

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
 RULE CHAPTER NO.: 1S-2

RULE TITLES: Initiative Constitutional Amendment Petition
 RULE NOS.: 1S-2.009

Reporting Requirements for Candidates, Committees, and Political Parties;
 State Matching Funds 1S-2.017

PURPOSE AND EFFECT: The purpose of rule development for these rules is to update forms currently incorporated by reference.

SUBJECT AREA TO BE DISCUSSED: Form of Initiative Constitutional Amendment petitions and the forms for reporting requirements for state matching funds.

SPECIFIC AUTHORITY: 100.371(3), 101.161(2), 106.35(1),(5) FS.

LAW IMPLEMENTED: 100.371, 101.161, 106.04, 106.07, 106.29, 106.30-.36 FS.

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

TIME AND DATE: 9:00 a.m. – 11:00 a.m., Monday, March 25, 2002

PLACE: Room 100, 107 West Gaines Street, The Collins Building, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Amy K. Tuck, Assistant General Counsel, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200 or atuck@mail.dos.state.fl.us

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

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Certificate of Authority Renewal
 RULE NO.: 3D-30.041

PURPOSE AND EFFECT: The purposes and effects of this amendment are to implement legislative changes to Section 497.407, F.S., by Laws of Florida 2000-195 and to change the renewal period to commence on July 1 of each year.

SUBJECT AREA TO BE ADDRESSED: The renewal period is changed to commence July 1 to allow for processing delays. New renewal form DBF-COA-R3 reduces a completed application from the former fifteen (15) pages to the new form's three (3) pages.

SPECIFIC AUTHORITY: 497.103(1), 497.105(1), 497.105(5), 497.407 FS.

LAW IMPLEMENTED: 497.105(1), 497.407 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.

Requests for the rule development workshop should be addressed to Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-30.041 Certificate of Authority Renewal.

(1) Each active certificate of authority shall be renewed for the annual period beginning ~~July~~ June 1 of each year upon approval by the Board of Funeral and Cemetery Services. The application for renewal will be presented to the Board upon receipt and review by the Department of a non-refundable renewal fee ~~as established by Section 497.407(4), F.S., of \$250 as set by the Board,~~ a financial statement as of the entity's most recent fiscal year end, and a completed Annual COA Renewal Statement. Certificate of Authority Renewal, Form DBF-COA-R1, effective 1-18-96, Annual COA Financial Statement, Form DBF-COA-R2, effective 1-18-96, and Annual COA Renewal Statement, Form DBF-COA-R3, revised 12-6-01 effective 1-18-96, are hereby incorporated by reference and available by mail or electronically from the Department of Banking and Finance, Division of Finance, ~~Suite 553,~~ Fletcher Building, Tallahassee, Florida 32399-0350.

(2) Failure to submit the statements as required in subsection (1) may result in the levy of a fine by the Board of Funeral and Cemetery Services in the amount of \$50 per day for each day the financial and renewal statements are not submitted as follows:

(a) Annual COA Financial Statement must be submitted to and received by the Department of Banking and Finance, Board of Funeral and Cemetery Services, ~~Suite 553,~~ Fletcher Building, Tallahassee, Florida, 32399-0350, within 3 months of the end of the certificateholder's fiscal year.

(b) Annual COA Renewal Statement and the required renewal fee must be submitted to and received by the Department of Banking and Finance, Board of Funeral and Cemetery Services, ~~Suite 553,~~ Fletcher Building, Tallahassee, Florida 32399-0350, on or before April 1 of each year.

(3) Financial statements may be prepared either on the form promulgated by this rule or by an independent certified public accountant on the accrual or income tax basis of accounting in conformity with Rule 3F-5.0016, F.A.C. Audited statements are acceptable. The financial statements must document compliance with the minimum financial responsibility requirements of Rule 3F-5.0016, F.A.C. Failure to comply with said rule shall result in denial of the renewal application.

(4) The Department or Board may request additional information from the Certificate of Authority to verify or confirm statements made in the Annual COA Renewal Statement and the Annual COA Financial Statement within one year after the end of the renewal period.

~~(5)~~(4) In the event the renewal application is denied by the Board, the renewal fee paid is not refundable. If a hearing is requested on the denial, the certificate shall remain in active status during the pendency of the hearing.

~~(6)~~(5) Any Certificate of Authority not approved or denied by the Board prior to July ~~June~~ 1 of each year shall automatically expire on July ~~June~~ 1 and the entity shall be required to cease and desist from all selling of preneed funeral and cemetery goods and services. All preneed sales agent registrations associated with the certificate of authority will be terminated. New applications for certification/registration must be submitted to and approved by the Board in order to return the certificate and agent registrations to active status. The applicants shall be subject to all requirements of initial application.

Specific Authority 497.103(1), 497.105(1),(5), 497.407 FS. Law Implemented 497.105(1), 497.407 FS. History--New 6-24-96, Amended 10-18-01, _____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Inactive Certificates of Authority

RULE NO.: 3F-5.0025

PURPOSE AND EFFECT: The Board proposes to adopt this rule to set forth the criteria for inactive certificates of authority, setting forth what is considered an inactive certificate and what must be done when a licensee becomes inactive.

SUBJECT AREA TO BE ADDRESSED: Inactive Certificates of Authority.

SPECIFIC AUTHORITY: 497.103, 497.437 FS.

LAW IMPLEMENTED: 497.437 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-5.0025 Inactive Certificates of Authority.

(1) A certificateholder shall be considered inactive upon acceptance by the Board of the surrender of the certificate of authority, if the certificateholder fails to submit a renewal application and fees or upon the final expiration of the certificate of authority after denial of renewal by the Board.

(2) Upon becoming inactive, the certificateholder shall do the following:

(a) Cease the sale of preneed contracts.

(b) Deposit into trust 100% of the funds collected as payments or made on outstanding preneed contracts.

(c) Notify the Department of the certificateholder's compliance with this rule.

(3) The licenses of all preneed sales agents registered with an inactive certificateholder shall expire immediately upon the certificateholder becoming inactive.

(4) If an inactive certificateholder intends to cease providing at-need services, the inactive certificateholder shall, prior to ending such services, assign all preneed contracts to a certificateholder for fulfillment. The Department and all preneed purchasers shall be notified of the assignment.

(5) As provided by Section 497.436(7), F.S., in order for the Board to exercise its jurisdiction as provided therein, an inactive certificateholder shall, at the same time as is required for renewing certificateholders, submit a certificate of authority renewal form and financial statement. Additionally, an inactive certificateholder shall continue to be subject to examination by the Department until all outstanding preneed contracts have been fulfilled or assigned to another certificateholder.

(6) To ensure compliance with this rule, the Department is authorized to request additional information as needed, including but not limited to trust reports, bank statements, workpapers and statements of accounts receivable.

Specific Authority 497.103(1) FS. Law Implemented 497.437 FS. History--New _____.

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: Permanent Identification on Outer

RULE NO.:

Burial Containers

3F-6.009

PURPOSE AND EFFECT: The Board proposes to promulgate this rule to set forth criteria for the permanent identification of outer burial containers.

SUBJECT AREA TO BE ADDRESSED: Permanent Identification on Outer Burial Containers.

SPECIFIC AUTHORITY: 491.103(1),(3), 497.0255 FS.

LAW IMPLEMENTED: 497.309(1),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3F-6.009 Permanent Identification on Outer Burial Containers.

(1) The cemetery company shall maintain a detailed record identifying the permanent location of the deceased, which includes the name of the garden lot, space of mausoleum crypt or niche.

(2) In order to ensure the accuracy of interments, and inurnments and their related burial records, each cemetery company shall mark the outside of an outer burial container, or urn vault, or the inside of a crypt or niche, as appropriate, with the name of the deceased interred therein. The identity of the deceased shall be the responsibility of the entity that is handling the preparation of the deceased's remains, and not the responsibility of the cemetery.

(3) The identification shall contain the name of the deceased and the date of burial. The identification label shall be made of durable long lasting material capable of withstanding deterioration.

Specific Authority 491.103(1),(3), 497.0255 FS. Law Implemented 497.309(1),(3) FS. History-New _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshall

RULE TITLE: _____ RULE NO.: _____

Construction Materials Mining Activities 4A-2.024

PURPOSE AND EFFECT: The amendment is to address a concern raised by the Joint Administrative Procedures Committee that the existing rule was not explicit that the permit fees collected would be exclusively for use to fund monitoring and enforcement activities as required by § 552.30, F.S. The amendment also revised Form DI4-1498 to add spaces for the name a location of the mine, and to provide instructions for organization of attachments.

SUBJECT AREA TO BE ADDRESSED: Construction materials mining activities.

SPECIFIC AUTHORITY: 552.30 FS.

LAW IMPLEMENTED: 552.161, 552.211, 552.30 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., March 26, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Terry Hawkins, Bureau of Fire Prevention, Division of State Fire Marshal, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3624

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-2.024 Construction Materials Mining Activities.

(1) through (2) No change.

(3) Mining Permit.

(a) No change.

(b) A mining permit shall be issued only after:

1. No change.

2.a. Approval of an application, signed by the applicant showing the applicant's name and address, on Form DI4-1498 Rev. 6/01, Construction Mining Activity Application, which is hereby adopted and incorporated by reference and is available from Safety Program Manager, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

b. through d. No change.

(c) through (i) No change.

(4) through (9) No change.

(10) Fees. The fees established pursuant to Section 552.30 ~~552.26~~, Florida Statutes, shall be used exclusively to fund the monitoring and enforcement activities pursuant to Section 552.30, Florida Statutes, unless otherwise approved by the Florida Legislature, and shall be as follows:

(a) through (e) No change.

(11) through (14) No change.

Specific Authority 552.30 FS. Law Implemented 552.161, 552.211, 552.30 FS. History-New 11-21-01, Amended _____.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Manifests for Processed Products
 RULE CHAPTER NO.: 20-71
 RULE TITLES: Manifest Requirements and Statements for Inter-Company Transports
 RULE NOS.: 20-71.005
 Manifest Requirements and Statements for Transports of Processed Citrus Products
 RULE NOS.: 20-71.006

PURPOSE AND EFFECT: Would amend Rule Sections 20-71.005 and 20-71.006, F.A.C., to eliminate inspection for intra-company transport of processed citrus products.

SUBJECT AREA TO BE ADDRESSED: Eliminating grading and inspection for bulk processed citrus products for inter- and intra-company transports between registered processing facilities.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.49 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

IF REQUESTED 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 AT IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products
 RULE CHAPTER NO.: 20-72
 RULE TITLE: Alternate Proof of Inspection
 RULE NOS.: 20-72.009

PURPOSE AND EFFECT: Would eliminate inspection of intra-company transport of processed citrus products.

SUBJECT AREA TO BE ADDRESSED: Eliminating grading and inspection for bulk processed citrus products for inter- and intra-company transports between registered processing facilities.

SPECIFIC AUTHORITY: 601.49 FS.

LAW IMPLEMENTED: 601.49 FS.

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

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

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Promotional and Advertising Services Contracts
 RULE CHAPTER NO.: 20-104
 RULE TITLE: Selection Committee
 RULE NOS.: 20-104.004

PURPOSE AND EFFECT: Would add new language to the Selection Committee to reflect changes in the new Florida Department of Citrus structure.

SUBJECT AREA TO BE ADDRESSED: Members of the Selection Committee for awarding contracts.

SPECIFIC AUTHORITY: 601.10(1),(12), 601.15 FS.

LAW IMPLEMENTED: 601.10(12) FS.

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

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

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

PUBLIC SERVICE COMMISSION

DOCKET NO: 020095-EU
 RULE TITLE: Safety Standards for Construction of New Transmission and Distribution Facilities
 RULE NOS.: 25-6.0345

PURPOSE AND EFFECT: The rule has the purpose and effect of meeting the requirement in Section 366.04(6)(b), Florida Statutes, to adopt, after review, the latest edition of the National Electrical Safety Code.

SUBJECT AREA TO BE ADDRESSED: The amendment changes the 1997 edition of the National Electrical Safety Code to the 2002 edition.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 366.04(6)(b) 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 workshop request must be submitted in writing within 14 days of the date of this notice to the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT AT NO CHARGE IS: Jim Ruehl, Division of Auditing and Safety, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) In compliance with Chapter 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2002 ~~1997~~ edition of the National Electrical Safety Code (ANSI C-2), published August 1, 2001 ~~August 1, 1996~~, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. Each public electric utility, rural electric cooperative, and municipal electric system shall comply with the standards in these provisions. Standards contained in the 2002 ~~1997~~ edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule.

(2) through (7) No change.

Specific Authority 350.127(2) FS. Law Implemented 366.04(2)(f),(6) FS. History--New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, _____.

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE CHAPTER TITLE: Strategic Regional Policy Plan
 RULE TITLE: Strategic Regional Policy Plan
 PURPOSE AND EFFECT: The purpose and effect is to finalize amendments to the Strategic Regional Policy Plan.

RULE CHAPTER NO.: 29I-6
 RULE NO.: 29I-6

SUBJECT AREA TO BE ADDRESSED: The strategic issues that are addressed include the Economy, Emergency Preparedness, Affordable Housing, Natural resources and Transportation.

SPECIFIC AUTHORITY: 186.508(1), 186.505 FS.

LAW IMPLEMENTED: 186.508(1), 186.505 FS.

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

TIME AND DATE: 9:30 a.m., March 21, 2002

PLACE: Southwest Florida Regional Planning Council Offices, 4th Floor, 4980 Bayline Drive, North Fort Myers, Florida

THE PERSON TO BE CONTACTED REGARDING PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: David Y. Burr, Southwest Florida Regional Planning Council, 4980 Bayline Drive, North Fort Myers, FL 33917, (941)656-7720

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

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

PURPOSE AND EFFECT: The St. Johns River Water Management District proposes to amend the drainage basin and regional watershed figures and tables which are part of the Applicant's Handbook: Management and Storage of Surface Waters and are relevant to the review of applications for environmental resource permits (ERP) and mitigation bank permit applications. The District proposes to amend Figure 12.2.8-1 entitled "St. Johns River Water Management District Drainage Basins" and the figure in Appendix M entitled "St. Johns River Water Management District Regional Watersheds for Mitigation Banking." The drainage basins on Figure 12.2.8-1 define the geographical scope of the evaluation of whether a regulated activity will cause unacceptable cumulative impacts upon wetlands and other surface waters. The regional watersheds in Appendix M are used in the analysis of ecological benefits of proposed mitigation banks, are considered in the establishment of mitigation bank service areas, and are used as part of the determination of the number of mitigation credits needed to offset a given wetland impact. Specifically, the District proposes to amend Figure 12.2.8-1 by revising the Northwest boundary between drainage basins 4, 5, and 6, in the vicinity of Mill Dam Branch, Ponceon Gum Swamp, and Pablo Creek in Duval County, and revising part of the boundary between drainage basins 16 and 17 in the vicinity of the Southeast corner of Flagler County (in Sections 17-19, Township 14 South, Range 31 East). The District proposes to amend Appendix M by revising the Northwest boundary between regional watersheds 4, 5 and 6, in the vicinity of Mill

Dam Branch, Puncheon Gum Swamp, and Pablo Creek in Duval County, and revising part of the boundary between regional watersheds 16 and 17 in the vicinity of the Southeast corner of Flagler County (in Section 17-19, Township 14 South, Range 31 East).

SUBJECT AREA TO BE ADDRESSED: The proposed rules amend the drainage basin and regional watershed figures (Fig. 12.2.8-1 and figure in Appendix M) in the Applicant's Handbook: Management and Storage of Surface Waters.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.414, 373.4136, 373.418 FS.

LAW IMPLEMENTED: 373.016(2), 373.413, 373.4135, 373.4136, 373.414(8), 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: 10:00 a.m., March 19, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 10-11-01 .

(b) through (2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421 373.046, 373.085, 373.086, 373.109, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) 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, 7-8-01, 10-11-01, _____.

INSERT MAP – PAGE 1 OF 2

FIGURE 12.2.8-1

INSERT MAP – PAGE 2 OF 2

APPENDIX M

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Definitions	40E-4.021
Permit Thresholds	40E-4.0415
Exemptions from Permitting	40E-4.051
Publications, Rules and Interagency Agreements	
Incorporated by Reference	40E-4.091
Content of Permit Applications	40E-4.101
Conceptual Approvals	40E-4.305
Conversion from Construction Phase	
to Operation Phase	40E-4.361
Abatement and Abandonment of a System	40E-4.371
General Conditions	40E-4.381

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in various sections of Chapter 40E-4, F.A.C. The objections were based upon the use of undefined or ambiguous terms, improper use of the word “may,” rule vagueness, and improper references or incorporations by reference. The purpose of the proposed amendments is to delete and/or revise the language objected to by JAPC.

SUBJECT AREA TO BE ADDRESSED: Chapter 40E-4, F.A.C., addresses environmental resource permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, the proposed amendments: 1) adopt a definition for “Appropriate Registered Professional” or “Registered Professional” (see 40E-4.021 and 40E-4.361); 2) delete the word “may” and state that the SFWMD’s Governing Board has identified geographical areas where additional criteria are necessary to assure that surface water management systems are not harmful to the water resources of the SFWMD (see 40E-4.0415); 3) delete the phrase “if feasible, or operated in accordance with an impoundment management plan approved by the District” (see 40E-4.051(2)(d)); 4) delete the word “private” when used to reference docks and add a reference to piers (see 40E-4.051(3)); 5) delete statutory and rule cross references (see 40E-4.051(6)(b)15.); 6) incorporate by reference ERP/SWM operation agreements between the SFWMD, Palm Beach, Collier, and Miami-Dade counties and update the effective date of the ERP Basis of Review (see 40E-4.091); 7) delete the requirement that permit applicants submit for review “other” undefined information (see 40E-4.101 and 4.4.4.8 and 4.4.9.5 BOR); 8) replace reference to “373.421(2), F.S.” with reference to “Section 40E-4.042, F.A.C.” (see 40E-4.305 and 40E-4.381(1)(o)); 9) clarify the authority for certain SFWMD forms incorporated by reference (see 40E-4.361, 40E-4.381 and 10.1 BOR); 10) delete the references to Sections 373.433 and 373.426, F.S., pertaining to language directing the use of abatement proceedings for the abatement and abandonment of surface water management systems (see 40E-4.371); 11) delete language pertaining to modification of general permit

conditions by the Governing Board (see 40E-4.381(1)); 12) clarify that project-specific special conditions must meet the conditions for issuance found in 40E-4.301 and 40E-4.302 (see 40E-4.381(2));

13) add a rule reference (see 4.2.2.1 BOR); 14) correct typographical errors (see 4.2.4.3 and 4.2.5 BOR); 15) replace the words “However, the District may issue permits or certification for” with “This provision shall not apply to” and delete the words “by the Department” (see 4.2.5 BOR); 16) delete the case-by-case determination for innovative mitigation proposal and instead require the proposals to offset impacts to functions (see 4.3.1.8 BOR); 17) delete the requirement for prior written approval to withdraw or transfer funds in a financial responsibility mechanism and state that the mechanism cannot be canceled without first providing an alternative (See 4.3.7.4 BOR); 18) delete language stating that the Governing Board may revoke a formal determination (see 4.5.4 BOR); 19) delete language pertaining to the application fee for certain subsequent petitions (see 4.5.5 BOR); 20) delete the words “as provided by law” (see 4.5.6 BOR); 21) clarify and set forth specific permitting criteria relative to how reasonable assurances can be provided so that effluent does not migrate into surface water management systems (see 5.5 BOR); and 22) replace “will normally be” with “is” (see 5.9.2 BOR).

SPECIFIC AUTHORITY: 373.016, 373.044, 373.103(8), 373.113, 373.117, 373.171, 373.406(5), 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.016, 373.019, 373.116, 373.117, 373.118(1), 373.229, 373.413(1), 373.403-443, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 403.031, 704.06 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.

Written public comments regarding the proposed rule amendment must be received by the SFWMD no later than 21 days from the publication date of this notice.

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District,

MSC 1410, 3301 West Palm Beach, FL 33416-4680, telephone (800)432-2045, Extension 6320 or (561)682-6320, or via email: pbell@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.021 Definitions.

(1) through (2) No change.

(3) “Appropriate Registered Professional” or “Registered Professional” means, for purposes of this rule, a professional registered in Florida with the necessary expertise in the fields of hydrology, drainage, flood control, erosion and sediment control, and stormwater pollution control to design and certify stormwater management systems.

(3) through (40) renumbered (4) through (41) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.403-.443, 403.031, 704.06 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, _____.

40E-4.0415 Permit Thresholds.

(1) No change.

(2) No change.

(3) Notwithstanding the provisions of subsections (1) and (2), the Governing Board has, in Rules 40E-41.023, 40E-41.123, 40E-41.223, and 40E-41.323, F.A.C., may designate specific geographic areas in which additional surface water management criteria are necessary in order to ensure that construction, alteration, operation, maintenance, removal or abandonment of surface water management systems is not harmful to the water resources within which individual or standard general environmental resource permits shall be required for the construction, alteration, operation, maintenance, removal or abandonment of surface water management systems which fall below any thresholds or activities set forth in this rule.

Specific Authority 373.044, 373.113, 373.171, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History--New 10-3-95, Amended 5-28-00, _____.

40E-4.051 Exemptions from Permitting.

(1) No change.

(2) Maintenance of Systems.

(a) through (c) No change.

(d) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least 6 months each year, beginning September 1 and ending February 28, if feasible, or operated in accordance with an impoundment management plan approved by the District. The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original

design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(3) Docking Facilities and Boat Ramps.

(a) No change.

(b) The installation or repair construction of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity’s activities will not take place in any manatee habitat, and of which docks have of 1000 square feet or less of surface area over wetlands or other surface waters, or 500 square feet or less of surface area over wetlands or other surface waters for docks which are located in Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as boat shelters and gazebos, provided such structures are not enclosed with walls and doors, are not used for residential or commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations, above. To qualify for this exemption, any such dock and associated structure:

1. through 3. No change.

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a private dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a private dock shall include the construction of structures attached to the dock pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).

(c) No change.

(d) The replacement or repair of existing docks, or mooring piles or piers, provided:

1. through 3. No change.

(e) No change.

(4) through (5) No change.

(6) Bridges, Driveways and Roadway Crossings.

(a) No change.

(b) The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:

1. through 14. No change.

15. This exemption shall not apply to activities involving relocation or other alteration of all or part of the artificial waterway, or construction for other than the proposed culvert crossing, ~~except as exempted by Chapter 373, F.S., or Rule 40E-4.051, F.A.C.~~

(7) through (10) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History—New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00, 9-2-01, _____.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ ~~January 2001.~~”

(b) through (k) No change.

(l) Operating Agreement Between the South Florida Water Management District and Collier County, effective _____.

(m) Operating Agreement Between the South Florida Water Management District and Palm Beach County, effective _____.

(n) Operating Agreement Between the South Florida Water Management District and Miami-Dade County, effective _____.

(2) No change.

Specific Authority 373.044, ~~373.103(8)~~, 373.113, 373.171, 373.413, 373.441, ~~373.171~~ FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

40E-4.101 Content of Permit Applications.

