Administration.

~~The District will administer all funded projects through an executed project agreement.~~ The District will appoint a project manager who shall be responsible for monitoring the project and the project agreement. The project manager shall also be responsible for approving all reimbursement requests. The project sponsor shall appoint a liaison agent, who will be a member of the eligible applicant's staff, to act on its behalf in carrying out the terms of the project agreement. Administration of the project will be as follows:

(1) Project Agreement: For each funded project, the District and the project sponsor will enter into a project agreement, prior to the release of program funds, setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension. ~~A project agreement will be executed between the District and the project sponsor.~~

(2) Matching Funds: The project sponsor shall clearly identify and enumerate the amount and source of the matching funds it will be using to match the program funds supplied by the District for an approved project. The project sponsor shall provide suitable evidence that it has the matching funds available at the time the project agreement is executed.

(3) Agreement Modification: All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. All project agreement amendments shall be approved by the District Board, except that the Executive Director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category nor result in a reallocation of more than 35% of the approved funding of the project among project elements. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.

(4)(2) Project Reporting: The liaison agent will submit quarterly reports to the project manager summarizing the work accomplished since the last report, problems encountered, percentage of project completion and other appropriate information. These reports shall continue throughout the length of the project period until completion of the project.

(5)(3) Reimbursement Requests: The liaison agent may submit periodic reimbursement requests during the project period in accordance with s. 66B-2.01140. The project manager will approve or disapprove all reimbursement requests. The final payment of program funds will be made upon certified completion of the project by the District.

(6)(4) Project Inspection: Upon reasonable request, the project manager shall have the right to inspect the project and any and all records relating to the project.

(7) Project Completion: The project shall be completed within three (3) years of the date beginning of the District's first fiscal year for which the project was approved. If the completion of a project is impacted by a declared state of emergency and the Board waives this rule section, the extension of time granted shall not exceed one additional three (3) year period.

(8)(5) Project Completion Requirements: Upon completion of the project, the liaison agent shall provide the following to the project manager:

(a) A Project Completion Certificate, FIND Form No. 90-23 (effective date 12-17-90) hereby incorporated by reference and available from the District office, which certifies that the project was completed in accordance with the project agreement and the final project plans.

(b) A final reimbursement request accompanied by all required billing statements and vouchers.

(c) Photograph(s) showing the installation of the sign required by s. 66B-2.013.

(d) Photograph(s) of the completed project clearly showing the program improvements.

(9)(6) Project Completion Review: The project manager will review the project completion package and will authorize or reject the final reimbursement payment, which will include all retained funds from previous requests.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Formerly 16T-2.009, Amended 3-21-01,_____.

66B-2.010 Project Agreement.

~~(1) For each funded project, the District and the project sponsor will enter into a project agreement setting forth the mutual obligations of the parties concerning the project. The project agreement shall incorporate the applicable policies and procedures of the program as outlined in this rule. Project agreements will be for a two-year period with the possibility for one, one-year extension.~~

~~(2) All proposed changes to the project agreement must be submitted to the District in writing by the project sponsor accompanied by a statement of justification for the proposed changes. Agreed changes shall be evidenced by a formal amendment to the project agreement and shall be in compliance with these rules.~~

~~(3) All project agreement amendments shall be approved by the District board except that the executive director may approve a minor project agreement amendment for a project within a county with the local District commissioner's concurrence. A minor project amendment shall not change the approved project's category nor result in a reallocation of more than 35% of the approved funding of the project among project elements. Project agreement amendments will not include a change to the approved project's location or a change in the approved project's purpose or project type.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History—New 12-17-90, Amended 9-5-96, 3-21-01, Formerly 16T-2.010, Repealed _____.

66B-2.011 Reimbursement.