(1) Applications for permits required by this chapter shall be filed with the District Service Center which will review the application as set forth in Rule 40E-1.6025, F.A.C. The application shall contain:

(a) through (b) No change.

~~(c) Other information that is required to provide reasonable assurances that the project will satisfy the conditions for issuance listed in Rules 40E-4.301 and 40E-4.302, F.A.C.~~

(2) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, _____.

40E-4.305 Conceptual Approvals.

(1) through (7) No change.

(8) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Section ~~40E-4.042, F.A.C., 373.421(2), F.S.~~, provides otherwise.

(9) through (10) No change.

Specific Authority 373.044, 373.113, 373.171, 380.06(9) FS. Law Implemented 373.413, 373.416, 373.421(2), 380.06(9) FS. History—New 10-3-95, Amended _____.

40E-4.361 Conversion from Construction Phase to Operation Phase.

(1) In order to convert an environmental resource or surface water management permit from the construction phase to the operational phase, the permittee shall submit the following:

(a) A completed and executed Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity Form No. # 0920, incorporated by reference in Rule 40E-1.659, F.A.C.;

(b) A completed and executed Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. # 0881, incorporated by reference in Rule 40E-1.659, F.A.C., in accordance with Section 10.0; of the “Basis of Review for Environmental Resource Permit Applications within South Florida Water Management District – _____ ~~November 1996;~~ and

(c) No change.

(2) The operation phase of a surface water management system which was required to be designed by an appropriate registered professional, as defined in Rule 40E-4.021(3), F.A.C., does not become effective until all of the following criteria have occurred:

(a) No change.

(b) The registered professional shall certify that:

1. No change.

2. Any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the requirements of this rule and Section 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ ~~November 1996.~~” The registered professional shall note and explain substantial deviations from the approved plans and specifications and provide two copies of as-built drawings to the District; and

(c) No change.

(3) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in Section 9.0, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ ~~November 1996.~~” has been

established to operate and maintain the system. The entity must be provided with sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

(4) No change.

Specific Authority 373.044, 373.113, ~~373.171~~ FS. Law Implemented 373.413, 373.416 FS. History—New 10-3-95, Amended 1-7-97, _____.

40E-4.371 Abatement and Abandonment of a System.

~~(1) Abatement proceedings shall be conducted in accordance with the provisions of Section 373.433, F.S.~~

~~(2) Abandonment proceedings shall be conducted in accordance with Section 373.426, F.S.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.426, 373.433 FS. History—New 10-3-95, Repealed _____.

40E-4.381 General Conditions.

(1) The following general conditions shall be applicable to and binding on all permits issued pursuant to this chapter and Chapter 40E-40, F.A.C., unless waived by the District ~~or modified by the Governing Board~~ upon a determination that the conditions are inapplicable to the activity authorized by the permit. These conditions are enforceable under Part IV, Chapter 373, F.S.

(a) through (c) No change.

(d) The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource/Surface Water Management Permit Construction Commencement Notice Form No. 0960, incorporated by reference in Rule 40E-1.659, F.A.C., indicating the actual start date and the expected completion date.

(e) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing the District's ~~an~~ Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction Form: No. 0961, incorporated by reference in Rule 40E-1.659, F.A.C. The Annual Status Report Forms shall be submitted the following June of each year.

(f) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. 0881, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and

specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(g) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (f) above, has submitted the District's a Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase, and Transfer of Permit to the Operating Entity Form No. 0920, incorporated by reference in Rule 40E-1.659, F.A.C.; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water District – _____ ~~November 1996.~~" accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(h) No change.

(i) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ ~~November 1996,~~ prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the

permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(j) through (n) No change.

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation shall not be considered binding unless a specific condition of this permit or a formal determination under Section 40E-4.042, F.A.C., Section 373.421(2), F.S., provides otherwise.

(p) through (s) No change.

(2) In addition to those general conditions set forth in subsection (1), the Governing Board shall impose on any permit granted under this chapter and Chapter 40E-40, F.A.C., such reasonable project-specific special conditions as are necessary to assure that the permitted system will meet the conditions for issuance in sections 40E-4.301 and 40E-4.302 not be inconsistent with the overall objectives of the District or will not be harmful to the water resources of the District, as set forth in District rules. Upon receipt of notice of proposed agency action, any substantially affected persons shall have the right to request a hearing in accordance with Rules 40E-1.511 and 40E-1.521, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, _____.

**BASIS OF REVIEW
FOR ENVIRONMENTAL RESOURCE PERMIT
APPLICATIONS WITHIN THE**

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

(The following represents proposed amendments to sections 4.2.2.1, 4.2.4.3, 4.2.5, 4.3.1.8, 4.3.7.4, 4.5.4, 4.5.5 and 4.5.6 and proposed deletions of sections 4.4.4.8 and 4.4.9.5 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001.”)

CHAPTER 4.0 ENVIRONMENTAL CRITERIA

4.0 through 4.2.2 No change.

4.2.2.1 Compliance with subsections 4.2.2 – 4.2.3.7, 4.2.5 – 4.3.8 will not be required for regulated activities in isolated wetlands less than one half acre in size, unless:

(a) through (c) No change.

(d) the District establishes that the wetland to be impacted is, or several such wetlands to be impacted are, cumulatively, of more than minimal value to fish and wildlife: based on the factors in subsection 4.2.2.3.

4.2.2.2 through 4.2.4.2 No change.

4.2.4.3 Additional Water Quality Considerations for Docking Facilities

Docking facilities are potential sources of pollutants to wetlands and other surface waters. To provide the required reasonable assurance that water quality standards will not be violated, the following factors must be addressed by an applicant proposing the construction of a new docking facility, or the expansion of or other alteration of an existing docking facility that has the potential to adversely affect water quality:

(a) Hydrographic information or studies shall be required for docking facilities of greater than ten boat slips. Hydrographic information or studies also may be required for docking facilities of less than ten slips, dependent upon the site-specific features described in paragraph 4.2.4.3(b) below. In all cases, the need for a hydrographic study, and the complexity of the study, will be dependent upon the specific project design and the specific features of the project site.

(b) through (i) No change.

4.2.4.4 through 4.2.4.5 No change.

4.2.5 Class II Waters; Waters Approved for Shellfish Harvesting

The special value and importance of shellfish harvesting waters to Florida’s economy as existing or potential sites of commercial and recreational shellfish harvesting and as a nursery area for fish and shellfish ~~shell fish~~ is recognized by the District. In accordance with paragraph 4.1.1(d), the District shall:

(a) though (b) No change.

(c) deny a permit for a regulated activity that is located directly in Class II or Class III waters which are classified ~~by the Department~~ as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting. This provision shall not apply to ~~However the District may issue permits or certifications for~~ maintenance dredging of navigational channels, the construction of shoreline protection structures, the installation of transmission and distribution lines for carrying potable water, electricity or communication cables in rights-of-way previously used for such lines, for clam and oyster culture, and for private, single family boat docks that meet the following criteria for installation in such waters:

1. through 7. No change.

4.2.6 through 4.3.1.7 No change.

4.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in sections 4.3-4.3.6 may be proposed by an applicant; however, to receive District approval they must offset the adverse impacts to the functions identified in sections 4.2.-4.2.8.2 caused by the regulated activities ~~shall be considered on a case-by-case basis.~~ The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental preservation, enhancement or restoration project and the payments initiate a project or supplement an

ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

4.3.2 through 4.3.7.3 No change.

4.3.7.4 General Terms for Financial Responsibility Mechanism

(a) through (d) No change.

(e) ~~Prior written approval from the District shall be obtained before withdrawing or transferring any portion of the funds therein. Except that a Δ co-beneficiary as provided in subsection (b) shall provide written notice to the District prior to withdrawing or transferring any portion of the funds therein.~~

(f) The financial responsibility mechanisms shall provide that ~~it they~~ can not be revoked, terminated or cancelled without first providing an alternative financial responsibility mechanism which meets the requirements of subsections 4.3.7-4.3.7.9. Within 90 days of receipt by the permittee of actual or constructive notice of revocation, termination or cancellation of a financial responsibility mechanism or other actual or constructive notice of cancellation, the permittee shall provide an alternate financial responsibility mechanism which meets the requirements of subsections 4.3.7-4.3.7.9.

4.3.7.5 through 4.4.4.7 No change.

4.4.4.8 ~~Any additional information which may be necessary to evaluate whether the proposed Mitigation Bank meets the criteria of this section.~~

4.4.4.9 through 4.4.9.4 No change.

4.4.9.5 ~~The District shall require additional documentation or actions from the grantor of the conservation easement or fee interest if such additional documentation or actions are necessary to adequately protect the District's interest in, or the integrity of, the Mitigation Bank.~~

4.4.9.6 through 4.5.3 No change.

4.5.4 Duration

The formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period. ~~The Governing Board may revoke a formal determination upon a finding that the petitioner has submitted inaccurate information to the District.~~

4.5.5 Formal Determinations for Properties with an Existing Formal Determination

Within sixty days prior to the expiration of a formal determination, the property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in the property may petition for a new formal determination for the same parcel of property and such determination shall be issued, approving the same extent of surface waters and wetlands in the previous formal determination, as long as physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to this part, so as to alter the boundaries of surface waters or wetlands and the methodology for determining the extent of surface waters and wetlands

ratified by Section 373.421, F.S., has not been amended since the previous formal determination. ~~The application fee for such a subsequent petition shall be less than the application fee for the original determination.~~

4.5.6 Nonbinding Determinations

The District may issue informal nonbinding pre-application determinations or otherwise initiate nonbinding determinations on its own initiative ~~as provided by law.~~

(The following represents proposed amendments to sections 5.5 and 5.9.2 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001.")

CHAPTER 5.0 WATER QUALITY CRITERIA

5.0 through 5.4 No change.

5.5 Sewage Treatment Percolation Ponds –

Above ground percolation pond dikes shall not be within 200 feet of water management lakes or 100 feet of dry retention/detention areas. ~~Additional information and calculations (such as volume and rate of application to the pond(s) or flow net analyses) by the applicant will be necessary in unusual cases requiring deviations from these dimensions, or the applicant must provide reasonable assurance that effluent will not migrate into the water management lakes or detention areas. Reasonable assurance may be provided by:~~

(a) Documentation of volume and rate of application of effluent to the percolation ponds, and

(b) submittal of net flow analyses.

5.6 through 5.9.1 No change.

5.9.2 Monitoring ~~is~~ will normally be required for sites with high pollutant generating potential, such as industrial sites, and Class I and II solid waste disposal sites.

5.9.3 through 5.10 No change.

(The following represents the proposed amendment to section 10.1(a) of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001.")

CHAPTER 10.0 SURFACE WATER MANAGEMENT SYSTEM CERTIFICATION AND OPERATION

10.1 Construction Completion/Construction Certification –

(a) Within 30 days of the completion of the surface water management system construction, a Florida registered professional engineer shall certify that the construction was completed and that the system was constructed in substantial conformance with the plans and specifications approved by the District. The above requirement shall be met by submittal of a completed and executed Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. # 0881, incorporated by reference in Rule 40E-1.659, F.A.C., or equivalent.

(b) No change.

10.2 through 10.3 No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Request for Additional Information	40E-40.141
General Conditions	40E-40.381

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in Rule 40E-40.381, F.A.C. The objections were based upon the use of undefined or ambiguous language and unclear conditions for standard general permits. The purpose of the proposed amendments is to delete and/or revise the language objected to by JAPC. Additionally, the SFWMD is updating a rule cross-reference in Rule 40E-40.141, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Chapter 40E-40, F.A.C., addresses environmental resource standard general permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, Rule 40E-40.141 will now reference Rule 40E-1.603(1)(c) as the correct cross-reference for the SFWMD to request additional information from applicants requesting a permit pursuant to Chapter 40E-40; Rule 40E-40.381(2)(d) is amended to delete objectionably vague language; and 40E-40.381(3) adds a reference to clarify the conditions for standard general permits.

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

LAW IMPLEMENTED: 373.117, 373.118, 373.413, 373.416, 373.419 FS.

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

Written public comments regarding the proposed rule amendment must be received by the SFWMD no later than 21 days from the publication date of this notice.

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320, or via email: pbell@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-40.141 Request for Additional Information.

The District may request additional information from standard general permit applicants in accordance with Subsection 40E-1.603(1)(c) ~~40E-1.603(4)(e)~~, F.A.C.

Specific Authority 373.044, 373.113, ~~373.171~~ FS. Law Implemented ~~40E-40.141, 40E-40.381~~, 373.416, 373.419 FS. History–New 9-3-81, Amended 4-20-94, 10-3-95,_____.

40E-40.381 General Conditions.

(1) No change.

(2) In addition to the general conditions referenced in subsection (1), the following shall apply to standard general permits authorizing incidental site activities:

(a) through (c) No change.

(d) Any damage to off-site property which may have been caused by the incidental site activities herein must be mitigated ~~or otherwise offset to the satisfaction of the District.~~

(e) through (f) No change.

(3) The standard general permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will meet the conditions for issuance in Sections 40E-4.301 and 40E-4.302, F.A.C ~~not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.~~

Specific Authority 373.044, 373.113, 373.118, ~~373.171~~ FS. Law Implemented 373.117, 373.118, 373.413, 373.416, 373.419 FS. History–New 9-3-81, Formerly 16K-4.021(1)(b), 16K-4.022(1)(c), Amended 7-26-87, 4-20-94, 10-3-95,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
PART I GENERAL PROVISIONS	
Definitions	40E-400.021
PART II GENERAL ENVIRONMENTAL RESOURCE PERMITS	
Subpart B No Notice General Environmental Resource Permits	
No Notice General Permit for Activities in Uplands	40E-400.315
Subpart C Noticed General Environmental Resource Permits	
General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks	40E-400.417
General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies	40E-400.467

General Permit to the Department to Conduct
 Minor Activities 40E-400.483
 General Permit to the Department for
 Environmental Restoration or
 Enhancement Activities 40E-400.485

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in various sections of Chapter 40E-400, F.A.C. The objections were based upon rule vagueness, the SFWMD's lack of jurisdiction to enforce other agencies' regulations or require permittees to obtain approval from other regulatory agencies, and the lack of rule language specifying water quality standards for turbidity. The purpose of the proposed amendments is to delete and/or revise the language objected to by JAPC. Additionally, the SFWMD is updating various statutory and rule citations to be consistent with the current rules and laws in effect.

SUBJECT AREA TO BE ADDRESSED: Chapter 40E-400, F.A.C., addresses no notice and noticed environmental resource permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, the proposed amendments 1) delete a repealed statutory reference to Sections 403.91-929, F.S. (1984 Supp.) as amended, and update a Chapter 62, F.A.C., rule citation (see 40E-400.021); 2) delete subsection (2) of Rule 40E-400.315; 3) update a Chapter 373, F.S., definition citation (see 40E-400.417); 4) reference the Chapter 62, F.A.C., rule citations setting forth standards for maintaining State water quality standards regarding turbidity (see 40E-400.467); and 5) update the statutory source of funding utilized by the DEP for its environmental restoration and enhancement activities under the SFWMD's noticed general permit (see 40E-400.485).

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

LAW IMPLEMENTED: 373.113, 373.118, 373.413, 373.416, 373.426 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.

Written public comments regarding the proposed rule must be received by the SFWMD no later than 21 days from the publication date of this notice.

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-400.021 Definitions.

(1) through (4) No change.

(5) "Forested wetlands" means those wetlands where the canopy coverage by trees with a diameter at breast height of greater than 4 inches is greater than 10 percent, as well as those areas required to be planted with tree species to establish or reestablish forested wetlands pursuant to a permit issued or enforcement action taken, under rules adopted under Part IV of Chapter 373, F.S., ~~or Sections 403.91-929, F.S. (1984 Supp.) as amended~~, and those areas where the canopy has been temporarily removed but are expected to revegetate to a forested wetland if use of the area would remain unchanged.

(6) through (7) No change.

(8) "Materials" means matter of any kind, such as sand, clay, silt, rock, dredged material, construction debris, solid waste, pilings or other structures, ash, and residue from industrial and domestic processes. The term shall not include the temporary use and placement of lobster pots, crab traps, or similar devices or the placement of oyster culch pursuant to Section 370.16, F.S., or Rule ~~62R-6 62-5~~, F.A.C.

(9) through (10) No change.

Specific Authority 373.044, 373.113, 373.118, ~~373.171~~ FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended

40E-400.315 No Notice General Permit for Activities in Uplands.

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

~~(2) A no notice general permit is hereby granted for the construction or alteration of surface water management systems, provided that the surface water management system meets all of the conditions of subsection (a), below, and all thresholds and conditions of at least one of the subsections (b), (c), or (d), below.~~

~~(a) General Conditions.~~

~~(g)1-~~ The surface water management system design plans must be signed and sealed by a Florida Registered Professional Engineer, if required by Chapter 471, F.S.;

~~(h)2-~~ The surface water management system must meet the criteria specified in Rule 40E-4.301, F.A.C., ~~and applicable local requirements, and 40E-4.302, F.A.C.;~~

~~(i)3-~~ ~~Except as allowed for in Rule 40E-40.041(7), F.A.C.,~~ ~~The~~ project must not be located in natural water bodies, viable wetlands habitat, waters of the state, or a Florida Outstanding Water as listed in Rule 62-302.700, F.A.C.; ~~and~~

~~(j)4-~~ The permittee must have obtained a works of the District permit pursuant to Chapter 40E-6, F.A.C., if the project proposes to connect with, place structures in or across or otherwise make use of works of the District.

~~(b) Thresholds and Additional Conditions Within Dade County:~~

~~1. The project must have less than 40 acres total land area with positive stormwater outfall or less than 320 acres total land area and less than 160 acres of impervious area with no positive stormwater outfall.~~

~~2. The project and surface water management system must have been approved by the Dade County Department of Environmental Resource Management or its successor agency subsequent to October 2, 1977.~~

~~(c) Thresholds and Additional Conditions Within Palm Beach County:~~

~~1. The project must have less than 40 acres total land area.~~

~~2. The project and surface water management system must have been approved by Palm Beach County subsequent to October 2, 1977.~~

~~(d) Thresholds and Additional Conditions Within Collier County:~~

~~1. The project must have less than 40 acres total land area.~~

~~2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.~~

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended _____.

40E-400.417 General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks.

(1) A general permit is hereby granted to any person for construction, alteration or maintenance of a boat ramp and the associated accessory docks, provided:

(a) through (e) No change.

(f) Ramps constructed or altered under this general permit shall not exceed a width of 35 feet, including the side slopes. State agencies, counties, municipalities and water management districts established pursuant to Subsection 373.019(18)(2), F.S., are authorized to construct or alter a ramp or to widen an existing ramp which does not exceed 50 feet in width;

(g) through (j) No change.

(k) A maximum of two accessory docks, abutting either one or both sides of the boat ramp shall be authorized, and the total square footage of the accessory docks shall be less than 500 square feet over wetlands or other surface waters. State agencies, counties, municipalities and water management districts established pursuant to Subsection 373.019(18)(2), F.S., are authorized to construct or alter accessory docks such that the total area of the accessory docks over wetlands or other surface waters does not exceed 1000 square feet and the accessory docks are not more than six feet wide;

(l) through (n) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended _____.

40E-400.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

(1) No change.

(2) This general permit shall be subject to the following specific conditions:

(a) Spoil material excavated during construction of the breaches shall be handled and deposited in such a manner as to prevent violations of the water quality standards for turbidity, pursuant to Sections 62-4.242, 62-302.300, and 62-302.530, F.A.C. and shall be contained in an upland disposal site; and

(b) through (3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended _____.

40E-400.483 General Permit to the Department to Conduct Minor Activities.

A general permit is hereby granted to the Department to conduct the activities described below:

(1) The repair, replacement or alteration of any existing bridge, levee, dam, pump station, lock, culvert, spillway, weir, or any other water control structure with structures of the same design or of a comparable design, provided that the maximum discharge rate capacity and control elevation do not exceed that of the structure to be replaced. Minor deviations in the structure's design are authorized, including those due to changes in materials, construction techniques, or current construction codes or safety standards. Associated construction activities authorized by this permit include: temporary fill plugs or cofferdams; upland bypass channels; channel shaping needed to accommodate the repair, replacement, or alteration of the structure; and channel and bank stabilization, including riprap within 200 feet of the structure. Replacement may occur at the same site, or adjacent to the original structure. The area of wetlands or other surface waters from which material is to be dredged or filled shall not exceed a total of 0.5 acres for any one structure;

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended

40E-400.485 General Permit to the Department for Environmental Restoration or Enhancement Activities.

(1) No change.

(2) In order to qualify for this general permit, the environmental restoration or enhancement project must comply with any one of the following procedures:

(a) through (b) No change.

(c) The project is wholly or partially funded by the Department through ~~the Pollution Recovery Trust Fund pursuant to Section 403.165, F.S., or the Water Resources Restoration and Preservation Act pursuant to Section 403.0615~~ 403.0165, F.S.

(3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE TITLE: Consumer Confidence Report

RULE NO.: 62-550.824

SUMMARY: The Department is developing rule amendments to clarify and update consumer confidence report (CCR) requirements for public water systems.

Rule 62-550.824 may be amended to make this rule consistent with 40 CFR 141, Subpart O – Consumer Confidence Reports, to clarify the reporting of analytical results, to include informational and educational statements, to incorporate by reference the *FRWA/DEP CCR Template Instructions and Template*, to clarify reporting requirements for community water systems issued variances and exemptions, to revise requirements for Internet distribution of CCRs, and to clarify CCR distribution requirements.

A Notice of Proposed Rule Development and Rule Development Workshop is being issued concurrently with this notice for proposed revisions to Forms 62-555.900(19) and (21).

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

TIME AND DATE: 9:30 a.m., Wednesday, March 27, 2002

PLACE: Room 609, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Steffi Tassos Dragovitsch, (850)921-9452

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 ENVIRONMENTAL PROTECTION

RULE TITLE: Forms and Instructions

RULE NO.: 62-555.900

SUMMARY: The Department is developing rule amendments to clarify and update consumer confidence report (CCR) requirements for public water systems. Changes to Forms 62-555.900(19) and (21) will be necessary to reflect the proposed amendments.

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

TIME AND DATE: 9:30 a.m., Wednesday, March 27, 2002

PLACE: Room 609, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Steffi Tassos Dragovitsch, telephone (850)921-9452

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 ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE CHAPTER TITLE: Noticed General Permits for

RULE CHAPTER NO.:

Activities Seaward of the Coastal Construction Control Line

62B-34

The Department of Environmental Protection proposes rule development of Chapter 62B-34, F.A.C., Noticed General Permits for Activities Seaward of the Coastal Construction Control Line.

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 entitled “Official Notices.”

If you have additional questions please contact: Susan DeVore-Fillmore, (850)488-3181.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Disposition of Records Upon Termination

RULE NO.:

or Relocation of Psychological Practice 64B19-19.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address custodianship medical records.

SUBJECT AREA TO BE ADDRESSED: Custodianship medical records.

SPECIFIC AUTHORITY: 456.058, 490.004(4) FS.

LAW IMPLEMENTED: 456.058 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Biomedical Waste
 RULE CHAPTER NO.: 64E-16

RULE TITLE: Enforcement and Penalties
 RULE NO.: 64E-16.013

PURPOSE AND EFFECT: The purpose of this rule development is to delete subsection 64E-16.013(3), Florida Administrative Code. Deletion of this subsection will remove from the Florida Administrative Code a rule that lacks statutory authority.

SUBJECT AREA TO BE ADDRESSED: The subject is the length of time for which a biomedical waste permit shall be suspended.

SPECIFIC AUTHORITY: 381.0098(3) FS.

LAW IMPLEMENTED: 381.006(8), 381.0098(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Edward J. Golding, Environmental Specialist III, 4052 Bald Cypress Way, BIN #A08, Tallahassee, FL 32399-1710, (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-16.013 Enforcement and Penalties.

(1) through (2) No change.

~~(3) No permit shall be suspended under this section for a period of more than 12 month. Should the current permit expire during the suspension period, the biomedical waste facility may apply for renewal at the end of the suspension period.~~

Specific Authority 381.0061, 381.0098(5) FS. Law Implemented 381.0012, 381.0025, 381.006, 381.0061, 381.0098, 395.002(13), 395.1011, 775.082, 775.083 FS. History--New 6-19-89, Amended 12-14-92, 1-23-94, 6-3-97, Formerly 10D-104.008, Amended _____.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Tanning Facilities
 RULE CHAPTER NO.: 64E-17

RULE TITLE: Licenses and Fees
 RULE NO.: 64E-17.006

PURPOSE AND EFFECT: The Bureau of Facility Programs of the Division of Environmental Health announces its intent to amend section 64E-17.006, Licenses and Fees, F.A.C. The rule is being amended to make certain language in that section more consistent with law and to eliminate the requirement for an annual license application in certain situations.

SUBJECT AREA TO BE ADDRESSED: The proposed revisions will address when a license application needs to be completed and submitted to the department and make the license fees more consistent with law. The latter will include revising the current annual license fee, revising the fee for each additional tanning device, deleting the fee cap for each establishment, deleting the late fee requirement, and amending or deleting the requirement for prorating fees.

SPECIFIC AUTHORITY: 381.89(13) FS.

LAW IMPLEMENTED: 381.89(3)(a),(b),(c),(13) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, THE FIRST OF A SERIES OF RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 5:00 p.m., April 10, 2002

PLACE: 4042 Bald Cypress Way, Conference Room 240P (Second Floor), Tallahassee, FL

OTHER WORKSHOPS TO BE HELD: Other workshops will be held in Orlando and Fort Myers.

TIMES AND DATES: TBA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Ken Widergren, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444, Ext. 2453

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Income and Resource Criteria
 RULE NO.: 65A-1.716

PURPOSE AND EFFECT: Rule 65A-1.716 is amended to revise the monthly poverty income guidelines used in the Medicaid program for applicants and recipients to the level of federal guidelines for 2002.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment will bring the federal poverty guidelines used in the Medicaid program to a current status.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., March 25, 2002

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, Telephone (850)488-3090

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Main Street Program	1A-36
RULE TITLES:	RULE NOS.:
Purpose	1A-36.001
Definitions	1A-36.002
Program Information	1A-36.003
Program Description	1A-36.004
Eligibility Requirements	1A-36.005
Application Procedures	1A-36.006
Ad Hoc Florida Main Street Advisory Committee	1A-36.007
Application Review	1A-36.008
Program Administration	1A-36.009
Active Local Programs	1A-36.010
Secretary of State's Florida Main Street Awards Program	1A-36.011

PURPOSE AND EFFECT: The Florida Main Street Program (Program), an established program of the Florida Department of State, Division of Historical Resources, provides training and technical assistance to aid the development of local historic preservation-based downtown revitalization programs. The Division recognizes the need to clarify and formalize the procedures associated with the various aspects of administration of the Program. The proposed rule will meet that need.

SUMMARY: The proposed rule will clarify and formalize (a) procedures and criteria for selection of local organizations or agencies for participation in the Florida Main Street Program, (b) procedures for administration of the Florida Main Street Program, (c) criteria for achieving and maintaining Active Local Program status, and (d) procedures for conducting the annual Secretary of State's Florida Main Street Awards Program.

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 regulatory cost, or to provide a proposal for lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 267.031(1) FS.

LAW IMPLEMENTED: 267.031(5)(g) FS.

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

TIME AND DATE: 10:00 a.m., March 29, 2002

PLACE: R. A. Gray Building, 500 S. Bronough Street, Third Floor Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Ferro, Supervisor, Architectural Preservation Services Section, Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)245-6363, e-mail: dferro@mail.dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

1A-36.001 Purpose.

The purposes of this rule are to provide: (a) procedures and criteria for the selection of local organizations or agencies for participation in the Florida Main Street Program, (b) procedures for administration of the Florida Main Street Program, and (c) procedures for conducting the annual Florida Main Street Awards Program. The Bureau of Historic Preservation, Division of Historical Resources, Florida Department of State, administers the Florida Main Street Program, a technical assistance program for Florida communities, which encourages economic revitalization of traditional downtown commercial districts within the context of historic preservation.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History—New

1A-36.002 Definitions.

The following words and phrases, when used in this chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

(1) “Active Local Program” means a local preservation-based downtown revitalization program that has been designated for participation in the Florida Main Street Program pursuant to Rule 1A-36.008, F.A.C., and is conducted in full conformance with the criteria listed in Rule 1A-36.010, F.A.C.

(2) “Advisory Committee” means the ad hoc Florida Main Street Advisory Committee established pursuant to Rule 1A-36.007, F.A.C., to review and make recommendations to the Secretary of State regarding applications for participation in the Florida Main Street Program.

(3) “Applicant” means the entity that (a) makes application for designation to participate in the Florida Main Street Program and (b) that will be responsible for administration of the local Main Street program, should it be designated. Applicants representing previously designated Local Programs are not eligible to reapply for designation of a local Main Street program to be conducted in the same Local Program Area.

(4) “Application” means a formal written request for participation in the Florida Main Street Program that is made on the Florida Main Street Program Application (Form HR4E023R0102, effective 2002), which is incorporated by reference, and copies of which may be obtained from the Bureau of Historic Preservation at the address and telephone number indicated in subsection 1A-36.003(2), F.A.C.

(5) “Application Deadline” means the formally announced closing date established annually by the Division of Historical Resources, Florida Department of State, for submission of applications for participation in the Florida Main Street Program.

(6) “Awards Committee” means the ad hoc Florida Main Street Awards Advisory Committee established pursuant to subsection 1A-36.011, F.A.C., to review nominations for awards recognizing achievements relating to the goals of individual Local Programs or of the statewide Florida Main Street Program.

(7) “Bureau” means the Bureau of Historic Preservation of the Division of Historical Resources, Florida Department of State.

(8) “Department” means the Florida Department of State.

(9) “Director” means the Director of the Division of Historical Resources, Florida Department of State.

(10) “Division” means the Division of Historical Resources, Florida Department of State.

(11) “Eligible Application” means an Application that has been (a) submitted by an eligible applicant as described in Rule 1A-36.005, F.A.C., (b) received prior to the Application Deadline, and (c) determined by the staff of the Bureau of Historic Preservation to be sufficient and complete.

(12) “Florida Main Street Program” means the statewide preservation-based downtown revitalization assistance program conducted by the Division of Historical Resources, Florida Department of State.

(13) “Local Organization” means the entity meeting the eligibility requirements in Rule 1A-36.005, F.A.C., that has made application for designation of a local Main Street program for participation in the Florida Main Street Program.

(14) “Local Program” means a local preservation-based downtown revitalization program that has been designated for participation in the Florida Main Street Program pursuant to Rule 1A-36.008, F.A.C.

(15) “Local Program Area” means the specific geographic area, as delineated in the Application, in which the local Main Street program is or will be conducted.

(16) “Main Street Approach” means the comprehensive process developed by the National Main Street Center of the National Trust for Historic Preservation for encouraging downtown revitalization within the context of historic preservation. The Main Street Approach is described in the document entitled “The Main Street Approach”, National Trust for Historic Preservation, Washington, D.C., 1993, which is incorporated by reference, and copies of which may be obtained from the Bureau of Historic Preservation at the address and telephone number indicated in subsection 1A-36.003(2), F.A.C.

(17) “Manager” means the professional, full-time employee of the Local Main Street Organization who is responsible for administering the local Main Street program. The Manager also serves as liaison between the local Main Street program and the Florida Main Street Program.

(18) “Program Coordinator” means the employee of the Bureau of Historic Preservation responsible for planning and conducting the statewide Florida Main Street Program.

(19) “Secretary” means the Secretary of State of the State of Florida.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History—New _____.

1A-36.003 Program Information.

(1) The Division shall make available to the public a Florida Main Street Program information package. The information package shall include a description of the program, eligibility requirements, application procedures, and the annual application deadline.

(2) Copies of the information package may be obtained by writing to the Bureau of Historic Preservation, 500 South Bronough Street, R. A. Gray Building (Fourth Floor), Tallahassee, Florida 32399-0250, or by calling (850)245-6333. Bureau office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday.

(3) The Division shall provide technical assistance on request to entities interested in making application for participation in the Florida Main Street Program. At a minimum, such assistance shall include meeting with community representatives, conducting one or more regional pre-application workshops annually, and responding to e-mail, telephone and written inquiries. Depending on availability of resources, such assistance may also include an assessment visit to the proposed Local Program Area by the Program Coordinator.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History—New _____.

1A-36.004 Program Description.

(1) The Florida Main Street Program is based on the program model developed by the National Trust for Historic Preservation in the early 1980s and provides training and technical assistance to designated Active Local Programs to assist development of preservation-based downtown revitalization programs within their Local Program Areas.

(2) Local Programs are designated for participation in the Florida Main Street Program by the competitive process prescribed in this rule.

(3) With the exception of the limited assistance described in subsection 1A-36.003(3), F.A.C., only Active Local Programs are eligible to receive training and technical assistance through the Florida Main Street Program.

(4) The structured training and technical assistance provided to Active Local Programs through the Florida Main Street Program continues for a period of up to three years following designation. After their initial three-years of participation, Active Local Programs shall receive additional training and technical assistance consistent with available resources.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History—New _____.

1A-36.005 Eligibility Requirements.

(1) An applicant must represent:

(a) A local downtown preservation and revitalization program within an incorporated municipality, or;

(b) A regional, countywide or unincorporated community program (with one or more traditional commercial districts, i.e., a group of small communities connected by a waterway or roadway) conducted by or in cooperation with one or more local and county governments.

(2) Special consideration shall be given applications from municipalities with populations between 5,000 and 50,000 because programs based on the Main Street Approach have been shown to be most successful in communities within this population range. Applications from cities with populations less than 5,000 and traditional neighborhood commercial districts within cities with populations greater than 50,000 are also eligible for participation. For the purpose of Application

preparation, population shall be based on the most recent “Florida Estimates of Population” compiled by the Population Program, Bureau of Economic and Business Research, University of Florida.

(3) An applicant for participation in the Florida Main Street Program must be:

(a) The government of an incorporated municipality;

(b) A county government.

(c) A non-profit corporation whose articles of incorporation have been filed by the Department of State in accordance with Section 617.0125, F.S.;

(d) A community redevelopment agency which has been established by the governing body of an incorporated municipality and is authorized to carry out community redevelopment in a designated area pursuant to Chapter 163, F.S.; or

(e) A downtown development authority whose primary function and purpose is planning, coordinating and assisting in the implementation, revitalization and redevelopment of a specific downtown area of a jurisdiction pursuant to Chapter 165, F.S.

(4) An applicant must provide verification of commitment to employ a full-time Manager for a period of at least one year following designation. A three-year commitment is preferred.

(5) An applicant must provide verification of full first year funding for the Local Program, including: (a) salary and benefits for a full-time Manager, and (b) travel and operating expenses as described in the Application. A three-year Local Program funding commitment is preferred.

(6) Applications must be complete, including all required supporting materials.

(7) Consistent with the provisions of subsection 1A-36.008(1), F.A.C., an application that is determined by the Division not to meet the requirements in (1) through (6) above shall be declared ineligible. All ineligible applications will be returned by “Certified Mail” to the applicant by the Division with a written explanation of the determination of ineligibility.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History—New _____.

1A-36.006 Application Procedures.

(1) Each year during the month of June, the Division shall publish notification of the annual Florida Main Street application cycle and the Application Deadline in the Florida Administrative Weekly. This notification shall be published at least 60 days prior to the established Application Deadline and shall include a mailing address and telephone number through which Application forms and additional information may be obtained, and shall specify the maximum number of Local Programs that may be designated for the year. The Division shall provide information regarding the application process at one or more regional pre-application workshops.

(2) To be considered for designation, Applications must be delivered to the offices of the Bureau of Historic Preservation on or before 5:00 P.M. on the date of the Application Deadline, or must be clearly postmarked on or before that date and mailed by "Certified Mail" with "Return Receipt Requested", or by a suitable express mail or package service. The Bureau's address is indicated in subsection 1A-36.003(2), F.A.C. Applications that are delivered by the Applicant or are postmarked or shipped after the Application Deadline shall be automatically rejected, and shall be returned to the Applicant with all support materials by "Certified Mail".

(3) Applications shall be made on the Florida Main Street Program Application (Form HR4E023R0102, effective 2002).

(4) The Applicant's submission shall include the original and eight copies of the Application and all supporting materials indicated in the instructions in the Application.

(5) The Applicant Certification in the Application shall be signed by the person or persons with legal authority to obligate the Applicant.

(6) The Applicant may withdraw an Application at any time by submission of a written request to the Division. The request for withdrawal of an application must be signed by the person or persons with legal authority to obligate the Applicant.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History—New _____.

1A-36.007 Ad Hoc Florida Main Street Advisory Committee.

(1) For the purpose of reviewing Applications and making recommendations on such Applications, there is created annually the ad hoc Florida Main Street Advisory Committee. The Advisory Committee shall review and rank all Eligible Applications and shall recommend Applicants to the Secretary for designation as Local Programs based on the criteria in Rule 1A-36.008, F.A.C.

(2) The Committee shall consist of up to eight members, representing the following public and private sector agencies and organizations:

(a) Division of Historical Resources, Florida Department of State;

(b) National Main Street Center of the National Trust for Historic Preservation;

(c) Florida Department of Community Affairs;

(d) Florida Redevelopment Association;

(e) Florida League of Cities;

(f) 1000 Friends of Florida;

(g) Florida Trust for Historic Preservation; and

(h) The Manager of an Active Local Program.

(3) Annually, the Director shall request the head of each agency and organization listed in (2)(b) through (2)(g) above to appoint a representative to serve on the Advisory Committee.

The Director shall annually appoint a member from the Division staff and a Manager from an Active Local Program to serve on the Advisory Committee.

(4) With the exception of the Division representative, members of the Advisory Committee shall receive no compensation for their services or reimbursement from the Department for expenses incurred in the performance of said services.

(5) As its first order of business, the Advisory Committee shall elect a chairperson from its membership.

(6) Staff support for the Advisory Committee shall be provided by the Division and shall include, but not be limited to:

(a) Providing notice of Advisory Committee meetings;

(b) Preparing and distributing an agenda of the business to be transacted at each meeting of the Advisory Committee;

(c) Evaluating Applications for completeness and eligibility;

(d) Distributing eligible Applications and related materials to Advisory Committee members for review;

(e) Recording Advisory Committee meetings;

(f) Preparing and distributing a written report of the actions of the Advisory Committee;

(g) Maintaining all records of the Advisory Committee;

(h) Responding to public requests for information on the Advisory Committee and its activities, and

(i) Participating in all Advisory Committee meetings to answer questions and provide such information as the Advisory Committee members may require.

(7) The Advisory Committee shall be convened annually at a place, date and time designated by the Division. Advisory Committee members shall be provided with notice of a scheduled meeting and an agenda at least 30 days in advance of such meeting.

(8) A copy of the agenda of any meeting of the Advisory Committee may be obtained by writing to the Bureau of Historic Preservation or by appearing in person at the offices of the Bureau of Historic Preservation at the address set forth in subsection 1A-36.006(2), F.A.C.

(9) Prior to each Advisory Committee meeting, members shall be provided with guidelines for application review. These guidelines shall include:

(a) A description of the Florida Main Street Program.

(b) An explanation of the Main Street Approach.

(c) An explanation of the eligibility criteria, and other factors to be considered in evaluating and ranking the applications.

(d) Indication of the maximum number of communities that may be designated for the year.

(10) A public notice of each Advisory Committee meeting shall be published in the Florida Administrative Weekly at least seven days prior to the date of the meeting. The notice shall provide:

- (a) The date, time and place of the meeting.
- (b) A brief description of the purpose of the meeting.
- (c) An address where interested persons may write to obtain a copy of the agenda.

(11) For purposes of transacting business, a simple majority of the membership of the Advisory Committee shall constitute a quorum. All action taken shall be by a majority vote of the members present.

(12) A written report of the actions of the Advisory Committee shall be prepared by the Division within 30 days of each Advisory Committee meeting. Advisory Committee members shall be provided with a copy of the written report, and shall notify the Director of any discrepancies within 30 days of receipt.

(13) All members of the Advisory Committee shall comply with all laws governing conflicts of interest, including Chapter 112, Part III, F.S.

(14) Any communication on a matter relevant to the duties or activities of the Advisory Committee may be directed to the Division at the address set forth in subsection 1A-36.006(2), F.A.C.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History—New _____.

1A-36.008 Application Review.

(1) Following the Application Deadline, Division staff shall review all Applications for completeness and eligibility. If Division staff determines that an Application is incomplete, they shall request additional information of the Applicant by e-mail or facsimile transmittal. Requested additional information must be received by the Division within seven days of the request, otherwise the Application shall be declared ineligible and handled in accordance with subsection 1A-36.005(7), F.A.C.

(2) The Division shall send to each member of the Advisory Committee a copy of each Eligible Application in sufficient time for members to review all Eligible Applications prior to the Advisory Committee convening in a public meeting for the purpose of considering the applications.

(3) Division staff shall make the Advisory Committee aware of any additional information or clarification requested by it and received from an Applicant prior to final consideration of said Application.

(4) The Advisory Committee shall hold a public meeting to review and evaluate Eligible Applications within 45 days of the Application Deadline. At least seven days before the meeting, the Division shall notify each Applicant of the date, time and place of the meeting, and provide each Applicant with a copy of the meeting agenda.

(5) Applications shall be evaluated and comparatively ranked in the best professional judgment of the Advisory Committee members in consideration of the following criteria:

(a) Criteria related to the characteristics of the community:

- 1. The history of the community and the proposed Local Program Area;
- 2. Community demographics, economic base and standard economic indicators;
- 3. Potential for benefit from the training and technical assistance provided by the Florida Main Street Program;
- 4. Plans for redevelopment within the proposed Local Program Area and the larger community;
- 5. Municipal, state and federal development programs and activities within the Local Program Area and the larger community;
- 6. Encouragement of economic reinvestment within the Local Program Area provided by local government and financial institutions; and
- 7. Other community organization activities, cultural and recreational events, and facilities that may contribute to revitalization of the Local Program Area.

(b) Criteria related to the readiness of the Applicant:

- 1. Organizational and financial readiness of the Applicant to manage the proposed Local Program;
- 2. Broad-based support and understanding of the proposed Local Program and its objectives within both the private and the public sectors;
- 3. Consistency of the goals of the proposed Local Program with the "Main Street Approach"; and
- 4. Job description, selection process, compensation, and means of evaluating performance of the Manager.

(c) Criteria related to the characteristics of the Local Program Area:

- 1. Cohesive and well-defined traditional commercial district with a concentration of historic buildings and sites;
- 2. Quantity and quality of housing in and around the Local Program Area;
- 3. Economic base and business mix of the Local Program Area and surrounding areas
- 4. Previous downtown revitalization activities by government and private investment

(d) The supporting documentation, including slides, aerial photographs, maps certifications, resolutions and letters of support required in the Application.

(e) Consideration will also be given by the Advisory Committee to the geographic distribution of all previously designated Local Programs in order to give all regions of the state an opportunity to benefit from the program. The training and technical assistance provided to Local Programs through the Florida Main Street Program often influence neighboring communities, cultivating interest in historic preservation and downtown revitalization. For this reason, uniform geographic

distribution of the limited resources available through the Florida Main Street Program provides optimum benefit to the citizens of the state.

(7) After all Applications have been reviewed and all Applicants have been allowed to make brief presentations and to answer Advisory Committee questions, each Advisory Committee member shall numerically rank each Application relative to the others in order of priority. The individual rankings will be tabulated and averaged by Division staff. If two or more Applications receive the same average, the Advisory Committee shall vote to rank them relative to each other. After completion of the ranking process, the Advisory Committee shall recommend designation of Applicants as Local Programs, beginning with the highest ranked Applicant and progressing consistent with the ranked list of Applicants. The Advisory Committee may recommend any number of Applicants for designation up to the maximum number announced by the Division for the annual application cycle. However, all Applicants recommended for designation must, in the opinion of the Advisory Committee and consistent with the criteria in this section:

(a) Possess the physical attributes and resources required to conduct an effective local Main Street program;

(b) Have a clear understanding of and commitment to actively participate in the Florida Main Street Program; and

(c) Be ready to begin its participation in the Florida Main Street Program immediately upon selection.

(8) The recommendations of the Advisory Committee shall be submitted in writing by the Division to the Secretary of State (Secretary) for review and approval.

(9) Within 30 days of the Advisory Committee meeting, the Secretary, taking into account the recommendations of the Advisory Committee, shall confer Local Program designation on successful Applicants. Division staff shall notify all Applicants of the designated Local Programs.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History—New

1A-36.009 Program Administration.

(1) Upon designation as a Local Program, the successful Applicant shall enter into a formal Florida Main Street Agreement (Form HR3E0310202, effective 2002), which is incorporated by reference. This agreement between the Local Organization and the Division shall set forth the responsibilities of each party relative to Local Program participation in the Florida Main Street Program. The term of the initial agreement shall be one year with provision for two one-year extensions with the mutual agreement of the parties.

(2) During the first year following designation, each Local Program will be eligible to apply for a one-time \$10,000 start-up grant from the Historical Resources Grant-in-Aid Program to assist initial development of the Local Program. All Local Program activities assisted through this grant shall be

in accordance with the Main Street Approach. Award and administration of all such grants shall be in accordance with provisions of Chapter 1A-35, F.A.C.

(3) The Division, in cooperation with other agencies and organizations, shall conduct and participate in local, regional, and statewide conferences, training programs, and technical assistance events for Active Local Programs.

(4) In order to encourage and acknowledge activities that advance the Main Street Approach to revitalization and historic preservation, the Division shall conduct an annual awards program in accordance with the provisions of Rule 1A-36.011, F.A.C. Individuals, businesses, organizations and agencies of government may be nominated by any Active Local Program for recognition of exceptional activities in support of individual Active Local Programs or the statewide Florida Main Street Program.

(5) Direct Division involvement in Local Programs shall include professional architectural assistance relating to historic preservation and rehabilitation of historic properties, professional technical assistance in disciplines relating to various aspects of downtown revitalization, Local Organization development assistance, Manager training, Local Program evaluations, conferences, and the grant-in-aid funding and awards programs described in this section.