The District shall release program funds in accordance with the terms and conditions set forth in the project agreement. This release of program funds shall be on a reimbursement only basis. The District shall reimburse the project sponsor for project costs expended on the project in accordance with the project agreement. Project funds to be reimbursed will require the submission of a Reimbursement Request Form and required supporting documents, FIND Form No. 90-24 (effective date 6-24-93) hereby incorporated by reference and available from the District office.

(1) Authorized Expenditures: Project funds shall not be spent except as consistent with the project agreement cost estimate that was approved by the Board, which shall be an attachment to the project agreement. This cost estimate will establish the maximum funding assistance provided by the District and the percentage of funding provided by each party to the project. The District will pay the lesser of (a) the percentage total of project funding that the Board has agreed to fund, or (b) the maximum application funding assistance amount. All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made.

(2) Phase I Reimbursement: In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled. The District shall retain ten percent

(10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement.

(3) Reimbursement Requests: All project costs shall be reported to the District and summarized on the Reimbursement Request Form. All requests for reimbursement shall include supporting documentation such as billing statements for work performed and cancelled payment vouchers for expenditures made. The final reimbursement check shall be presented by a District representative to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

(4) Retainage: The District shall retain ten percent (10%) of all reimbursement payments until final certification of completion of the project. The District shall withhold any reimbursement payment, either in whole or part, for non-compliance with the terms of this agreement. In accordance with these rules, reimbursement cannot be made on a Phase I application until a construction contract is executed by the applicant for the construction phase of the project. If the Phase I project is completed but a construction contract is not executed by the three (3) year project deadline, then the District shall only allow one (1) year from the Phase I project deadline to enter into the required construction contract before the Phase I funding is cancelled.

(5) Check Presentations: A District representative shall present the final reimbursement check to the project sponsor during a public commission meeting or public dedication ceremony for the project facility.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History-- New 12-17-90, Amended 6-24-93, Formerly 16T-2.011, Amended 3-31-99.

66B-2.012 Accountability.

The following procedures shall govern the accountability of program funds:

(1) Accounting: Each project sponsor is responsible for maintaining an accounting system that meets generally accepted accounting principles and for maintaining such financial records as necessary to properly account for all program funds.

(2) Quarterly Reports: The project sponsor shall submit quarterly project status reports to FIND in accordance with s. 66B-2.009(4), during the project period. These reports will summarize the work accomplished since the previous report, problems encountered, percentage of project completion and any other appropriate information.

(3) Completion Certification: All required final completion certification documents and materials as outlined in s. 66B-2.009(8)(5) of this rule shall be submitted to the District prior to final reimbursement of program funds.

(4) Auditing: All project records including project costs shall be available for review by the District or by an auditor selected by the District for 3 years after completion of the project. Any such audit expenses incurred shall be borne entirely by the project sponsor.

(5) Project Records: The project sponsor shall retain all records supporting project costs for three years after either the completion of the project or the final reimbursement payment, whichever is later, except that should any litigation, claim, or special audit arise before the expiration of the three year period, the project sponsor shall retain all records until the final resolution of such matters.

(6) Repayment: If it is found by any State, County, FIND, or independent audit that program funds have not been used in accordance with this rule and applicable laws, the project sponsor shall repay the misused program funds to the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History-- New 12-17-90, Formerly 16T-2.012, Amended _____.

66B-2.014 Small-Scale Spoil Island Restoration and Enhancement Projects.

Proposals shall be accepted for the restoration or enhancement of spoil islands and natural islands within the District's waterways for recreational, navigational, educational, and environmental purposes. The provisions of this rule apply to these applications with the following additions:

(1) Application Procedure -- A Request for Proposals procedure will be used to request proposals for consideration. Proposals may be submitted to the District and considered by the Board at any time during the year.

(2) Eligibility: All proposals must meet the following eligibility criteria to be considered for funding.

(a) Management Plan Compliance: Projects shall be in compliance with the provisions of any Spoil Island Management Plans or other management plans that govern the Project site.