(6) The training and technical assistance described in (5) above shall be provided by Division staff, other state agencies, and professional consultants with expertise in a range of disciplines relating to historic preservation and downtown revitalization. Consultant services in support of Florida Main Street training and technical assistance programs are provided by entities other than the State of Florida. These non-state entities include non-profit organizations and for-profit corporations. Such services are funded by private contributions or through state grants awarded through the Historic Preservation Grants Program authorized by 267.0617, F.S.

(7) Prior to delivery of consultant services in support of Florida Main Street training and technical assistance programs, regardless of the manner in which the services are to be funded, consultant qualifications and proposals for consultant services shall be reviewed and approved by the Program Coordinator to ensure that all services provided are consistent with:

(a) Needs identified by the Local Program; and

(b) The Main Street Approach.

(8) Consultants delivering services in support of the Florida Main Street Program, regardless of the manner in which the services are funded, shall:

(a) Provide the Program Coordinator and Local Program, as applicable, with a one-page report summarizing the services provided, professional observations regarding the effectiveness of the services, any related problems and opportunities identified, and recommendations for follow-up activities;

(b) Conduct all activities in a thoroughly professional manner. Unprofessional behavior, including violence, fighting, threatening, intimidating or abusive behavior, or use of threatening, profane, abusive or inappropriate language shall be grounds for a formal request by the Division for consultant termination.

(9) Entities providing consultant services in support of the Florida Main Street Program shall be required by the Division to investigate any reported unprofessional behavior to ascertain the accuracy of the report before taking any action relative to consultant termination.

(10) Entities providing consultant services in support of the Florida Main Street Program will be required by the Division to apprise all prospective consultants and all non-state providers of consultant services of the requirements of (8) above before acceptance of any proposal for consultant services.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History--New .

1A-36.010 Active Local Programs.

(1) Active Local Programs shall include (a) Local Programs in the first three years of participation in the Florida Main Street Program and (b) Local Programs that have successfully completed three years of participation in the Florida Main Street Program and are currently conducting a program consistent with the Main Street Approach.

(2) To retain Active Local Program status, Local Programs in both categories in (1) above must conform to the criteria established by the National Main Street Center of the National Trust for Historic Preservation, with the exception noted in (j) below, and must meet the reporting requirements described in subsections 1A-36.010(3) and (4), F.A.C. To conform to the National Main Street Center criteria, Local Programs must:

- (a) Have broad-based community support for the commercial district revitalization process, with strong support from both the public and private sectors;
- (b) Have developed vision and mission statements relevant to community conditions and to the Local Program's organizational stage;
- (c) Have a comprehensive Main Street work plan;
- (d) Possess an historic preservation ethic;
- (e) Have an active board of directors and committees;
- (f) Have an adequate operating budget;
- (g) Have a full time paid professional program manager;
- (h) Conduct a program of on-going training for staff and volunteers; and
- (i) Report key statistics.
- (j) While not required, Local Programs are encouraged to maintain membership in the National Trust's National Main Street Network program.

(3) Local Programs shall submit a completed FMS Quarterly Report (Form HR3E019R0102, effective _____ 2002) on the schedule indicated on the form. Form HR3E019R0102 is incorporated by reference and copies may be obtained from the Bureau of Historic Preservation.

(4) Local Programs shall submit a completed FMS Annual Report (Form HR3E020R0102, effective _____ 2002), which is incorporated by reference, and copies of which may be obtained from the Bureau of Historic Preservation. The reporting deadline for the Local Program's FMS Annual Report is July 1.

(5) Local Programs not conducted in accordance with the requirements of subsections 1A-36.010(2) through (4), F.A.C., will be notified by the Division in writing of noncompliance and will be allowed 90 days from the date of notification to bring the Local Program back into compliance with the cited requirements. All training and technical assistance to the Local Program to be provided pursuant to the Florida Main Street Agreement and subsection 1A-36.009(5), F.A.C., shall be postponed during this 90-day period or until the Local Program is brought back into compliance with the cited requirements.

(6) If, after the 90-day period allowed in subsection 1A-36.010(5), F.A.C., the Local Program remains in non-compliance with the requirements of subsections 1A-36.010(2) through (4), F.A.C., it will be designated as inactive and will not be eligible to receive on-site training and technical assistance from the Florida Main Street Program until such time as corrective actions are taken by the Local Program and it is once again conducted in accordance with the cited requirements.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History--New .

1A-36.011 Secretary of State's Florida Main Street Awards Program.

(1) The Secretary of State's Florida Main Street Awards Program is intended to acknowledge and encourage activities that advance the revitalization and historic preservation goals of Active Local Programs and of the statewide Florida Main Street Program.

(2) Annually, at least 60 days but no more than 90 days prior to the deadline for award nominations, such nominations shall be solicited by the Division by written notice to all Active Local Programs. The notice shall include the deadline for award nominations and a mailing address and telephone number through which nomination forms and additional information may be obtained.

(3) All award nominations shall be made on a Secretary of State's Florida Main Street Award Nomination Form (Form HR3E018R0102, effective _____ 2002), incorporated by reference, and a copy of which may be obtained from the Bureau of Historic Preservation at the address and telephone number indicated in subsection 1A-36.003(2), F.A.C.

(4) Award nomination forms shall be delivered to the offices of the Bureau of Historic Preservation on or before 5:00 P.M., on the date of the annual nomination deadline, or shall be clearly postmarked on or before the nomination deadline and mailed by "Certified Mail" or a suitable express mail or package service to the Bureau offices. All such nominations shall be designated eligible nominations. Award nominations that are postmarked, shipped or personally delivered to the Bureau after the nomination deadline shall be automatically rejected, and shall be returned to the nominator by "Certified Mail".

(5) All eligible nominations and associated support materials shall become the property of the Division and will not be returned to the nominator.

(6) For the purpose of evaluating eligible nominations, an ad hoc Florida Main Street Awards Advisory Committee shall be convened annually. Membership of the five-member Awards Committee shall include the Program Coordinator, the Bureau of Historic Preservation architect assigned to the Florida Main Street Program, and three Managers of Active Local Programs. The Program Coordinator shall select the three Managers.

(7) All members of the Awards Committee shall comply with all laws governing conflicts of interest, including Chapter 112, Part III, F.S.

(8) Division staff shall forward copies of all eligible nominations to the members of the Awards Committee, at least 30 days prior to the date of the meeting called for the purpose of reviewing nominations and formulating recommendations for awards. Awards Committee members are expected to familiarize themselves with the nominations before the meeting.

(9) Division staff shall conduct a review of all eligible nominations to determine if they are technically complete. If it is determined that a nomination is incomplete, the Division staff shall notify the nominator of the missing information or supporting material in writing. Supplemental information and supporting material received by the Division in response to this notification shall be presented to the Awards Committee for consideration in the course of the meeting during which recommendations regarding annual awards are formulated, and prior to final deliberations on nominations.

(10) The Awards Committee shall evaluate the nominations on the basis of information provided in the Secretary of State's Florida Main Street Award Nomination Form and any additional information received pursuant to subsection 1A-36.011(9), F.A.C. All activities receiving recognition:

(a) Must conform with the principals set forth in the Main Street Approach; and

(b) For rehabilitation or other construction projects, must conform to the recommended approaches to rehabilitation set forth in The Secretary of the Interior's Standards for

Rehabilitation and Guidelines for Rehabilitating Historic Buildings, National Park Service, U.S. Department of the Interior (revised 1990), incorporated by reference, and a copy of which may be obtained from the Bureau of Historic Preservation at the address and telephone number indicated in subsection 1A-36.003(2), F.A.C.

(11) Based on its formal review of all eligible nominations, the Awards Committee shall formulate a consensus recommendation to the Secretary of State regarding nominees to receive awards.

(12) Within 30 days following the Awards Committee meeting, the Secretary, taking into account the recommendations of the Awards Committee, shall approve the awards to be conferred for the year. Division staff shall notify all award recipients and make arrangements for formal presentation of the awards.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS. History--New

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: RULE NO.:

Cancellation of Preneed Contracts;

Reasonable Time Defined 3F-8.003

PURPOSE AND EFFECT: The Board is amending this Rule to define "reasonable time" pursuant to Section 497.005(25), F.S.

SUMMARY: This rule defines reasonable time for delivery of caskets or outer burial containers to be 24 hours from the time the purchaser or agent requests that the Certificateholder deliver the merchandise.

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: 497.103 FS.

LAW IMPLEMENTED: 497.419(3)(a) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A NOTICE OF HEARING DATE WILL BE PUBLISHED SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-8.003 Cancellation of Preeed Contracts; Reasonable Time Defined.

For purposes of Section 497.419(3)(a), F.S., a reasonable time for delivering merchandise consisting of “caskets” as defined by Section 497.005(9), F.S., and “outer burial containers” as defined by Section 497.005(29), F.S., shall be 24 hours from the time the purchaser or agent requests that the certificateholder deliver the merchandise. A reasonable time for delivering merchandise consisting of monuments as defined by Section 497.005(2), F.S., shall be 180 days from interment or from the time the purchaser or agent requests that the certificateholder deliver the monument. The certificateholder shall record the date and time that the request for delivery is received from the purchaser or agent in a log kept for that purpose. In the event a certificateholder fails to maintain such log and record a request for delivery, then the date and time of such request shall be the date and time designated by the purchaser or agent.

Specific Authority 497.103 FS. Law Implemented 497.419(3)(a) FS. History—New 4-25-94, Amended 3-5-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Conservation and Recreation Lands	18-8
RULE TITLES:	RULE NOS.:
General and Definitions	18-8.002
Public Purposes and Categories of Lands	
Qualifying for Purchase	18-8.003
Submittal and Processing of Acquisition	
Proposals	18-8.005
Initial Review of Acquisition Proposals	18-8.006
Project Assessment	18-8.007
Project Design and Establishment of	
Project Boundaries	18-8.009

PURPOSE AND EFFECT: To repeal obsolete rules related to land acquisition under the former Conservation and Recreation Lands (C.A.R.L.) Program.

SUMMARY: This rule chapter is being repealed because the CARL and P-2000 statutes are obsolete to the extent they relate to the acquisition of such lands. In 1999, the Florida Legislature created a new land acquisition program for conservation lands to be purchased by the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), codified in ss. 259.105-259.1051, Florida Statutes, the “Florida Forever” Program. The Board of Trustees has adopted rules in chapter 18-24, F.A.C., to address acquisition of conservation lands under the new program. Those rules supersede this rule chapter and make it obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 259.032, 259.035, 259.041 FS.

LAW IMPLEMENTED: 259.027, 259.03, 259.032, 259.035, 259.041, 259.101 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 RULES IS: William Howell, Office of Environmental Services, Division of State Lands, Department of Environmental Protection, M.S. 140, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)487-1750

THE FULL TEXT OF THE PROPOSED RULES IS:

18-8.002 General and Definitions.

Specific Authority 259.032, 259.035, 259.041 FS. Law Implemented 259.032, 259.035, 259.041, 259.101 FS. History—New 8-4-86, Formerly 16Q-2.02, Amended 6-5-96, Repealed_____.

18-8.003 Public Purposes and Categories of Lands Qualifying for Purchase.

Specific Authority 259.032, 259.035, 259.041 FS. Law Implemented 259.027, 259.03, 259.032, 259.041, 259.101 FS. History—New 8-4-86, Formerly 16Q-2.03, Amended 6-5-96, Repealed_____.

18-8.005 Submittal and Processing of Acquisition Proposals.

Specific Authority 259.035, 259.041 FS. Law Implemented 259.03, 259.032, 259.035, 259.04, 259.041, 259.045, 259.101 FS. History—New 8-4-86, Formerly 16Q-2.05, Amended 6-5-96, Repealed_____.

18-8.006 Initial Review of Acquisition Proposals.

Specific Authority 259.032, 259.035, 259.041 FS. Law Implemented 253.023, 259.032, 259.101, 259.035, 259.04, 259.045, 375.021 FS. History—New 8-4-86, Formerly 16Q-2.06, Amended 6-5-96, Repealed_____.

18-8.007 Project Assessment.

Specific Authority 259.032, 259.035 FS. Law Implemented 253.03, 259.03, 259.032, 259.034, 259.035, 259.045, 259.101 FS. History—New 8-4-86, Amended 6-5-96, Repealed_____.

18-8.009 Project Design and Establishment of Project Boundaries.

Specific Authority 259.032, 259.035 FS. Law Implemented 253.03, 253.034, 259.035, 259.04, 259.041, 259.101 FS. History—New 8-4-86, Amended 6-5-96, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Eva Armstrong, Director, Division of State Lands
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eva Armstrong, Director, Division of State Lands
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 14, 2002

PUBLIC SERVICE COMMISSION

DOCKET NO. 011368-GU

RULE TITLE: Code of Conduct
 RULE NO.: 25-7.072

PURPOSE AND EFFECT: The purpose and effect of the rule is to prevent cross-subsidization by natural gas utilities of their unregulated marketing affiliates to avoid giving them an unfair advantage over competitors.

SUMMARY: The rule defines marketing affiliate as an unregulated subsidiary of a gas utility that sells gas to a transportation customer on the gas utility’s system. The rule requires that tariff provisions be applied in the same manner to affiliated and non-affiliated marketers, including as to transportation or curtailment priority matters. Non-public information is not to be shared with affiliates unless made available contemporaneously to non-affiliate market participants. The rule prohibits sharing of employees directly responsible for gas transportation operations of the utility with the marketing affiliate and requires that the marketing affiliate be charged fully allocated costs for services provided by the utility. The rule further requires that there be no tying of discounts for transportation to participation of an affiliate, no preferences toward affiliates regarding temporarily available gas or capacity, separate books and records from the affiliate and no affirmative promotion or advertising of the relationship between the utility and affiliate for the purpose of soliciting subscribership.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Statement of Estimated Regulatory Costs (SERC) summarizes the rule, and estimates that 8 natural gas utilities and an unknown number of affiliates are affected. The SERC finds that ratepayers will benefit if the rule prevents cross-subsidization. The SERC states that neither the PSC nor other state agencies will experience costs other than those involved in rule promulgation. Peoples Gas estimated that costs from the rule would be immaterial. Central Florida Gas estimated the cost of an additional employee, furniture, and relocation of existing employees to total \$85,500. City Gas noted a variety of costs without specifying

amounts. Small businesses, small cities and small counties might benefit to the extent they are customers of a natural gas utility or a competitor of an affiliate.

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: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.05(1) FS.

Written comments or suggestions on the proposed rule may be submitted to the FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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

TIME AND DATE: 9:30 a.m., Thursday, April 4, 2002

PLACE: Room 152, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.072 Code of Conduct.

(1) Definition. Marketing Affiliate means an unregulated business entity that is a subsidiary of a gas utility or is owned by or subject to control by the gas utility’s parent company, and sells gas at the retail level to a transportation customer on the gas utility’s system.

(2) Application of Tariff Provisions. A gas utility will apply tariff provisions relating to gas transportation service in the same manner to similarly situated marketers, brokers, or agents, whether or not they are affiliated with the gas utility. In addition, a gas utility:

(a) Will not, through a tariff provision or otherwise, give its Marketing Affiliate or its Marketing Affiliate’s customers, preference over non-affiliated marketers or their customers in

matters relating to gas transportation or curtailment priority, specifically including the manner and timing of the processing of requests for transportation service;

(b) Will not disclose, or cause to be disclosed, to any marketer, broker or agent.

1. Previously non-public information about a customer without that customer's prior authorization, or

2. Previously non-public information the gas utility receives through its processing of requests for or provision of transportation service, unless such information is contemporaneously made available to similarly situated market participants;

(c) Will not share with its Marketing Affiliate any of its employees having direct responsibility for the day-to-day operations of a gas utility's transportation operations, including employees involved in:

1. Receiving transportation service requests or tariff sales requests from customers (customer service inquiry employees);

2. Scheduling gas deliveries on the gas utility's system;

3. Making gas scheduling or allocation decisions;

4. Purchasing gas or capacity; or

5. Selling gas to end users behind the city gate, and such employees will be physically separated from the gas utility's Marketing Affiliate.

(d) Will charge the Marketing Affiliate the fully allocated costs for any general and administrative and support services provided to Marketing Affiliate.

(e) Will not condition or tie an offer or agreement to provide a transportation discount to a customer to a requirement that the gas utility's Marketing Affiliate is involved in the transaction.

(f) Will not give preference to its Marketing Affiliate regarding temporarily available gas or capacity, but will make temporarily available gas or capacity available to all similarly situated market participants;

(g) Will maintain its books and records separately from those of its Marketing Affiliate; and

(h) May not affirmatively promote or advertise its affiliate's relationship with the utility for the purpose of soliciting subscribership.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.05(1) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Wayne Makin

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 27, No. 30, July 27, 2001

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the department's dress requirements.

SUMMARY: The proposed rule clarifies who is responsible for determining policy regarding the wearing of neckties; provides that the medical statement for exemption to the shaving policy must be made by a physician; authorizes employees to purchase additional polo shirts and BDU trousers from the employees club; clarifies ironing requirements for uniforms; clarifies how uniforms are transferred and replaced; clarifies hair length requirements for female officers; clarifies when particular uniforms are required or optional; and clarifies which clothing items will be provided by the department and which will be provided by the employee.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) The following grooming standards shall apply to all Department of Corrections employees:

(a) through (e) No change.

(f) Policies regarding the wearing of neck ties for office staff will be determined by the Secretary, Deputy Secretary and Office Directors ~~Assistant Secretaries, regional directors, circuit administrators and wardens.~~

(g) through (k) No change.

(2) In addition to the standards set forth in (1), all male employees shall comply with the following grooming standards:

(a) Hair will not completely cover any part of the ear or go below the ear or extend below 1/2 inch of the top of the collar.

(b) Sideburns shall not extend below the bottom of the ear, shall not be flared, and shall not connect with a mustache.

(c) A neatly trimmed mustache may be worn, but shall not extend below or in excess of 1/4 inch beyond the corners of the mouth or extend below the upper lip.

(d) The face will be clean shaven other than the wearing of an acceptable mustache or sideburns. Beards and goatees are prohibited.

(e) The only exception to the shaving policy shall be based on medical need. Any employee who cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a physician ~~dermatologist or other skin specialist~~ stating the medical condition, describing proposed treatment, and stating whether it is a temporary or permanent condition. If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate Assistant Secretary or Deputy Secretary. The Deputy Secretary or Assistant Secretary may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent exemption will be approved by the regional director, assistant secretary, or deputy secretary. Facial hair in cases of exemption shall be neatly trimmed to 1/4 inch.

(3) The following are conditions and requirements for wearing department uniforms:

(a) No change.

(b) The uniform, when required of the position, shall be worn in a complete or full manner at all times while an employee is performing official duties. Uniforms are to be issued as soon as possible after employment. Correctional officers may be issued class A, B, C, D, E, F or G uniforms depending upon their assignment. Employees shall be authorized to purchase additional class D uniform polo shirts and class C and D uniform BDU trousers from the employee's club. The uniform or any parts of it furnished by the department are not to be worn during off-duty hours or when an employee is not acting in an official capacity except when traveling directly to and from work. No part of the uniform may be duplicated by an employee for any purpose.

(c) At all times, uniforms are to be in serviceable condition, neat in appearance, clean and properly worn as provided in this rule. Class A uniforms will be starched and neatly pressed. Class B and C uniforms will be neatly pressed. All foot wear shall be shined to a high gloss, except that medical staff are authorized to wear shoes that present a clean white appearance that may have a flat finish.

(d) Employees are solely responsible for alterations to and the care of uniforms and clothing issued by the department. Instructions for care which are attached to each item of clothing should be followed. Unless specified otherwise, the laundering and cleaning of clothing items issued to employees is the responsibility of the employee. The laundering and cleaning of correctional officer class A, B, C, D, F, and G uniforms is the responsibility of the employee. The department shall be responsible for the cleaning of the class E ~~or~~ (battle dress utility) uniforms issued to correctional emergency response teams, confrontation control force, shotgun and chemical agent teams, but the cleaning shall not be performed at the institution. Any items of department issued clothing, including correctional officer uniforms, which have been contaminated by blood or other body fluids shall be left at the institution to be laundered at an outside facility to prevent contamination outside the work area. All contaminated items shall be kept together apart from non-contaminated laundry and shall be clearly marked as contaminated for transmission to a professional laundering service. Contaminated items shall be placed in a water soluble bag and then placed in a yellow plastic bag labeled "Contaminated Linen" and sealed shut. Personnel handling the yellow bag during transport to the commercial laundry shall wear disposable latex gloves and shall inform personnel at the commercial laundry that the items in the bag are contaminated. Employees shall bear the cost of replacements of items lost or damaged due to improper use, care or maintenance of the item. Restitution is to be in the amount equal to the cost of the articles of clothing lost or damaged, or equal to the cost of replacement, whichever is less.

(e) Uniforms and clothing issued by the department are the property of the state and must be returned to the department upon termination of employment. Employees shall be allowed to retain issued uniforms and clothing when transferring to another institution of the department. Prior to the transfer, the transferring employee must update his or her Individual Clothing Record, Form DC2-816, submit a list of department issued clothing in his possession and must make restitution for any lost or missing clothing which was issued prior to transfer. Form DC2-817, Authorization for Uniform Replacement, shall be used by officers requesting replacement of worn or otherwise unserviceable uniforms. Forms DC2-816 and DC2-817 are incorporated by reference in subsection (9) of this rule. Unserviceable clothing shall be rendered unwearable by shredding after the removal of all patches.

(f) Jewelry.

1. No necklaces, chains or medallions shall be worn around the neck such that they are visible while in uniform.

2. The only visible jewelry allowed shall be wrist watches, wedding bands, engagement rings and earrings (females only).

a. Female staff shall be allowed to wear post or clip-on earrings on the earlobes only.

b. Only one pair of earrings will be worn at a time.

c. For safety purposes, earrings shall not be hooped or dangling.

(g) Fingernails.

1. Fingernails will be neatly trimmed and clean with no designs.

2. Fingernails shall be rounded at the tips and shall not extend more than 1/4 inch past the end of the finger.

3. Polish, if worn, shall be clear or solid in color. Only female officers are authorized to wear nail polish.

(h) Sunglasses.

1. Sunglasses with green, brown, black or gray lenses are authorized for wear out of doors.

2. No neon (day glow) frames will be allowed.

3. No mirrored sunglasses will be allowed.

(i) Hair length.

1. Male correctional officers shall adhere to standards outlined in (2)(a).

2. Female correctional officers will not wear their hair beyond the shoulders or yoke of the shirt. When wearing the class D uniform polo shirt, the hair shall not extend beyond the point where the yoke would be on a comparable class A, B or C uniform shirt.

3. When wearing a hat, female officers will wear their hair in a manner so as not to interfere with the fit or proper wearing of the hat.

(j) Hair style.

1. Hair will be clean, neat and present a groomed appearance.

2. If the hair is dyed, only natural shades will be permitted.

3. Hair clips or barrettes for female correctional officers shall blend in with the hair, i.e., gold, silver, black or brown of solid color.

(k) through (l) No change.

(4) The following provisions shall apply to employees in the positions of correctional officer colonel, correctional officer major, correctional officer captain, correctional officer lieutenant, correctional officer sergeant and correctional officer. For the purposes of this rule, "correctional officer" is used to refer to the individual position or the class which includes all of the above-listed positions.

(a) Class A Uniform.

1. The correctional officer class A uniform issued by the department shall be worn only while performing official duties as determined by the warden.

2. The class A uniform will be mandatory for all court appearances. The class A uniform will consist of:

~~a.1. Brown wool blend trousers with black stripes. One pair of correctional officer class A uniform wool blend trousers will be issued to be worn for official court appearances or other authorized functions.~~

~~b.2. White long sleeve shirt for correctional officer lieutenant and above and long sleeve silver tan shirt for correctional officers and sergeants. One shirt will be issued. Hash marks to denote years of service will be worn on the left sleeve of the class A shirt. Each hash mark will denote three cumulative years of service with the agency. The hash marks will be affixed to the left sleeve with the lowest point one inch above the cuff seam angling backward and up at a forty five degree angle. The rear of the hash mark will align with the pressed crease of the shirt. The class A shirt will be worn fully buttoned at all times.~~

(b) Class B Uniform.

1. The correctional officer class B uniform shall consist of brown poly-cotton trousers with a black stripe and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. The class B uniform will be optional (as determined by the employee) worn for general institutional duties. ~~The class B uniform will not be worn for court appearances.~~

(c) Class C Uniform.

1. The correctional officer class C uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white uniform shirt for lieutenant and above and silver tan uniform shirt for correctional officer and sergeant.

2. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

3. The class C uniform will be optional (as determined by the employee) for general institutional duties.

(d) Class D Uniform.

1. The correctional officer class D uniform issued by the department shall consist of poly cotton blend brown Battle Dress Utility (BDU) trousers and white polo type shirt for lieutenant and above and silver tan polo type shirt for correctional officer and sergeant.

2. Polo type shirts may only be worn with BDU trousers.

3. Polo type shirts will include an embroidered correctional officer badge over the left shirt pocket. The badge will include the rank of the staff member.

4. BDU trousers will be bloused military style and worn only with military jump style or lightweight law enforcement type boots supplied by the employee. The BDUs will not be worn with low cut shoes.

5. The class D uniform will be optional (as determined by the employee) for general institutional duties.

(e) Class E Uniform.

1. The correctional officer class E uniform issued by the department shall be issued only to C.E.R.T and to the Rapid Response Team (baton squads, shotgun and chemical agent teams) members which are baton squads, shotgun and chemical agent teams.

2. The class E uniform shall consist of a brown battle dress utility pants and shirt for rapid response uniform for baton squads, shotgun and chemical agent teams and black for C.E.R.T.

3. The class E uniform shall be worn with military style black jump or combat boots which will be provided by the department.

4. Class E These uniforms are only to be worn when the teams are responding to an emergency or during training.

a. During training, the battle dress utility shirt is optional. T-shirts can be worn for training.

b. The department uniform cap shall be worn during training and other events when the helmet is not being worn.

c. The caps and T shirts will be provided by the department and will match the battle dress utility pants which will be worn during training.

d. Two sets of class E uniforms will be issued to each team member. One uniform shall be maintained with assigned equipment at all times to ensure the team member is in a constant state of readiness.

(f) Class F Uniform.

1. The class F uniform shall be issued to tracking canine officers and shall consist of:

a.1. Brown or camouflage BDU or brush pants. The camouflage color shall be appropriate for the season and surrounding terrain as determined by the warden.

b.2. No change.

a. through e. renumbered I. through V. No change.

f. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.

3. through 12. renumbered c. through l. No change.

2. During actual escape and recapture situations, canine staff may remove any reflective uniform items or any items that would interfere with the stealth of the camouflage uniform.

13. through 14. renumbered 3. through 4. No change.

(g) Class G Uniform. The class G uniform will be issued to narcotic K-9 handlers and shall consist of:

1. Blue six-pocket BDU style pants, which shall be worn bloused inside the boot.

2. Blue polo style shirt. Insignias will be consistent for all handlers as determined by the Inspector General.

3. Black nylon duty belt. Only department issued or approved items shall be worn on the belt.

4. Black military-style jump boot (Hi-tech, Rocky, Bates) provided by the department;

5. Black cut-resistant search gloves. Gloves will be full-fingered.

6. Leather badge holder.

7. Blue baseball-style cap with department insignia.

8. Narcotics k-9 handlers will be issued five pairs of pants, three long-sleeved shirts and five short-sleeved shirts.

(h) The following items may be worn with the correctional officer uniform as defined below:

1. through 3. No change.

4. Western style riding hat – authorized for wear by correctional officers assigned to field labor squads when outside the secure perimeter of the correctional facility. The western style riding hat will be furnished by the department.

5.4. No change.

6.5. Correctional officer badges.

a. Badges shall be issued to all certified correctional officers regardless of their work location.

b. Correctional officer badges will be issued by the department to be worn as part of the class A, class B, and class C uniform.

c. The badge will be worn approximately one-half inch above the left shirt pocket centered on the fashion seam and affixed through the pre-sewn holes, or for uniforms without pre-sewn holes, affixed through the fabric. Officers wearing the polo shirt are authorized to wear the department issued badge on a black leather badge holder furnished by the employee. The badge holder will be affixed to the duty belt and will be worn on the left side of the trousers. Wearing the department issued badge carries a significant responsibility. The wearer is not only representing the department of Corrections, but the law enforcement community and the State of Florida.

d. The badge shall be routinely cleaned and presented in a manner so as to reflect the pride and professionalism of the Department of Corrections.

e. Use of the issued badges as credentials for personal purposes is prohibited.

f. Only badges issued by the department shall be used to conduct officially designated duties.

g. The badge shall be 2 1/4" × 1 15/16" in size, silver colored metal for correctional officers and sergeants and gold color for lieutenants and above with black lettering, and pre-numbered with a pin clasp for securing to the shirt.

h. The badges shall be issued to certified officers upon employment and will not be provided to uncertified officers until after certification is received.

i. Correctional officers shall be responsible for reimbursing the department for any issued badge which is lost or stolen.

j. Issued badges are considered state property and, except for retirement under specific conditions, shall be returned to the department upon the officer's termination of employment with the department or removal from a position within the correctional officer class series.

k. Correctional officers who retire from the department under honorable conditions and are eligible to retire under the State of Florida retirement system, including retirement under medical disability, shall be authorized to retain their issued badges.

l. Correctional officers of any rank who are promoted, transferred, or otherwise relocated shall return their badges to the warden of the institution the staff member is departing. If an officer who is being promoted requests to keep the badge, he or she shall be allowed to do so upon reimbursement of the department of the cost of a replacement badge.

m. The institution receiving the staff member will issue a new badge to the officer from that institution's inventory.

n. Badges will not be issued to canines.

7.6- Rank Insignias.

a. Sergeant pin for correctional officer sergeants shall be worn on the collar military style with class A, B, C, F, and G uniforms.

7. through 10. renumbered b. through e. No change.

11. through 12. renumbered 8. through 9. No change.

10.13- Chrome Whistle, as authorized by the warden, worn with class A, B, C, F, and G uniforms. Whistles will be the same color as the rank insignia and, if worn, must be furnished by the employee department.

11.14- Service Pin. The department service pin is authorized to be worn above the nameplate with class A, B, and C uniforms.

12.15- Shift Supervisor Patch. Correctional officer supervisors assigned as shift supervisors are authorized to wear the shift supervisor patch with class A, B, and C uniforms. When worn, the shift supervisor patch will be sewn directly above the flag patch on the right shirt-sleeve.

13.16- Meritorious Service Pin.

a. The meritorious service pin (quality award) is worn over the right shirt pocket, one half inch above the nameplate, centered on the military crease (vertical fashion seam) with class A, B, and C uniforms.

b. For those staff members who have service in excess of five years and are presently displaying a regular service pin as part of their uniform dress, the regular service pin will be relocated one half inch to the left of the military seam and the

meritorious service pin will be displayed one half inch to the right of the military seam. Both pins will be situated one half inch above the nameplate.

c. When additional department issued pins are worn, they will be displayed using the following formula: odd numbers of pins one half inch above the first row of pins and centered on the military crease; even numbers of pins one half inch above and centered over lower rows of pins.

14.17- Emergency Response Team (E.R.T.) Pin.

a. The E.R.T. pin will be issued to C.E.R.T., emergency response teams and canine teams for wear with class A, B and C uniforms.

b. The E.R.T. pin shall be worn one half inch above the left shirt pocket and centered on the military crease.

15. Drill Instructor Pins.

a. Drill instructor pins (for basic training program officers only) will be worn one half inch above the left shirt pocket and centered on the military crease.

b. If worn along with the E.R.T. pin, the drill instructor pin will be worn one half inch above the E.R.T. pin. K-9 or other squad pins will no longer be worn on the uniform.

16.18- Flag Patches. Flag patches shall be sewn one inch below the shoulder crease on the right shirt sleeve of the uniform shirt. When worn, the institutional rocker emblem shall be sewn or otherwise affixed directly over the department emblem on the left shirt sleeve.

17.19- Gloves.

a. Glove pouches for disposable latex or vinyl gloves will be issued to all officers.

b.20- No change.

c.21- No change.

18.22- Shoes and Boots.

a. Shoes shall be black, plain-toed military style.

b. Boots, including Hi-Tech types are permissible with uniform pants but are mandatory with BDU pants. The boots must be black with a plain toe, regular heel, and no decorative stitching. Black side webbing inserts are permissible. Heels shall not exceed one and one half inches in height.

c. All footwear must be capable of maintaining a high gloss.

19.23- Belts. Belts must be black, 1 1/2 to 1 5/8 inches in width, with either a silver colored open-face metal buckle or a bronze buckle bearing the department emblem. Buckles must be approximately the same width as the belt.

20.24- Socks.

a. Socks must be black.

b. If white socks are needed for medical reasons, the employee shall be required to wear socks with a white foot and black upper part or white socks can be worn under black ones.

c. Female officers shall be allowed to wear flesh-tone stockings.

21.25. Ponchos and Raincoats. Plain see-through ponchos or raincoats with no logos are authorized for wear.

22.26. Maternity Uniforms. Pregnant officers will be issued maternity uniforms upon request. At least four maternity uniforms will be issued.

23.27. Windbreakers. The ~~b~~Brown department windbreaker ~~is~~ – authorized to be worn with the class B, C, D, E, F, or G uniform. Additionally, non-uniformed staff are authorized to wear a brown or black department windbreaker.

(i) The standard department issue of uniforms will be as follows:

1. through 6. No change.
7. One brown outer-wear coat jacket;
8. through 9. No change.
10. One brown clip-on tie.

~~(5) All staff assigned to the correctional officer class B shall wear the correctional officer uniform.~~

~~(5)(6)~~ No change.

~~(6)(7)~~ The following guidelines shall apply to those correctional officers assigned to boot camp facilities and those staff assigned to supervise the basic training program for youthful offenders.

(a) Correctional officers assigned to supervise boot camp facilities, ~~or~~ the basic training program and extended day programs shall wear either the class C or class D uniform. The jump boots will be furnished by the department.

(b) Correctional officers assigned to supervise boot camp facilities shall be authorized to wear military style drill instructor hats provided by the department.

(b) through (i) renumbered (c) through (j) No change.

~~(8) Correctional officers assigned to food service will be required to wear the correctional officer class B or C uniform in accordance with (4)(b) and (c) of this rule except for court and special occasions where the food service officer will be required to wear the class A uniform. Smocks will be issued and shall be worn over the uniform for protection. Smocks shall be casual cabana style, silver tan in color, with the Department of Corrections' emblem on the left sleeve.~~

(9) through (11) renumbered (7) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jerry Vaughan

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 20, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE RULE NO.:

Variations from Specified Review Criteria for Environmental Resource Permits 40E-0.113

PURPOSE AND EFFECT: The SFWMD is amending the existing variances rule to be consistent with the statutory timeframes imposed upon agencies to grant or deny petitions for variances or waivers.

SUMMARY: The proposed rule amendment provides specificity as to timeframes set forth in Section 120.542(8), F.S., (the “90 day timeclock”).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD. Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373,414(17) FS.

LAW IMPLEMENTED: 403.210 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-0.113 Variances from Specified Review Criteria for Environmental Resource Permits.

(1) through (4) No change.

(5) The District shall grant or deny a petition for variance or waiver within 90 days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition.

~~(6)~~(5) The District shall prepare a notice of proposed agency action regarding the petition for a variance. The District shall publish this notice one time in the Florida Administrative Weekly, and one time in a newspaper of general circulation, as defined in Section 50.031, F.S., in the county in which the property for which the variance is sought is located.

~~(7)~~(6) Renewals of variances shall be applied for in the same manner as the initial variance.

Specific Authority 373.044, 373.113, 373.171, 373.414(17) FS. Law Implemented 403.201 FS. History--New 9-2-98, Amended 6-12-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Application Processing Fees

RULE NO.: 40E-1.607

PURPOSE AND EFFECT: The SFWMD is amending its permit application processing fees rule to reduce permit fees for certain environmental restoration and enhancement projects. The proposed fee reduction is expected to serve as an incentive to encourage certain environmental and restoration projects.

SUMMARY: The proposed rule amendment provides a reduced permit fee of \$100 for environmental restoration or enhancement activities that are not associated with a mitigation bank and are not being implemented as mitigation for other Part IV, Ch. 373, F.S. permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.109, 373.421(6)(b) FS.

LAW IMPLEMENTED: 373.109, 373.421(6)(b) FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.607 Permit Application Processing Fees.

Table 40E-1.607(1) through Table 40E-1.607(2) No change.

(3)(a) Environmental Resource Permit Application processing fees are in the following table:

TABLE 40E-1.607(3)(a)

PERMIT APPLICATION PROCESSING FEES FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS

REVIEWED PURSUANT TO CHAPTERS 40E-4, 40E-40, AND 40E-400, F.A.C.

Fee amounts shall apply to applications for conceptual and construction, or conceptual, or construction, except as noted.

Table 40E-1.607(3)(b) through Table 40E-1.607(5) No change.

Category	Amount
New Individual Permit, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$3050
All others	\$5000
Project area 100 acres to less than 640 acres	
Agriculture	\$4000
All others	\$7500
Project area 640 acres or more	
Agriculture	\$5000
All others	\$10,000
New Individual Permit, Mitigation Bank	
Project area less than 100 acres	\$5000
Project area 100 acres to less than 640 acres	\$7500
Project area 640 acres or more	\$10,000
Individual Permit Modification, except Mitigation Bank	
Project area less than 100 acres	
Agriculture	\$2050
All others	\$3500
Project area 100 acres to less than 640 acres	
Agriculture	\$2500
All others	\$5000
Project area 640 acres or more	
Agriculture	\$3500
All others	\$7500
Individual Permit Modification, Mitigation Bank	
Project area less than 100 acres	\$3500
Project area 100 acres to less than 640 acres	\$5000
Project area 640 acres or more	\$7500
New Standard General Permit (excluding incidental site activities pursuant to Section 40E-40.042, F.A.C.)	
Agriculture	\$650
All others	\$2000
Standard General Permit Modification including Application for phase construction under a Conceptual Approval Application for individual permit modification for a system which does not exceed the criteria in Section 40E-40.041, F.A.C. and which is not required to obtain an individual environmental resource permit for the reasons in Rule 40E-40.011(2), F.A.C.	
Agriculture	\$500
All others	\$1000
Noticed General Permit pursuant to Chapter 40E-400, F.A.C., including aquaculture	\$100
Single family residential homesite consisting of 10 acres or less in total land area	\$100
Standard General Permit for incidental site activities pursuant to Section 40E-40.042, F.A.C.	\$500

Transfer of permit (including Mitigation Bank) to another entity pursuant to Sections 40E-1.6107 and 40E-4.351, F.A.C.	\$450
Variance associated with an environmental resource permit application	
From Rule 40E-4.301(1)(e), F.A.C.	\$100
From other permitting standards, permit conditions, or water quality standards	\$500
New Individual Operation Permit	\$3500
Letter Modification	\$100
<u>New Individual or Standard General Permits, or Individual or Standard General Permit Modifications, solely for environmental restoration or enhancement activities provided such activities are not associated with a mitigation bank and are not being implemented as mitigation for other activities that require a permit under Part IV of Chapter 373, F.S. Such activities may include incidental passive recreation and facilities to provide public access to the environmental restoration or enhancement site.</u>	\$100

Specific Authority 373.109, 373.421(6)(b) FS. Law Implemented 403.201 FS. History—New 1-8-89, Amended 1-2-91, 11-15-92, 6-1-93, 1-23-94, 10-3-95, 4-1-96, 11-8-99, 5-24-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Forms and Instructions
 RULE NO.: 40E-1.659

PURPOSE AND EFFECT: The SFWMD is amending the existing forms and instructions rule to add and incorporate by reference a “Performance Bond to Demonstrate Financial Assurances” and an “Irrevocable Letter of Credit to Demonstrate Financial Assurance.” The rule is also being amended to update the SFWMD’s regional service center addresses.

SUMMARY: The proposed rule amendments provide two new forms to be utilized by the regulated community and updates SFWMD regional service center addresses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD. Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.113 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form

No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District Utilization of District Works and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.

0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	8-90	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	7-87	Notice of Intent to Short-term Dewater
0483	8-95	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer
0645	8-95	Water Use Permit Application
0659	3-94	Notice of Intent to Use Water in Conjunction with Oil Well Drilling in Lee, Collier and Hendry Counties
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881	8-95	Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification
0889	8-95	Transfer of Permit to the Operating Entity
0938	8-95	Mitigation Construction Commencement Notice
0941	8-95	Environmental Resource Standard/Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.
0960	8-95	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0961	8-95	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0970	8-95	Applicant Transmittal Form for Requested Additional Information

- 0971 8-95 Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
- 0972 8-95 Petition for a Formal Wetland and Surface Water Determination
- 0973 8-95 Above Ground Impoundment Inspection/Certification Report
- 0974 8-95 Notice of Intent to Construct a Minor Silvicultural System
- 0980 8-95 Notice of Intent to Use a Noticed General Environmental Resource Permit
- XXXX X-XX Performance Bond to Demonstrate Financial Assurance
- XXXX X-XX Irrevocable Letter of Credit to Demonstrate Financial Assurance

(2) The forms and instructions listed in subsection (1) are available without cost from the following District Service Centers upon request:

(a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036 ~~Big Pine Key Service Center, Marshall Building, Unit 9, Route 5 Box 183-H, Big Pine Key, FL 33043;~~

(b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901 ~~Ft. Myers Service Center, Key West Professional Center, 1342 Colonial Blvd., Suite 81, Ft. Myers, FL 33907;~~

(c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033 ~~Okeechobee Service Center, 305 East North Park Street, Suite A, Okeechobee, FL 349973 2033;~~

(d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809 ~~Orlando Service Center, Lake Eleanor Center, 1756 Orlando Central Parkway, Orlando, FL 32809;~~

(e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130 ~~Miami Service Center, Kendar Building, 1550 Mandruga Avenue, Suite 412, Coral Gables, FL 33146;~~

(f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109 ~~Naples Service Center, 6167 Janes Lane, Naples, FL 33942;~~ and

(g) No change.

Specific Authority ~~120.53, 373.044, 373.113~~ FS. Law Implemented ~~120.53, 373.113~~ FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Thresholds

RULE NO.: 40E-4.0415

PURPOSE AND EFFECT: The SFWMD is amending the existing environmental resource permit thresholds rule to specify that ditches and wholly owned ponds constructed in uplands and any isolated wetlands with a surface area of less than 0.5 acres will not be included in the calculation of acreage of “impacts to wetlands and other surface waters” for purposes of determining whether a project exceeds the one acre impact threshold for Standard General Permits. Additionally, the SFWMD is creating a new section in the environmental resource permit thresholds rule (40E-4.0415(b)(3)) to allow phases of a project that have a valid environmental resource/surface water management conceptual permit to be permitted at the staff level provided that the specific phase is consistent with the original conceptual approval which includes information on wetlands and discharge points.

SUMMARY: The proposed rule amendments will amend the existing permit thresholds to exclude wholly owned ponds, ditches and isolated wetlands with a surface water area of less than 0.5 acres. Also, phases within a conceptually approved project shall be processed as standard general permits provided that the permit application is consistent with the original Conceptual Approval which includes design information on wetlands and discharge points.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.406(5) FS.

LAW IMPLEMENTED: 373.118(1), 373.413(1) FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.0415 Permit Thresholds.

(1) No change.

(a) No change.

(b) Construction or alteration of the system, including dredging or filling, is proposed in, on, or over a total of one acre or more of wetlands or other surface waters; ~~or~~ however, calculation of the one acre area shall not include:

1. Ditches and wholly owned ponds that were constructed in uplands;

2. Any isolated wetlands with a surface area of less than 0.5 acres.

(c) No change.

(2) No change.

(3) Notwithstanding the provisions of subsection (1);

(a) The Governing Board may designate specific geographic areas within which individual or standard general environmental resource permits shall be required for the construction, alteration, operation, maintenance, removal or abandonment of surface water management systems which fall below any thresholds or activities set forth in this rule.

(b) Phases within a conceptually approved project shall be processed as standard general permits provided:

1. The proposed activity is consistent with the conceptual approval permit;

2. The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required); and

3. The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History–New 9-3-81, Formerly 16K-4.021(1)(a),(2), 16K-4.022(1)(a),(b), Amended 12-1-82, 7-26-87, 11-15-92, 4-20-94, 10-3-95, 5-28-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: Rule 40E-4.091(1)(a), F.A.C., incorporates by reference the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January, 2001” (ERP BOR). Included as part of the ERP BOR are Appendices 2, 3, and 6. This rulemaking initiative proposes to amend Appendix 6, entitled “Above Ground Impoundments” by revising the reporting requirements and the typical special condition language.

SUMMARY: Appendix 6 of the SFWMD’s ERP BOR specifies for the benefit of the regulated community the appropriate criteria applicable to the construction and operation of above ground impoundments associated with surface water management systems. An above ground impoundment is defined in Section 373.403(1), F.S., as a “dam”, which means “any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.” Specifically, the proposed revisions to Appendix 6 clarify that inspection reports of the conditions of such above ground impoundments must be retained by the permittee and made available to SFWMD staff upon request. Additionally, the typical special condition for all above ground impoundments sets forth with particularity that permittees must inspect on an annual basis the above ground impoundment, control structure, levee and berm for structural integrity and memorialize the inspection via a report signed and sealed by a Florida Professional Engineer. In the event that any deficiencies are found which may impact off-site areas, the report must detail proposed techniques and schedules for repairs, as necessary, and be submitted to SFWMD staff.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.416, 373.418, 373.421, 373.426 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ January 2001".

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441, 373.171 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to "Appendix 6 – Above Ground Impoundments" of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001")

APPENDIX 6

ABOVE GROUND IMPOUNDMENTS

1.0 through 3.0 No change.

4.0 OPERATION AND MAINTENANCE

4.1 Reporting

Inspection Reporting of impoundment conditions, repairs, etc. will be a continuing process required by permit special condition. Inspection reports are to be retained by the permittee and copies made available to the District upon request. The District will indicate those general areas of interest for which reporting is required, but it It is the basic responsibility of the permittee to initiate interim reporting and/or more detailed reporting to the District as conditions change, emergencies or problems arise, etc. It is expected that Major impoundments will be reported in accordance with the operation and maintenance manual and emergency response and evacuation plan adopted at the time of permit issuance, with updates as necessary.