(b) Property Control: The Project Sponsor must have written property rights on the Project site to construct and maintain the Project for a minimum of five years. Such property rights can be in the form of a lease, interlocal agreement, use agreement or other legal form approved by the District.

(3) Funds Allocation: Funds shall be allocated pursuant to s. 66B-2.005, subject to the exceptions identified in this rule, and with the following additions:

(a) The District shall fund a maximum of up to \$7,500 per project, not to exceed \$22,500 per County, per fiscal year.

(b) The Project Sponsor may contribute in-kind construction labor; such in-kind construction labor costs will not be counted by the District as exceeding \$10.00 per hour. No administrative costs can be incorporated into the Project as Project costs.

(c) The funding provided by the District shall only be allocated for specific Project expenses such as construction materials, plant materials, herbicides, etc. The funding provided by the District shall not be allocated for parties, food or beverages.

(4) Hold Harmless Waiver: All volunteers, who are not government employees, shall sign a hold harmless waiver that is in a form approved by the District.

Specific Authority 374.976(2) FS. Law Implemented 374.976 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach, Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

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

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09981	Implementation of Florida's System of School Improvement and Accountability

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. 46, November 16, 2001, issue of the Florida Administrative Weekly:

Sub-Subparagraph (1)(a)1.c. is amended to read:

c. Improvement of the FCAT reading scores of students in the lowest twenty-five (25) percent of each grade, aggregated for each school, unless they are performing above satisfactory, defined as FCAT Achievement Levels 4 and 5;

Subparagraph (1)(a)3. is amended to read:

3. Schools designated as Performance Grade "C" or above shall be required to demonstrate that adequate progress in reading has been made by the lowest twenty-five (25) percent of students in the school who scored at or below FCAT Achievement Level 3, based on their previous year's FCAT score in the current school year. The minimum requirement for

adequate progress is deemed to be met if at least fifty (50) percent of such students make learning gains as defined in paragraph (5)(b) of this rule. If the minimum requirement for adequate progress in reading among the lowest twenty-five (25) percent of students in the school is not met, the School Advisory Council shall amend ~~include in~~ its School Improvement Plan to include a component for demonstrating meeting the adequate progress requirement by the next school year. If a school otherwise designated as Performance Grade "BC" or ~~above~~ "C" does not meet the minimum adequate progress requirement for two (2) years in a row, the final Performance Grade designation shall be reduced by one (1) letter grade. No school shall be designated as performance grade "A" unless the minimum criteria for adequate progress in reading is met and the difference between the reading gains for the lowest twenty-five (25) percent of students in the school as defined in paragraph (5)(c) of this rule and the reading gains for all eligible students in the school as defined in paragraph (5)(b) of this rule is no more than ten (10) percentage points.

Subsection (4) is amended to read:

(4) School Performance Grades. The measure of school accountability shall be the school performance grade. The Commissioner is authorized to designate a school performance grade for each school that:

1. Has at least thirty (30) eligible students with valid FCAT assessment scores in reading in the current and previous years, and

2. Has at least thirty (30) eligible students with valid FCAT assessment scores in math in the current and previous years, and scores.

3. Was included in the School Accountability System the previous year.

School performance grade designations shall be made in the summer of each school year, ~~using student achievement data from the school year for which the designation is made.~~ Performance designations shall be made using School Performance Grades A, B, C, D, and F, as specified in Section 229.57(7), Florida Statutes. School performance grades shall be based on the assessments and criteria as specified in subsection (5) of this rule. The Commissioner is authorized to establish appropriate achievement level criteria in newly assessed grade levels for submission to the State Board for final approval.

Subsection (5) is amended to read:

(5) Criteria for Designating School Performance Grades. School performance grades shall be designated in the summer of each year and shall be based on a combination of the following three components, as specified in Section 229.57(8), Florida Statutes:

(a) Student achievement scores, aggregated for each school, which indicate the percent of eligible students who score at or above FCAT Achievement Level 3 in reading and math and the percent of students who score "3" or higher