4.2 No change.

4.3 Typical Special Condition

4.3.1 UPON COMPLETION OF CONSTRUCTION, AND ON AN ANNUAL BASIS (IN MARCH OF EACH YEAR) THE PERMITTEE SHALL HAVE AN INSPECTION PERFORMED TO ASSESS THE STRUCTURAL ADEQUACY OF ALL ABOVE GROUND DIKES, CONTROL STRUCTURES, LEVEES AND BERMS BEHIND WHICH WATER IS TO BE CONTAINED AND WHERE FAILURE COULD IMPACT OFF-SITE AREAS. A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF FLORIDA SHALL PERFORM EACH INSPECTION AND PREPARE EACH REPORT. THESE REPORTS SHALL BE SIGNED AND SEALED BY THE PROFESSIONAL ENGINEER PERFORMING THE INSPECTION, KEPT ON FILE BY THE PERMITTEE AND MADE AVAILABLE TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) PERSONNEL UPON REQUEST. IF DEFICIENCIES ARE FOUND THAT WILL AFFECT THE PERFORMANCE OF THE IMPOUNDMENT, A REPORT WHICH IS SIGNED AND SEALED BY THE ENGINEER PERFORMING THE INSPECTION SHALL BE SUBMITTED TO THE DISTRICT

WHICH INCLUDES, BUT IS NOT LIMITED TO, THE PROPOSED TECHNIQUE AND SCHEDULE FOR REPAIR OF ANY DEFICIENCIES NOTED.

4.3 Typical special permit conditions

~~4.3.1. Upon completion of construction, or alteration the permittee shall submit a report to this District of engineering adequacy of all above ground dikes, levees and berms behind which water is to be contained and where failure could impact off-site areas. Such reports shall include proposal of technique and schedule for repair of any deficiencies noted, and shall be signed and sealed by a Florida registered professional engineer.~~

~~4.3.2 On a semi-annual basis (in May and December of each year), the permittee shall submit reports to this District of engineering adequacy of all above ground dikes, levees and berms behind which water is to be contained and where failure could impact off-site areas.~~

5.0 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.2.2 "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District - January 2001" (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., concerning the exemption from mitigation for ponds constructed in uplands. For the mitigation exemption to apply, the ponds must be "wholly owned" and "completely" constructed in uplands and less than one acre in size.

SUMMARY: The proposed amendments to section 4.2.2.2, ERP BOR clarify that ponds must be wholly owned, completely constructed in uplands, and be less than one acre in order for the exemption from mitigation requirements to apply.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially

accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District - _____ January 2001".

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History-New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to Section 4.2.2.2 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001" incorporated by reference in Rule 40E-4.091(1)(a), F.A.C.)

4.2.2.2 Fish, Wildlife, Listed Species and their Habitats.

Alterations in wholly owned livestock watering ponds that were completely constructed in uplands and which are less than one acre in area and alterations in drainage ditches that were constructed in uplands will not be required to comply with the provisions of subsections 4.2.2 -4.2.2.3, 4.2.3-4.2.3.7, 4.2.5-4.3.8 unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 4.2.4-4.2.4.5 and 4.2.2.4. This provision shall only apply to those ponds and ditches which were constructed before a permit was required under Part IV, Chapter 373, F.S. or were constructed pursuant to a permit under Part IV, Chapter 373, F.S. This provision does not apply to ditches constructed to divert natural stream flow.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8 "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001" (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUMMARY: The proposed amendment to section 4.2.8, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(a) "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ "January 2001".

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to Section 4.2.8 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001” incorporated by reference in Rule 40E-4.091(1)(a), F.A.C.)

4.2.8 Cumulative Impacts.

Pursuant to paragraph 4.1.1(g), an applicant must provide reasonable assurances that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 4.1.1(c) and by evaluating the impacts to functions identified in subsection 4.2.2. If an applicant proposes to mitigate these adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface water, and consequently the condition for issuance in section 4.1.1(g), will be satisfied. The drainage basins within the District are identified on Figure 4.2.8-1.

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface water, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, then aAn applicant must provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

(a) through (b) No change.

~~Only~~ Those activities listed in paragraphs (a) and (b) which have similar types of adverse impacts to those which will be caused by the proposed system will be considered. (All citations in paragraphs (a) and (b) refer to provisions of Florida Statutes.)

Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

The cumulative impact evaluation is conducted using an assumption that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8.1 “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001” (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8.1, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUMMARY: The proposed amendment to section 4.2.8.1, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – ~~January 2001~~".

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to Section 4.2.8.1 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001")

4.2.8.1 Cumulative Impacts.

Cumulative impacts are considered unacceptable when the proposed system, considered in conjunction with the past, present, and future activities as described in 4.2.8, as set forth in subsection 4.1.1(c), would result in a violation of state water quality standards or significant adverse impacts to functions of wetlands or other surface waters, identified in subsection 4.2.2, within the same drainage basin when considering the basin as a whole. However, whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency

RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: The proposed rule is to amend the specific criteria of Section 4.2.8.2 "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001" (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., to reflect legislative revisions to the cumulative impact statute. Specifically, amendments to section 4.2.8.2, ERP BOR, specify that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUMMARY: The proposed amendment to section 4.2.8.2, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ January 2001".

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents proposed amendments to Section 4.2.8.2 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001")

4.2.8.2 Applicants may propose measures such as preservation to prevent cumulative impacts. Such preservation shall comply with the land preservation provisions in subsection 4.3.8. If unacceptable cumulative impacts are expected to occur, the applicant may propose mitigation measures as provided for in sections 4.3 through 4.3.8. Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

RULE NO.:

40E-4.091

PURPOSE AND EFFECT: The proposed newly created Section 4.2.8.3 "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – January 2001" (ERP BOR) incorporated by reference in Rule 40E-4.091(1)(a), F.A.C., reflects legislative revisions to the cumulative impact statute. Specifically, the proposed creation of new section 4.2.8.3, ERP BOR, specifies that if an applicant mitigates within the same drainage basin as the impacts, and the mitigation fully offsets the impacts, then the project will have no unacceptable cumulative impacts.

SUMMARY: The proposed creation of new section 4.2.8.3, ERP BOR reflects the legislative revisions to the cumulative impact statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

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

(a) "Basis or Review for Environmental Resource Permit Applications Within the South Florida Water Management District – _____ ~~January 2001~~".

(b) through (j) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 373.441 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

(The following represents the proposed creation of new Section 4.2.8.3 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – January 2001")

4.2.8.3 Mitigation Within the Same Drainage Basin as the Proposed Project

Whenever mitigation located within the same drainage basin fully offsets the proposed impacts to wetland functions as described in section 4.2.2 and to water quality, then the regulated activity does not result in unacceptable cumulative impacts within the same drainage basin.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Permit Thresholds

RULE NO.: 40E-40.041

PURPOSE AND EFFECT: The SFWMD is amending the existing permit thresholds for environmental resource standard general permits rule to specify that ditches and wholly owned ponds constructed in uplands and any isolated wetlands with a surface area of less than 0.5 acres will not be included in the calculation of acreage of "impacts to wetlands and other surface waters" for purposes of determining whether a project exceeds the one acre impact threshold for Standard General Permits. Additionally, the SFWMD is creating a new section in the existing permit thresholds for environmental resource standard general permits rule (40E-40.041(b)(3)) to allow phases of a project that have a valid environmental resource / surface water management conceptual permit to be permitted at the staff level provided that the specific phase is consistent with the original conceptual approval which includes information on wetlands and discharge points.

SUMMARY: The proposed rule amendments will amend the existing permit thresholds to exclude wholly owned ponds, ditches and isolated wetlands with a surface water area of less than 0.5 acres. Also, construction permits may be issued at the staff level for projects that are developing subsequent phases provided that the permit application is consistent with the original Conceptual Approval issued by the Governing Board and the phased project is consistent with the Conceptual Permit which includes design information on wetlands and discharge points.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared by the SFWMD.

Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.406(5), 373.413(1), 373.416 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002
 PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-40.041 Permit Thresholds.

(1) No change.

(2) Threshold conditions are as follows:

(a) The construction or alteration of a surface water management system, including dredging and filling, is proposed in, on, or over a total of one acre or more of wetlands or other surface waters; however, calculation of the one acre area shall not include: ~~or~~

1. Ditches and wholly owned ponds that were constructed in uplands;

2. Any isolated wetlands with a surface area of less than 0.5 acres.

(b) through (c) No change.

(3) Notwithstanding the provisions of subsection (2), phases within a conceptually approved project shall be processed as standard general permits provided:

(a) The proposed activity is consistent with the conceptual approval permit;

(b) The approved conceptual plan includes the location and acreage of wetlands onsite, an assessment of wetland impacts, and a conceptual mitigation plan (if required);

(c) The approved conceptual plan includes the approximate size, location, and discharge points of the proposed stormwater management system.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.406(5), 373.413(1), 373.416 FS. History--New 4-20-94, Amended 10-3-95, 5-28-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: RULE NO.:

General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing FDOT Rights-of-Way or Easements 40E-400.447

PURPOSE AND EFFECT: The SFWMD is amending the existing noticed general permit for work within FDOT rights-of-way to allow for the stabilization and repair of certain ditch stabilization projects. The stabilization of eroded sections of ditches currently requires a standard general or individual permit if materials such as riprap, concrete, or geotechnical textiles are utilized. Mitigation is not normally required for this type of activity. Permitting of these types of projects will be more appropriately regulated under a noticed general permit.

SUMMARY: The proposed rule amendments will amend the existing noticed general permit to governmental entities for the construction of minor activities in existing rights-of-way or easements to include ditch stabilization projects in 40E-400.447, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD. Substantially affected persons, no later than 21 days from the publication date of this notice, may submit to the SFWMD a good faith written proposal for a lower cost regulatory alternative to this proposed rule which substantially accomplishes the objectives of the law being implemented. The proposal may include the alternative of not adopting any rule, so long as the proposal explains how the lower costs and objectives of the law will be achieved by not adopting any rule. The proposal shall be timely submitted to the contact person named below.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

TIME AND DATE: 8:30 a.m., April 11, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Penelope Bell, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, telephone 1(800)432-2045, Extension 6320, Suncom 229-6320 or (561)682-6320 or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing FDOT Rights-of-Way or Easements.

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

(g) Ditch bank and bottom stabilization necessary to repair erosion damage to restore previously existing ditch configurations. Authorized repair methods are placement of riprap, sand cement toe walls, clean fill material, poured concrete, geotechnical textiles and other similar stabilization materials. The placement of riprap or other lining materials shall be limited to a length of 500 feet along the axis of the ditch and must not diminish permitted water quality treatment capacity. This general permit shall not be applicable within one-quarter mile along the length of an area, within the same ditch, which has been stabilized under this general permit within a three year period.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2002

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001 and December 7, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Health Care Services Pools	59A-27
RULE TITLES:	RULE NOS.:
Definitions	59A-27.001
Registration and Change in Registration Information	59A-27.002
Inspections	59A-27.003
Penalties and Enforcement Procedures	59A-27.004
Pool Administration	59A-27.005
Procedures and Records	59A-27.006
Personnel Procedures and Records	59A-27.007
Procedures	59A-27.008
Financial Responsibility Coverage Amounts	59A-27.009

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule, making such changes as became necessary with the oversight of this area being moved from the Department of Health to the Agency for Health Care Administration. Such changes including rule reduction, language clarification, and minor changes to conform to Florida Statute as well as changes designed to take advantage of new technology in electronic communication, such types of changes being the expressed desire of the Governor.

SUMMARY: The proposed rule amendment includes rule reduction through deletion of entries that are duplicated in statute. 59A-27.007 and 59A-27.008 were eliminated in their entirety as duplicative and whatever essential elements remained were combined with 59A-27.006. The addition of the requirements for level 2 background screening as added to statute have necessitated some additions to rule as well. Changes in fine amounts and the change to biennial, rather than annual, registration were made in order to comply with changes in statute. In places where the rules contradicted statutes, the rules were either altered to comply or eliminated. Administrative changes were necessary due to the change in oversight of this program from the Department of Health to the Agency for Health Care Administration. The addition of the acceptance of verification of some records by utilizing current electronic technology has been added as well.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Little change in regulatory costs. Most change has been mandated by legislative action. An additional fee of \$39.00 per person for the managing employee and the chief financial officer was necessitated by the new level 2 background screening requirement.

Legislation increased the maximum fine for various offenses from \$1,000 to \$2,500.

A new fee was established in the amount of \$15.00 to cover the cost of issuing and mailing a new registration certificate in those cases where a new certificate must be issued prior to renewal. A new fee of \$10.00 was established to cover the cost

of altering records to reflect a change in administrator or financial officer or other change that does not require a new certificate be issued.

The Statement of Estimated Regulatory Cost is available upon request by contacting: Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308, telephone (850)414-6010, e-mail: barnese@fdhc.state.fl.us.

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: 400.980 FS.

LAW IMPLEMENTED: 400.980 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 p.m., April 5, 2002

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Edward Barnes, Agency for Health Care Administration, Home Care Unit, 2727 Mahan Drive, Building 1, Room 207, Tallahassee, Florida 32308, (850)414-6010 (Agendas and copies of the draft rule can be obtained by contacting this office)

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-27.001 Definitions.

As used in this rule chapter Section 402.48, Florida Statutes, the term:

- (1) through (4) No change.
- (5) "Referral" shall mean the act of sending or directing a health care worker to a health care facility to work at the request of the facility.
- (6) No change.
- (7) "Department" or "AHCA" refers to the Agency for Health Care Administration.

Specific Authority 402.48 FS. Law Implemented 402.48 FS. History--New 10-17-94, Formerly 61E6-1.002, 64B22-1.001, Amended.

59A-27.002 Registration and Change in Registration Information.

(1) All health care services pools must register with the AHCA department using AHCA BPR form AHCA 3110-1010, January 2002 09-001, APPLICATION FOR HEALTH CARE SERVICES POOL REGISTRATION, incorporated herein by reference and effective 10-17-94, before providing health care personnel as temporary employees to any health care facility.

- (a) through (b) No change.

(c) When another registration certificate is required after the initial or renewed certificate has already been issued such as in the case of a name change, a change of address, a request for a duplicate certificate, etc., a fee must be assessed by AHCA as referenced in Section 400.980(2), Florida Statutes. This fee has been established at \$15.00. If a change occurs in the information normally required of registration necessitating a change in the records after the initial or renewed registration has been processed, an additional fee will be assessed of \$10.00. A separate registration and registration fee is required for each business location. As used in this chapter, the terms "registration" and "license" shall be interchangeable.

(d) Screening for the managing employee and the financial officer shall be in accordance with level 2 standards for screening set forth in Section 400.980(4), Florida Statutes. The fingerprint card for level 2 screening for the managing employee and the financial officer can be obtained from, and must be submitted to, the Agency for Health Care Administration, Home Care Unit – 34, 2727 Mahan Drive, Tallahassee, Florida 32308. Screening processing fees for level 2 screening shall be made payable to the Agency for Health Care Administration.

(2) Each health care services pool must renew its registration biennially as required in Section 400.980, Florida Statutes, annually by using AHCA BPR form AHCA 3110-1010, January 2002 APPLICATION FOR 31-008 HEALTH CARE SERVICES POOL APPLICATION FORRENEWAL OF REGISTRATION, incorporated herein by reference and effective 10-17-94. The application must be received by the department 20 days prior to the expiration date of the registration. Before the expiration of each health care services pool's registration, a HEALTH CARE SERVICES POOL APPLICATION FOR RENEWAL OF REGISTRATION will be mailed to each registrant at the last address provided to the department by the registrant. Failure to receive notification of the expiration of a registration does not relieve the registrant of the responsibility of meeting the financial responsibility or registration renewal requirements.

(3) Upon receipt of an application for registration and the registration fee of \$600 300 or an application for renewal of registration and a renewal fee of \$600 300, the department will examine the content of the application to determine its sufficiency under Section 400.980 402.48, Florida Statutes, and these rules.

(a) Within 30 days from receipt of the application, AHCA the department will notify the health care services pool by mail if the application was not accompanied by the proper fee, if there are any deficiencies in the content of the application, or if the application is inadequate to meet the requirements of Section 400.980 402.48, Florida Statutes, and these rules. Failure of AHCA the department to notify the health care services pool of any deficiencies shall not relieve the pool of any responsibility under the law.

(b) The health care services pool shall have 30 days from the date of ~~AHCA's the department~~ notification of deficiencies to correct any deficiencies which are noted. Prior to final ~~agency~~ action rejecting the application for registration or the application for renewal of registration, ~~AHCA the department~~ shall notify the health care services pool of the pending rejection and shall provide an opportunity for the pool to request formal or informal proceedings pursuant to Section 120.57, Florida Statutes. If an application is rejected, a complete refiling of the documents, including the payment of filing fees, shall be required.

(4) Registrants will receive a certificate acknowledging their registration and each renewal of registration. The current certificate of registration or renewal of registration must be conspicuously displayed on the premises and must be readily visible from the entrance.

(5) Change in Registration Information. Within 14 days ~~prior to after~~ any change in registration information, a registered health care services pool shall advise the Department of any change in business name; location; mailing address; or phone number. Such information shall be reported by email, mail or fax to AHCA. Any request that results in the agency issuing a new registration certificate other than at initial application, renewal, or change of ownership, shall incur a fee of \$15.00 using the BPR form 09-002, entitled HEALTH CARE SERVICES POOL CHANGE IN REGISTRATION INFORMATION, incorporated herein by reference and effective 2-27-97.

(6) All forms referenced in these rules may be obtained at the AHCA website, www.fdhc.state.fl.us or by calling AHCA Home Care Unit (850)414-6010 by writing to the Section of General Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1030.

Specific Authority 400.980 402.48 FS. Law Implemented 402.48 FS. History—New 8-2-90, Amended 8-12-91, Formerly 7G-1.007, Amended 10-17-94, 2-27-97, Formerly 61E6-1.007, 64B22-1.002, Amended _____.

59A-27.003 Inspections.

Any duly authorized officer or employee of ~~AHCA the department~~ shall have the right to ~~make inspections of~~ any health care services pool, and to conduct investigations as are necessary, in order to respond to complaints or to determine compliance with the provisions of these rules and with Section 400.980 402.48, Florida Statutes. ~~AHCA Departmental~~ representatives shall have access, without delay or prior notice, to the pools' offices and to the records prescribed by these rules during the pools' normal working hours. Such inspections shall not, however, unreasonably interfere with the normal business operations of the pool.

Specific Authority 400.980 402.48 FS. Law Implemented 402.48 FS. History—New 8-2-90, Amended 8-12-91, Formerly 7G-1.011, 61E6-1.011, 64B22-1.003, Amended _____.

59A-27.004 Penalties and Enforcement Procedures.

(1) Any person or entity operating a health care services pool without a registration, with an expired registration, or with a revoked registration, shall immediately cease operations until a proper registration can be acquired and be fined \$2,500. Any person or entity operating a health care services pool without a current registration or operating such business after revocation or suspension of a certificate of registration or who violates any of the provisions of Section 402.48, Florida Statutes, shall be subject to one of the following:

~~(a) Fines of up to \$1,000 or suspension of their certificate of registration, or both; or~~

~~(b) Fines of up to \$1,000 or revocation of their certificate of registration, or both.~~

(2) If the Health Care Services Pool fails to screen all employees or contractors, or employs persons who are disqualified from employment based on a criminal record check, a fine, not to exceed \$1,000 shall be assessed, for each employee or contractor. If AHCA determines the fine to be insufficient to the violation, it may suspend or revoke the registration as well.

(3) The failure to file a timely application for an initial or renewal certificate of registration shall result in an administrative fine, pursuant to Section 400.980(13), Florida Statutes, charged to the pool in the amount of \$50.00 per day, each day constituting a separate violation. In no event shall such fine aggregate more than \$2,500.

(4) Any other violations of provisions of law or rule can result in a fine of \$2,500 or revocation of the certificate of registration, or both.

~~(5)(2)~~ After ~~AHCA the department~~ determines that a violation has occurred, it shall notify the pool operator of the alleged violations through the issuance of a notice to show cause. The notice shall also state the facts upon which such violations are based and shall advise the recipient, pursuant to Chapter 120, Florida Statutes, of their right to either a formal hearing, if disputed issues of material fact exists, or an informal proceeding, if no disputed issues of material fact exist.

~~(6)(3)~~ In determining whether to revoke or suspend a registration or to impose a fine, or in determining the amount of any such fine, the department shall consider all relevant information including, but not limited to:

(a) The number of violations and remedial actions taken to correct the violations;

(b) The harm or potential for harm resulting from the violations;

(c) The number of previous violations;

(d) The existence of prior similar violations; and

(e) The financial benefit or potential for financial benefit as a result of committing the violations.

~~(4) Failure to timely file an application for registration or renewal of registration shall result in an administrative fine in the minimum amount of \$100. Additionally, after the pool is advised of its failure to register, it shall be fined \$100 per day for each day that it remains in business without having filed a completed application for registration. In no event, however, shall such fines aggregate more than \$1,000.~~

Specific Authority 400.980 402.48 FS. Law Implemented 402.48 FS. History--New 8-2-90, Formerly 7G-1.013, Amended 10-17-94, Formerly 61E6-1.013, 61B22-1.004, Amended _____.

59A-27.005 Pool Administration.

Health care services pools shall meet the following minimum standards of operation:

(1) Each pool, at the time of initial registration and at each registration renewal, shall identify the individual who will be responsible for the day-to-day supervision and administration of the pool and shall designate this individual, on the ~~biennial annual~~ registration application (entitled APPLICATION FOR HEALTH CARE SERVICES POOL REGISTRATION; ~~form number BPR 09-001~~, as referenced in Rule 59A-27.002), F.A.C., as the pool's representative for purposes of any communications with AHCA the department. This individual must be familiar with the work requirements and the prerequisites for licensure or certification in each of the health care disciplines and specialties for which the pool is providing referrals. Furthermore, since the various entities to which a health care services pool might send personnel differ considerably in their requirements and since these requirements are subject to change, it is incumbent on the health care services pool managing employee to remain knowledgeable on the current regulations of each of the facility types and entities to which they send personnel so as to ensure that they are in compliance with Section 400.980(11), Florida Statutes, and only place personnel that meet all the needs and requirements of the facility or entity to which they are being sent. Any time there is a change in this position, the pool shall give written notice to AHCA the department of such change using the ~~BPR form 90-004, CHANGE IN POOL ADMINISTRATOR, incorporated herein by reference and effective 10-17-94.~~ Such notice shall be filed with the department within 14 days prior to after the change becoming is effective.

(2) Each pool shall establish written procedures for the selection, documentation, screening and verification of credentials for each licensed health care practitioner referred or employed by the pool. At a minimum, these procedures shall require that:

(a) New personnel produce, for inspection by the pool, their current professional license or certification or a certified duplicate of the above, provided by the issuing department;

(b) Prior to the initial referral of each worker to a health care facility, each pool shall confirm the new worker's licensure or certification with the issuing board or department.

This confirmation shall be based upon either on-line verification through consulting the appropriate department web sites, or specific written requests or oral communications with the issuing authority. The worker's personnel file shall reflect when and how this confirmation was obtained. If obtained from the internet, a printout of the page with the licensure or certification information will suffice. If confirmation was obtained through letter or direct contact, the file and shall identify the individual with the issuing authority who provided the confirmation and shall identify who made the inquiry on behalf of the pool;

~~(e) Each pool must maintain a validation procedure for licensure or certification of all workers. In validating licensure each pool may rely upon periodic reports prepared by the Department of Health or by the appropriate issuing authority;~~

~~(c)(d)~~ Prior to the initial referral of each worker to a health care facility, the pool must confirm the identity of the worker, using the worker's current drivers license or other photo identification and his or her professional license or certificate. Each worker shall produce such records for review by the health care facility upon request.

(3) through (7) No change.

(8) The various entities to which a health care services pool might send personnel differ considerably in their requirements and these requirements are subject to change. Therefore, it is incumbent on the health care services pool to remain knowledgeable on the current regulations of each of the facility types and entities to which they send personnel so as to ensure that they are in compliance with Section 400.980(11), F.S., and only place personnel that meet all the needs and requirements of the facility or entity to which they are being sent. Each pool shall maintain health records and a medical history on all health care workers who have direct contact with patients and shall require evidence of a physical examination. The pool employee or independent contractor must submit a statement from a health care professional licensed under Chapter 458, Florida Statutes, or Chapter 459, Florida Statutes, a physician's assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under Chapter 464, Florida Statutes, under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician, based upon an examination within the last six months, that the employee or contractor is in good health sufficient to provide services to individuals with compromised health. It is the responsibility of the health care services pool to ensure that patients are not placed at risk by pool employees or contractors with positive tuberculosis test results. Positive test reactors shall submit a statement from a health care professional licensed under Chapter 458, F.S., or Chapter 459, F.S., that the pool employee or contractor does not constitute a risk of communicating tuberculosis. Upon the specific written request of an individual staff member, copies of the most recent tuberculosis test result

and the above mentioned health statement may be released by one employer or pool and provided to another employer or pool within 2 years of the initial date of the test results and statement. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release the physical examination must be kept on file. If a person is found to have a communicable disease, that person shall be removed from contact with patients until a physician's statement, indicating, that the person is no longer communicable, is received. The physician exam shall contain a physician's statement attesting that the worker does not appear to have any communicable diseases which would present a significant risk to the health of patients.

(9) through (10) No change.

Specific Authority 400.980 402.48 FS. Law Implemented 402.48 FS. History—New 8-2-90, Formerly 7G-1.015, Amended 10-17-94, Formerly 61E6-1.015, 64B22-1.005, Amended _____.

59A-27.006 Procedures and Business Records.

(1) Each health care services pool shall, to the extent applicable, maintain the following business records and shall make these records available for inspection by the department upon request:

(a)(1) Copies of corporate articles of incorporation and bylaws, if applicable;

(b)(2) Records documenting the work performed by personnel referred by the pool including: the date of initial referral of a worker by the pool, dates and location of each placement and the names and addresses of client health care facilities. Copies of personnel time cards or invoices identifying the services provided are acceptable records for meeting this requirement;

(c)(3) Copies of any written employment contracts or other agreements entered into between the pool and each health care worker. Such contracts shall specifically and clearly advise the worker as to whether he or she is an employee of the pool or is an independent contractor referred by the pool. Also, where the worker is retained as an independent contractor, the contract or agreement shall specifically state that the independent contractor is responsible for paying federal income taxes. Prior to placement at a health care facility, the pool shall provide a document to each temporary health care worker, for his or her signature, which states that the worker understands his or her relationship with the pool, either as employee or independent contractor. This signed document shall be filed in the worker's personnel file;

(2) Each health care services pool shall maintain a personnel file for each worker and such file shall be available for inspection by AHCA. Such file shall contain all information with respect to the skills and experience levels of personnel who are referred for work at health care facilities. In particular, the personnel file shall include the following:

(a) Evidence of the worker's skills, qualifications and previous training. In order to comply with Section 400.980(11), Florida Statutes, this shall include a skills inventory checklist, copies of current professional licenses and certificates, proof of education and training in specialized areas, copies of any examinations given by the pool and individual examination scores, evidence of CPR or other certification and evidence of training and education regarding the treatment and prevention of human immunodeficiency virus and acquired immune deficiency syndrome;

(b) Documentation of submission for background screening and background screening results.

(c) Documentation of all other required personnel information.

(d) Documentation of any complaints known to the pool involving any of its workers and any follow-up action taken with respect to such complaints; and

(e) Evidence that the pool has provided information pertaining to occupational exposure to bloodborne pathogens.

(d)(4) Copies of contracts, if any, between the pool and any client health care facility setting forth the terms and conditions under which the pool will provide medical staff to the health care facility. Such contracts shall specifically identify whether the workers to be provided by the pool are referred as employees of the pool or are referred as independent contractors;

(e)(5) Copies of all records required by the United States Internal Revenue Service to be prepared by the pools for their employees or independent contractors;

(f)(6) The employment, health and medical history records of the worker as specified in Rule 59A-27.005, Florida Administrative Code; and

(g)(7) Documentation to verify the worker's employment eligibility in compliance with the immigration laws of the United States.

(3) All pool employees and those who are independent contractors placed by the pool, having direct contact with patients, shall be subjected to background screening.

(a) Level 1 Background Screening:

1. Submission of the Request for Criminal History Check, AHCA form 3110-002, June 1998, incorporated by reference, should be made to the Florida Department of Law Enforcement, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302.

2. This form may be obtained on the Background Screening page located on the Agency for Health Care Administration website, www.fdhc.state.fl.us or by calling AHCA Home Care Unit (850)414-6010. The cost of processing the criminal records check shall be borne by the petitioning party. The checks for Level 1 screening shall be made payable to the Florida Department of Law Enforcement for criminal records check.

(b) Level 2 Background Screening:

1. The managing employee and the financial officer of the pool shall both be required to satisfy a level 2 background screening as stated in paragraph 59A.27.002(1)(c), F.A.C.

2. Any pool employee or independent contractor, who has not lived in Florida continuously for the previous five years, must first satisfy a level 2 background screening before being referred by the pool for employment in a nursing home.

3. Fingerprint cards may be ordered by e-mail from the Background Screening page on the AHCA website, www.state.fl.us.

4. Unless they accompany an initial application for a Health Care Services Pool certification as stated in paragraph 59A-27.002(1)(c), F.A.C., completed fingerprint cards should be submitted to: AHCA Background Screening, 2727 Mahan Drive, Mail Stop – 40, Tallahassee, Florida 32308. The costs of processing the criminal background check shall be borne by the petitioning party. Checks submitted with fingerprint cards for level 2 background screening should be made payable to AHCA.

Specific Authority 400.980 402.48 FS. Law Implemented 402.48 FS. History–New 8-2-90, Formerly 7G-1.017, Amended 10-17-94, Formerly 61E6-1.017, 64B22-1.006, Amended _____.

59A-27.007 Personnel Procedures and Records.

~~Each health care services pool shall maintain a personnel file for each worker and such file shall be available for inspection by the department. Such file shall contain all information with respect to the skills and experience levels of personnel who are referred for work at health care facilities. In particular, the personnel file shall include the following:~~

~~(1) Evidence of the worker’s skills, qualifications and previous training. This shall include a skills inventory checklist, copies of current professional licenses and certificates, proof of education and training in specialized areas, copies of examinations given by the pool and individual examination scores, evidence of CPR or other certification and evidence of training and education regarding the treatment and prevention of human immunodeficiency virus and acquired immune deficiency syndrome;~~

~~(2) Documentation of any complaints known to the pool involving any of its workers and any follow-up action taken with respect to such complaints; and~~

~~(3) Evidence that the pool has provided education pertaining to occupational exposure to bloodborne pathogens.~~

Specific Authority 402.48 FS. Law Implemented 402.48 FS. History–New 8-2-90, Formerly 7G-1.018, Amended 10-17-94, Formerly 61E6-1.018, 64B22-1.007, Repealed _____.

59A-27.008 Procedures.

~~(1) At the time a health care services pool seeks an initial certificate of registration and prior to the issuance of a certificate of renewal of registration;~~

~~(a) the pool must show compliance with the requirements of Section 402.48(8), Florida Statutes, as amended by Section 184, Chapter 91-108, 1991, Laws of Florida, and these rules before the certificate of registration or renewal shall be issued; and~~

~~(b) the pool must prove financial responsibility to pay claims, and costs ancillary thereto, arising out of the rendering of services or failure to render services by the pool or by its employees in the course of their employment with the pool.~~

~~(2) Each registrant must notify the Department of Health in writing of any change in the method of assuring financial responsibility or upon cancellation or nonrenewal of professional liability insurance within 20 calendar days after the change by completing the BPR form 31-009, HEALTH CARE SERVICES POOL CHANGE IN FINANCIAL RESPONSIBILITY, incorporated herein by reference and effective 10-17-94.~~

~~(3) The failure to comply with the financial responsibility law, Section 30, Chapter 90-295, 1990 Laws of Florida, and these rules, the furnishing of false or misleading information, the failure to timely notify the department of a change in status, or the failure to document compliance with the financial responsibility law upon request by the department shall be grounds for disciplinary action, including fines or registration revocation, or both.~~

Specific Authority 402.48(8) FS. Law Implemented 402.48(8) FS. History–New 8-12-91, Formerly 7G-1.023, Amended 10-17-94, Amended 1-19-97, Formerly 61E6-1.023, 64B22-1.008, Repealed _____.

59A-27.009 Financial Responsibility Coverage Amounts.

~~(1) Proof of financial responsibility must be demonstrated to the department.~~

~~(2) Proof of financial responsibility must be demonstrated through one of the following methods in the following coverage amounts:~~

~~(a) through (c) renumbered (1) through (3) No change.~~

Specific Authority 400.980 402.48(8) FS. Law Implemented 402.48(8) FS. History–New 8-12-91, Formerly 7G-1.025, 61E6-1.025, 64B22-1.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Edward Barnes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE:
Hours Requirement

RULE NO.:
64B13-5.001

PURPOSE AND EFFECT: The proposed rule amendment is intended to address continuing education on the prevention of medical errors.

SUMMARY: The proposed rule amendment requires licensees to complete a 2-hour course on the prevention of medical errors as part of the licensure and renewal process.

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: 463.005(1), 463.007(3),(4), 456.013(7) FS.

LAW IMPLEMENTED: 463.007, 456.013(7) 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., April 2, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.001 Hours Requirement.

(1) through (7) No change.

(8) Licensees are required to complete a 2-hour course relating to prevention of medical errors as part of the licensure and renewal process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The 2-hour course shall count towards the total number of continuing education hours required for licensure renewal. If the course is being offered by a facility licensed pursuant to chapter 395 for its employees, the Board approves 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.

Specific Authority 463.005(1), 463.007(3),(4), 456.013(7) FS. Law Implemented 463.007, 456.013(7) FS. History--New 11-13-79. Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended 3-21-00, 10-2-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Criteria for Approval **RULE NO.:** 64B13-5.002

PURPOSE AND EFFECT: The proposed of rule amendments are intended to address criteria for continuing education course approval.

SUMMARY: The proposed rule amendments require providers to obtain course approval prior to the date the course is presented and require a course to be approved only once during the biennium it is presented so long as the presenter and course outline do not change.

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: 463.005(1) FS.

LAW IMPLEMENTED: 463.007(4) 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., April 2, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.002 Criteria for Approval.

(1) No change.

(2) All continuing education programs must be reviewed by the Board to ensure that the programs adequately and reliably contribute to the professional competency of the licensed practitioner and must meet the following requirements:

(a) No change.

(b) Must have the following items submitted for approval prior to the date of the continuing education course presentation:

1. through 4. No change.

(3) Transcript quality courses must meet the following requirements:

(a) through (e) No change.

(f) Must have the following items submitted for approval prior to the date of the continuing education course presentation:

1. through 7. No change.

(g) No change.

(4) A course needs to be approved only once during the biennium during which it is presented so long as the presenter and the course outline do not change. All courses approved by the American Board of Optometric Practitioners are approved by the Board.

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees
RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposed rule amendments are intended to establish initial and renewal fees for continuing education providers.

SUMMARY: The proposed rule amendments establish initial and renewal fees for continuing education providers in the amount of \$250.

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(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 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., April 2, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (20) No change.

(21) The initial fee for any entity seeking approval to provide continuing education courses or programs shall be \$250.

(22) The biennial renewal fee for any entity seeking approval to provide continuing education courses or programs shall be \$250.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History—New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Optometry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES: Definitions, Designation of Administrative Violations; Major; Minor, Designation of Patient Care Violations; Major; Minor, Aggravating and Mitigating Factors, Citations
RULE NOS.: 64B13-15.002, 64B13-15.005, 64B13-15.006, 64B13-15.007, 64B13-15.009

PURPOSE AND EFFECT: The proposed the rule amendments are intended to update current disciplinary guidelines rules.

SUMMARY: The proposed rule amendments update the Board's rules with regard to disciplinary guidelines and penalties.

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: 456.005, 456.072(6), 456.077, 456.079 FS.

LAW IMPLEMENTED: 456.072(5),(6), 456.077, 456.079 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., April 2, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.002 Definitions.

(1) through (5) No change.

(6) "Revocation" means the action of the Board in removing a licensee's authorization to practice optometry. Revocation is permanent. However, The Board will determine the length of revocation. Following the period of revocation, an individual whose license has been revoked may apply for obtain relicensure pursuant to by complying with the requirements of Section 463.006, Florida Statutes. An During the period of revocation, an individual whose license has been revoked may, based on any aggravating or mitigating circumstances, apply to the Board no more often than once a year for authorization to seek relicensure by complying with the requirements of Section 463.006, Florida Statutes.

Specific Authority 456.072(6), 456.079 FS. Law Implemented 456.072(5),(6), 456.079 FS. History--New 2-24-87, Amended 4-20-93, Formerly 61F8-15.002, 59V-15.002, Amended _____.

64B13-15.005 Designation of Administrative Violations; Major; Minor.

(1) Violations of the following statutory and rule provisions are considered to be Minor Administrative Violations:

(a) through (e) No change.

(f) Subsections (4) and (5) of 499.028, F.S., entitled "Drug samples or complimentary drugs; starter packs; permits to distribute" or Subsection 465.276(5), F.S., entitled "Dispensing Practitioner," if the violation is of a technical nature not related to patient care.

(g) through (j) No change.

(2) Violations of the following statutory and rule provisions are considered to be Major Administrative Violations:

(a) Subsections Section 456.072(1)(a),(b),(c), (e),(f),(g),(h), (i),(k),(m),(q), (r),(s),(w),(x),(cc), F.S., entitled "Grounds for Discipline; Penalties; Enforcement."

(b) through (m) No change.

(3) For any offense which is not specified above or in Subsection (1) or (2) of Rule 64B13-15.006, F.A.C., the Board will apply the guideline penalty based on the offense listed which is most comparable to the offense charged.

Specific Authority 456.079 FS. Law Implemented 456.079 FS. History--New 2-24-87, Formerly 21Q-15.005, 61F8-15.005, Amended 8-18-96, Formerly 59V-15.005, Amended _____.

64B13-15.006 Designation of Patient Care Violations; Major; Minor.

(1) No change.

(2) Violations of the following statutory and rule provisions are considered to be Major Patient Care Violations:

(a) through (l) No change.

(m) Subsections 456.072 (1)(d),(j),(l),(n), (o),(p),(u),(y), (z),(aa),(cc), F.S., entitled "Grounds for Discipline; Penalties; Enforcement."

(n) Section 456.063, F.S., entitled "Sexual Misconduct; Disqualification for License, Certificate or Registration."

(o) Subsection 456.072(2)(d), F.S., when the offense is found to be fraud or making a false or fraudulent representation.

(3) For any offense which is not specified above or in Subsection (1) or (2) of Rule 64B13-15.005, F.A.C., the Board will apply the guideline penalty based on the offense listed which is most comparable to the offense charged.

Specific Authority 456.079 FS. Law Implemented 456.079 FS. History--New 2-24-87, Formerly 21Q-15.006, 61F8-15.006, 59V-15.006, Amended _____.

64B13-15.007 Aggravating and Mitigating Factors.

(1) Based upon consideration of aggravating or mitigating factors, present in an individual case, the Board may deviate from the designated penalties. The Board shall consider as aggravating or mitigating factors the following:

~~(a) The severity of the offense;~~

~~(a)(b) The danger to the public;~~

~~(c) The number of repetitions of offenses;~~

~~(b)(d) The length of time since the violation;~~

~~(c)(e) The number of times the licensee has been previously disciplined by the board;~~

~~(d)(f) The length of time licensee has practiced;~~

~~(e)(g) The actual damage, physical or otherwise, caused by the violation;~~

~~(f)(h) The deterrent effect of the penalty imposed;~~

~~(g)(i) The effect of the penalty upon the licensee's livelihood;~~

~~(h)(j) Any effort of rehabilitation by the licensee;~~

~~(i)(4)~~ The actual knowledge of the licensee pertaining to the violation;

~~(j)(4)~~ Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation;

~~(k)(m)~~ Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

~~(l)(n)~~ Actual negligence of the licensee pertaining to any violation;

~~(m)(o)~~ Penalties imposed for related offenses;

~~(n)(p)~~ Pecuniary gain to the licensee;

~~(o)(q)~~ Any other relevant mitigating or aggravating factors under the circumstances.

(2) Penalties imposed by the Board pursuant to subsection (1) and (2) above may be imposed in combination or individually and are authorized by subsection 463.016(2) and 456.072(2), Florida Statutes, as follows:

~~(a) issuance of a reprimand;~~

~~(b) imposition of an administrative fine not to exceed \$5,000.00 for each count or separate offense;~~

~~(c) restriction of the authorized scope of practice;~~

~~(d) placement of the licensee on probation for a period of time and subject to such conditions as the board may specify pursuant to Rule Chapter 64B13-7, F.A.C., including requiring the licensee to attend continuing education courses or to work under the supervision of another licensee;~~

~~(e) suspension or revocation of a license; and~~

~~(f) denial of an application for licensure.~~

(3) through (4) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.079(1) FS. History--New 2-24-87, Formerly 21Q-15.007, 61F8-15.007, 59V-15.007, Amended _____.

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, Florida Statutes, the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation.

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred fifty dollars (\$250.00):-

1.~~(a)~~ Failure to include in an advertisement for free or discounted services the statement required by Section 456.062, Florida Statutes.

2. Failure to conspicuously display a license, entrance sign, and other signs at each office and branch office location as required by Section 463.011, F.S., and Rules 64B13-3.005 and 3.006, F.A.C.

3.~~(b)~~ Failure to conspicuously display a license at a branch office location as required per Section 463.011, Florida Statutes.

4.~~(c)~~ Failure to display license and required practice information as specified in Rule 64B13-3.006, Florida Administrative Code.

5.~~(d)~~ Failure to document having obtained the continuing education required by Section 463.007, and Rule Chapter 64B13-5, F.A.C. In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed.

6.~~(e)~~ Failure to respond to a continuing education audit as required by Rule 64B13-5.001, F.A.C.

(b) For the violation of failure to timely pay required fines, fees, or costs, the penalty required shall be double the amount of the fines, fees, or costs not timely paid.

(5) through (6) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE TITLE: RULE NO.:

Inactive Licenses: Fees for Application, Reactivation and Renewal; Delinquency Fee 64B18-12.006

PURPOSE AND EFFECT: The purpose of the amendments is to increase the fees.

SUMMARY: The Board has determined that amendments are necessary in order to increase the application fee for inactive status, the fee for reactivation of an inactive license and the fee for biennial renewal of an inactive license.

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: 461.005, 461.007, 461.008 FS.

LAW IMPLEMENTED: 456.036, 461.007, 461.008 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-12.006 Inactive Licenses: Fees for Application, Reactivation and Renewal; Delinquency Fee.

(1) The application fee for inactive status shall be three hundred fifty dollars (\$350.00) ~~two hundred fifty dollars (\$250.00)~~ if the application and fee are received by the Department during the timeframe established by the Department as the timeframe for biennial renewal of licensure; otherwise a fee of three hundred fifty dollars (\$350) shall be imposed in addition to the application fee.

(2) The fee for reactivation of an inactive license shall be three hundred fifty dollars (\$350.00) ~~two hundred fifty dollars (\$250.00)~~ plus the fee for biennial renewal of an active license as established in Rule 64B18-12.004, F.A.C., plus a fee of three hundred fifty dollars (\$350.00) if the application for reactivation is received by the Department at any time other than the timeframe established by the Department as the timeframe for biennial renewal of licensure.

(3) The fee for biennial renewal of an inactive license shall be three hundred fifty dollars (\$350.00) ~~two hundred fifty dollars (\$250.00)~~ if the fee is received by the Department during the timeframe established by the Department as the time for such renewal; otherwise a delinquency fee of three hundred fifty dollars (\$350.00) shall be imposed in addition to the renewal fee.

Specific Authority 461.005, 461.007, 461.008 FS. Law Implemented 456.036, 461.007, 461.008 FS. History--New 5-14-84, Formerly 21T-12.08, Amended 10-14-86, Formerly 21T-12.008, 61F12-12.008, Amended 4-5-95, 1-1-96, Formerly 59Z-12.006, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 25, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.032
RULE TITLE: Uniform Primary and General Election Ballot

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.032, published in the F.A.W., Pages 5844-5845, Vol. 27, No. 50, on December 14, 2001, has been changed to reflect comments received from the public as well as the Joint Administrative Procedures Committee.

Changes were made to Section 1S-2.032, F.A.C., so that it now reads:

(1) The purpose of this rule is to prescribe a uniform primary and general election ballot design for each certified voting system.

(2) The title shall be printed across the top of an optical scan the ballot and on the first ballot screen of a touchscreen ballot in all caps bold.

(a) The title of the presidential preference primary ballot shall read as follows:

Line one - OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT Official Presidential Preference Primary Ballot

Line two - PARTY Party

Line three - COUNTY, FLORIDA County, Florida

Line four - (date)

(b) The title of the primary ballot shall read as follows:

Line one - OFFICIAL PRIMARY BALLOT Official Primary Ballot

Line two - PARTY Party

Line three - COUNTY, FLORIDA County, Florida

Line four - (date)

(c) The title of the general election ballot shall read as follows:

Line one - OFFICIAL GENERAL ELECTION BALLOT Official General Election Ballot

Line two - COUNTY, FLORIDA County, Florida

Line three - (date)

(3) Ballot instructions shall be printed directly under the title on the front side of an optical scan paper ballot and on the top of the first ballot screen of a touchscreen ballot.

(a) For optical scan voting systems, the following shall apply:

1. The ballot instructions for those certified voting systems using ovals to be filled in next to the voters choice, shall read as follows:

- a.
- TO VOTE, COMPLETELY FILL IN ~~BLACKEN~~ THE OVAL ● NEXT TO YOUR CHOICE.
- Use only the marking device provided or a number 2 pencil ~~Do not use red ink.~~
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

b. In a general election, if there are write-in candidates, add the following:

- To vote for a ~~qualified write-in~~ candidate whose name is not printed on the ballot, fill in ~~blacken~~ the oval, and ~~then~~ write in the candidate's name on the blank line provided for a write-in candidate.

2.(b) The ballot instructions for those certified voting systems using an arrow to point to the voter's choice, shall read as follows:

- a.(1-)
- TO VOTE, COMPLETE THE ARROW → POINTING TO YOUR CHOICE.
- Use only the marking device provided or a number 2 pencil ~~Do not use red ink.~~
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

b.(2-) In a general election, if there are write-in candidates, add the following:

To vote for a ~~qualified write-in~~ candidate whose name is not printed on the ballot, complete the arrow, and ~~then~~ write in the candidate's name on the blank line provided for a write-in candidate.

(b)(c) The ballot instructions for certified touch screen voting systems the following shall apply read as follows:

1. For the Global ES 2001 Blended system, the instructions shall be as follows:

- a.
- Make your selection by Touching the screen on the candidate's name or anywhere in the candidate area or on the Yes or No position until the X appears.
- If you change your mind, Touch the candidate's name or the Yes or No position again to undo the mark.
- Touch the NEXT button at the bottom right of the screen to move to the next ballot page.
- Touch the PREVIOUS button at the bottom left of the screen to move back one page.
- Touch CAST BALLOT button on the last ballot screen to record your vote.
- To begin voting, touch the START button.

(1-) ~~TOUCH THE APPROPRIATE SPACE TO SELECT YOUR CHOICE.~~

b.(2-) In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction ~~on top of each screen that contains a write in candidate:~~

- To vote for a ~~qualified write-in~~ candidate whose name is not printed on the ballot, touch WRITE-IN and a touch keyboard will appear select the "Qualified Write-In" Box. Key Then type in the candidate's name on the keyboard and then touch RECORD WRITE-IN select the "Record/Accept Write-In" button.

2. For the ES&S iVotronic, the instructions shall be as follows:

- a.
- Make your selection by touching the screen on the box to the right of the candidate or response of your choice or anywhere in the candidate area until the X appears.
- If you change your mind, touch the new choice and the X will appear on your new choice.
- Touch the NEXT button at the bottom right of the screen to move to the next ballot page.
- Touch the PREVIOUS button at the bottom right of the screen to move back one page.
- Touch REVIEW BALLOT on the last ballot page to review your selections.
- Press the red VOTE button at the top of the machine to cast your ballot.
- To begin voting, touch the NEXT button.

b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:

- To vote for a candidate, whose name is not printed on the ballot, touch the WRITE-IN candidate box and a touch keyboard will appear. Key in the candidate's name and then touch ACCEPT.

3. For the Sequoia AVC Edge, the instructions shall be as follows:

- a.
- Make your selection by touching the screen on the circle to the right of the candidate or response of your choice or anywhere in the candidate area until the check mark appears.
- If you change your mind, touch the check mark again to undo the mark.
- Touch the NEXT button at the bottom right of the screen to move to the next ballot page.
- Touch the BACK button at the bottom left of the screen to move back one page.
- Touch the yellow CAST VOTE button in the middle of the last screen to cast your ballot.
- To begin voting, touch the NEXT button.

b. In a general election, if there are write-in candidates, add the following prior to the cast vote instruction:

- To vote for a candidate, whose name is not printed on the

ballot, touch WRITE-IN on the bottom of the list of candidates and a touch keyboard will appear. Key in the candidate's name on the keyboard, then touch OK.

(4) Following the instructions, the headings, office titles, and candidates shall be listed in the order provided in s. 101.151, F.S. The headings and office titles shall be in all caps bold. The last name of the candidate shall be in all caps. The first name shall be in upper and lower case.

(5) Under each office heading shall be printed "(Vote for One)". For joint candidacies, there shall be printed "(Vote for One Pair)". In races where more than one vote is permitted, there shall be printed "(Vote for no more than (enter # to be elected))".

(6)(4) The marking space for ~~optical scan systems~~ for a voter to mark a choice shall be as follows to the left of the candidate's name or issue:

- (a) For Global, on the left of the voter's choice.
- (b) For ES&S and Sequoia Optech, on the right of the voter's choice.
- (c) For ES&S M-100, 150, and 550, on the left of the voter's choice.
- (d) For Global ES 2001 Blended, on the left of the voter's choice.
- (e) For ESS iVotronic, on the right of the voter's choice.
- (f) For Sequoia AVC Edge, on the right of the voter's choice.

(7)(5) When required, the appropriate abbreviation of a party name or no party affiliation shall be to the right of the candidate's name.

(8)(6) No race shall appear in more than one column on an optical scan ballots or on and no more than one screen of a touchscreen ballots. If in any election there are more candidates than will fit in one column or screen, the supervisor of elections shall certify that fact and provide a copy of the proposed ballot to the Division of Elections for approval prior to distribution.

(9) On optical scan ballots, when races and/or questions are printed on both sides of the ballot, the words "VOTE BOTH SIDES OF BALLOT" shall be printed on the bottom of the front and back of the ballot in all caps bold.

(10) For counties offering multiple languages on touchscreen ballots, the language choice may appear prior to the first ballot screen.

(11) The ballot title for an issue shall be in upper and lower case bold. The substance of the issue shall be in upper and lower case. YES and NO shall be in all caps bold.

(12) When a primary includes one or more Universal Primary Contests as defined in Rule 1S-2.002, F.A.C., the following shall apply:

(a) The words "Universal Primary Contest" shall appear underneath the office title of the Universal Primary Contest and before the "(Vote for ...)" text.

(b) The names of all candidates for all partisan offices, including candidates for the Universal Primary Contest, shall be displayed with an appropriate abbreviation of party name.

(13)(7) A primary ballot for certified voting systems using ovals to be filled in next to the voter's choice shall be substantially in accordance with Form DS-DE 30, eff. 11/01, hereby incorporated by reference and available from the Division of Elections. A general election ballot for certified voting systems using ovals to be filled in next to the voter's choice shall be substantially in accordance with Form DS-DE 31, eff. 11/01, hereby incorporated by reference and available from the Division of Elections.

(14)(8) A primary ballot for certified voting systems using an arrow to point to the voter's choice shall be substantially in accordance with Form DS-DE 32, eff. 11/01, hereby incorporated by reference and available from the Division of Elections, or Form DS-DE 33, eff. 11/01, hereby incorporated by reference and available from the Division of Elections. A general election ballot for certified voting systems using an arrow to point to the voter's choice shall be substantially in accordance with Form DS-DE 43, eff. 11/01, hereby incorporated by reference and available from the Division of Elections.

(15)(9) A primary ballot for certified touchscreen voting systems shall be substantially in accordance with Form DS-DE 44, eff. 12/01, hereby incorporated by reference and available from the Division of Elections. A general ballot for certified touchscreen voting systems shall be substantially in accordance with Form DS-DE 45, eff. 12/01, hereby incorporated by reference and available from the Division of Elections.

(16)(10) All other specifications for ballots must comply with the Florida Election Code.

Specific Authority 101.151 FS. Law Implemented 101.151 FS. History--New

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.105
 RULE TITLE: Restoration of Forfeited Gain Time
 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. 28, No. 8, February 22, 2002, issue of the Florida Administrative Weekly:

33-601.105 Restoration of Forfeited Gain Time.

Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance

since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(1) Eligibility.

(a) Restoration of gain time due to loss by disciplinary action:

1. through 3. No change.

4. ~~The following groups of inmates shall not be eligible. Inmates who have been found guilty of one of the disciplinary offenses listed below and who have a criminal conviction arising from the same incident shall be ineligible~~ for restoration of forfeited gain time:

a. Inmates who have a felony conviction for an offense that occurred during the inmate's current commitment; or

b. Inmates who have been found guilty of one of the following disciplinary offenses during their current commitment:

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed Assault, where a physical attack was made against department staff;

1-5 Sexual Battery;

2-1 Participating in riots, strikes, mutinous acts or disturbances;

3-1 Possession of weapons, ammunition, or explosives;

3-4 Trafficking in Drugs;

4-1 Escape or attempted escape.

5. through 6. No change.

(b) No change.

(2) How processed. Restoration of gain time will be considered only when the inmate has met the criteria specified in subsection (1) of this rule. There is no entitlement for consideration based upon an inmate's request. The final approving authority for restoration of forfeited gain time will be the Deputy Director of Institutions. The institution where the inmate is assigned will be notified and the facility staff will notify the inmate of the decision.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-601.711 Legal Visitors

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 28, No. 2, January 11, 2002 and Vol. 28, No. 9, March 1, 2002, will be held at 9:00 a.m. on Thursday, March 28, 2002, at the Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
40D-4.051 Exemptions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to Notice of Change published in Vol. 28, No. 7, February 15, 2002, issue of the Florida Administrative Weekly:

40D-4.051 Exemptions.

The following activities are exempt from permitting under this chapter:

(1) through (5) No change.

(6) Any system for a mining or mining related activity which has a valid permit issued by the District or the Department pursuant to Rule 40D-45.041, F.A.C. This exemption shall be for the plans, terms and conditions approved in the permit issued pursuant to Chapter 40D-45, F.A.C. ~~Proposed modifications to systems previously exempt under Rule 40D-45.051, F.A.C., may be subject to permitting under Chapter 40D-4, F.A.C. as provided in Rule 40D-4.054, F.A.C.~~ If an operator of a system previously permitted under Chapter 40D-45, F.A.C. proposes an "alteration" as the term is defined in subsection 40D-4.021(7), F.A.C., such system shall be reviewed under the provisions of Chapter 40D-4, F.A.C.

(7) through (12) renumbered (8) through (13) No change.

Specific Authority 373.044, 373.118, 373.414(9) FS. Law Implemented 373.413, 373.419 FS. History-Readopted 10-5-74, Formerly 16J-4.05, Amended 10-1-84, 10-1-86, 3-1-88, 1-24-90, 10-3-95, 4-18-01, 5-17-01, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-5.004 Technician

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 5, February 1, 2002, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on February 22, 2002.

The rule shall now read as follows:

64B3-5.004 Technician.

(1) through (2) No change.

(3) Qualifications for Histology Technicians. For the category of histology, applicants for technician licensure shall have four hours of Board approved HIV/AIDS continuing education, a minimum of a high school diploma or its equivalent, examination certification in histology by the American Society for Clinical Pathology, and one of the following:

(a) Successful completion of a Board approved histology training program.

(b) Successful completion of an accredited histology program.

(c) Successful completion of a military histology training program consisting of 1500 clock hours of study within 12 calendar months.

(d) Certification by the American Society for Clinical Pathology (ASCP) at the histotechnician (HT) level.

(4) through (5) No change.

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-7.001 RULE TITLE: Licensure Examinations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 27, No. 52, December 28, 2001, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on February 22, 2002.

When adopted the rule will read as follows:

64B3-7.001 Licensure Examinations.

The Board specifies that the licensure examinations, ~~beginning with the Fall of 2000,~~ shall consist of the following:

(1) For licensure as a director qualifying pursuant to Rule 64B3-5.007, F.A.C., a supervision and administration examination covering the subject matter of subsection 64B3-3.003(7), F.A.C., the Clinical Laboratory Director examination administered by the National Credentialing Certification Agency for Clinical Laboratory Personnel (NCA) ~~or, and pursuant to Section 456.017(1)(e), F.S.,~~ one of the following:

(a) In the specialty of microbiology including public health laboratory directors, the examination in clinical microbiology prepared by the American Board of Medical Microbiology.

(b) In the specialty of serology/immunology, the examination in clinical immunology prepared by the American Board of Medical Laboratory Immunology.

(c) In the specialty of clinical chemistry including public health laboratory directors, the examination prepared by the American Board of Clinical Chemistry. If a director performs only the subspecialty of toxicology, the examination in toxicology, prepared by the American Board of Clinical Chemistry is approved.

(d) In the specialty of hematology, the hematology examination for high complexity clinical laboratory directors prepared by the American Board of Bioanalysis.

(e) In the specialty of cytogenetics, the specialty examination in clinical cytogenetics prepared by the American Board of Medical Genetics.

(f) In the specialty of molecular genetics, the specialty examination in molecular genetics prepared by the American Board of Medical Genetics.

(g) In the specialty of histocompatibility, the laboratory director examination in histocompatibility prepared by the American Board of Histocompatibility and Immunogenetics.

(2) through (4) No change.

(5) For licensure as a supervisor qualifying pursuant to Rule 64B3-5.002, F.A.C.:

(a) When the applicant is licensed in a specialty as a technologist by examination, administration and supervision examinations covering the subject matter in subsection 64B3-3.003(7), F.A.C. The applicant will be licensed as a supervisor in the specialty(ies) on their technologist licenses upon passing the administration and supervision examination. ~~The Board approved Supervision and Administration examinations are shall be administered in house by the Department and/or the following Board approved national examinations:~~

1. The Diplomat in Laboratory Management examination on general supervision administered by the American Society ~~for of Clinical Pathology Pathologists (ASCP).~~

2. The Specialist in Blood Banking administered by ~~the American Society of Clinical Pathologists~~ ASCP for Blood Banking and Immunoematology.

3. The Specialist in Cytotechnology administered by ASCP ~~the American Society of Clinical Pathologists~~ for licensure by endorsement as a supervisor in Cytology.

4. The Specialist in Chemistry administered by ASCP ~~the American Society of Clinical Pathologists~~ for licensure by endorsement for supervisors in Clinical Chemistry.

5. The Specialist in Hematology administered by ASCP ~~the American Society of Clinical Pathologists~~ for licensure by endorsement for supervisors in Hematology.

6. The Clinical Laboratory Supervisor administered by the National Credentialing Certification Agency for Clinical Laboratory Personnel (NCA).

7. The Certified Histocompatibility Specialist Examination (CHS) administered by the American Board of Histocompatibility and Immunogenetics (ABHI).

(b) When the applicant is not licensed as a technologist, an administration and supervision examination covering the subject matter in subsection 64B3-3.003(7), F.A.C., and an examination in one or more of the specialties specified in subsection 64B3-7.001(6), F.A.C. The applicant shall be licensed as a supervisor in the appropriate specialty upon passing the examination in administration and supervision and one or more of the specialties. ~~The Board approved Supervision and Administration examinations are shall be administered in house by the Department and/or the following Board approved national examinations:~~

1. The Diplomat in Laboratory Management examination on general supervision administered by ~~ASCP the American Society of Clinical Pathologists.~~

2. The Specialist in Blood Banking administered by ~~ASCP the American Society of Clinical Pathologists~~ for Blood Banking and Immunohematology.

3. The Specialist in Cytology administered by ~~ASCP the American Society of Clinical Pathologists~~ for Cytology supervisors.

4. The Specialist in Chemistry administered by ~~ASCP the American Society of Clinical Pathologists~~ for licensure by endorsement for supervisors in Clinical Chemistry.

5. The Specialist in Hematology administered by ~~ASCP the American Society of Clinical Pathologists~~ for licensure by endorsement for supervisors in Hematology.

6. The Clinical Laboratory Supervisor administered by ~~NCA the National Certification Agency for Clinical Laboratory Personnel (NCA).~~

7. The Certified Histocompatibility Specialist examination administered by ABHI.

(c) A licensed supervisor may add a specialty by passing one of the specialty examinations specified in subsection (6) below.

(6) For licensure as a technologist:

(a) ~~An 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 for of Clinical Pathology (ASCP) Pathologists, the American Medical Technologists (AMT), or the National Credentialing Certification Agency for Medical 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 ~~ASCP American Society of Clinical Pathologists;~~ or (c) In the specialty of cytogenetics, the Clinical Laboratory Specialist in Cytogenetics Examination prepared by the ~~NCA National Certification Agency for Medical Laboratory Personnel;~~ or

(d) In the specialty of histocompatibility, the Certification Examination for Histocompatibility Technologists, prepared by ~~ABHI 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 ~~ASCP 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).~~

~~(a)(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 ~~of~~ of the American Society ~~for~~ of Clinical ~~Pathology Pathologists~~ (ASCP), the National ~~Credentialing 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~~

~~(b)(e)~~ 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~~ ~~ASCP the American Society of Clinical Pathologists (ASCP).~~

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

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-9.001
 RULE TITLE: Application Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 1, January 4, 2002, issue of the Florida Administrative Weekly. The changes are in response to the Board meeting held on February 22, 2002.

The rule shall now read as follows:

- 64B3-9.001 Application Fees.
- (1) Trainee – \$20
- (2) Licensure application – \$100
- (3) Clinical laboratory personnel training program – \$200
- (4) Continuing education provider – \$250
- (5) Public Health Science Technician – \$100
- (6) Wall Certificate – \$25

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER NO.: 64E-2
 RULE CHAPTER TITLE: Emergency Medical Services
 RULE NO.: 64E-2.038
 RULE TITLE: Cardiopulmonary and Advanced Cardiac Life Support Courses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed Chapter 64E-2, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 27, No. 52 on December 27, 2001. The changes reflect comments received from the Joint Administrative Procedures Committee. The changes are as follows:

Replace previous noticed language with the following:

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

(1) Cardiopulmonary resuscitation (CPR) or advanced cardiac life support (ACLS) courses which have been accredited by the Continuing Education Coordinating Board

for Emergency Medical Services (CECBEMS) are defined as equivalent to CPR or ACLS courses conducted by the American Heart Association or American Red Cross.

(2) Any public or private entities desiring to conduct CPR or ACLS courses equivalent to those conducted by the American Heart Association or American Red Cross shall have those courses accredited by the CECBEMS and shall maintain CECBEMS accreditation of those courses at all times they are offered and conducted.

(3) Entities shall provide a copy of the letter of approval of accreditation from CECBEMS for each CPR and ACLS course to be recognized and accepted as an equivalent by the Department. A copy of the letter of approval shall be submitted to the Department with a completed DH Form 1938, February 2002, Cardiopulmonary Resuscitation (CPR) or Advanced Cardiac Life Support (ACLS) Course Equivalency Form at least 90 days prior to the offering of the course. This form is incorporated by reference and available from the department. In addition to DH Form 1938 and a copy of the letter of approval each entity shall provide a sample completion card or certificate which shall be issued to students successfully completing the course.

(4) The entity shall provide the student with a course completion card or certificate which is the same as that submitted to the Department which includes: name of entity, course title, date of course, expiration date of the card, name of the instructor and name of the student.

(5) Department approval of the CPR and ACLS courses shall be concurrent with the CECBEMS accreditation of the courses.

P.O. G10454

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER NO.: 64E-6
 RULE CHAPTER TITLE: Standards for Onsite Sewage Treatment and Disposal Systems
 RULE NOS.: 64E-6.019, 64E-6.023, 64E-6.030
 RULE TITLES: Requirements for Registration, Certification of Partnerships and Corporations, Fees

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. 28, No. 3, January 18, 2002, of the Florida Administrative Weekly, to reflect comments received by the Joint Administrative Procedures Committee.

- 64E-6.019 Requirements for Registration
- (1) through (4)(a) No change.

(b) ~~Signed statements Affidavits~~ from two persons not related to the applicant for whom the applicant has provided services in the onsite sewage industry, stating what services were provided ~~and that the applicant is of good moral character.~~

(c) through (5) No change.

64E-6.023 Certification of Partnerships and Corporations

(1) through (2) No change.

(3) A business organization which loses its qualifying contractor shall have sixty (60) days from the date the qualifier terminated his affiliation within which to obtain another qualifying person. This period ~~shall may~~ be extended by the department for a period of 30 days pending the outcome of the examination if the applicant has provided a completed application and all required exhibits and fees upon a showing of good cause. During this period, the business organization may complete any existing contracts or continuing contracts, but may not undertake new contracts.

(4) through (5) No change.

64E-6.030 Fees.

(1) The following fees are required to accompany applications for site evaluations, construction, modifications to existing systems or repair permits, and other services provided by the department, ~~but do not include performance based treatment systems.~~

(a) through (5) No change.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE NO.: 65A-1.204
RULE TITLE: Rights and Responsibilities
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule identified above in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 2, January 11, 2002, issue of the Florida Administrative Weekly. These changes are the result of potential objections raised by the Joint Administrative Procedures Committee in a letter dated January 11, 2002.

The second sentence of subsection (3) is amended as follows: "This is pursuant to the following federal regulations, federal statutes and Florida Statutes: for the food stamp program, Title 7 USC s. 2020(e)(8) (incorporated by reference), 7 CFR s. 272.1(c) (incorporated by reference) and s. 414.31, F.S.; for the Medicaid program, Title 42 USC s. 1396a(a)(7) (incorporated by reference), 42 CFR ss. 431.300-431.306 (incorporated by reference) and s. 409.902, F.S.; and, for the cash assistance program, Title 42 USC s. 602(a)(1)(A)(iv) (incorporated by reference), 45 CFR s. 205.50 (incorporated by reference), and ss. 414.106 and 414.295, F.S."

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 436, HARLEY-DAVIDSON®

RULE NO.: 53ER02-10

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 436, "HARLEY-DAVIDSON®," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners, estimated number and size of prizes in the game, and specifics of the HARLEY-DAVIDSON® Bonus Drawings related to the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-10 Instant Game Number 436, HARLEY-DAVIDSON®.

(1) Name of Game. Instant Game Number 436, "HARLEY-DAVIDSON®."

(2) Price. HARLEY-DAVIDSON® lottery tickets sell for \$2.00 per ticket.

(3) HARLEY-DAVIDSON® lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning HARLEY-DAVIDSON® lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any HARLEY-DAVIDSON® lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prizewinners.

(a) A ticket having a number in the “YOUR NUMBERS” play area that matches either number in the “WINNING NUMBERS” play area shall entitle the claimant to the corresponding prize shown for that number. A ticket may have up to ten matching sets of numbers. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$7.00, \$10.00, \$15.00, \$30.00, \$50.00, \$250, \$500, \$5,000, \$10,000, and “BIKE.” A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that totals \$2.00, except as follows. A person who submits by mail a HARLEY-DAVIDSON® lottery ticket which entitles the claimant to a prize of a \$2.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(b) A ticket that entitles a claimant to a prize of a “BIKE” shall be entitled to a prize of one HARLEY-DAVIDSON® SPORTSTER® 1200 CUSTOM™ motorcycle, including applicable federal withholding tax, sales tax, dealer preparation charges, set-up fees, and a helmet. Any additional federal, state, and/or local taxes or other fees are the responsibility of the winner. The Florida Lottery provides no warranty for the motorcycle. Any warranties and guarantees are those of the manufacturer only.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 436 are as follows:

GAME PLAY TICKET	WIN TICKET	ODDS OF 1 IN	NUMBER OF
			WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
\$2	\$2	16.6	604,800
\$2 + \$2 + \$1	\$5	30.00	336,000
\$4 + \$1	\$5	50.00	201,600
\$5	\$5	50.00	201,600
\$1 x 10	\$10	150.00	67,200
\$2 + \$3 + \$5	\$10	300.00	33,600
\$10	\$10	300.00	33,600
\$2 x 10	\$20	300.00	33,600
(\$2 x 3) + \$4 + (\$5 x 2)	\$20	600.00	16,800
\$10 x 2	\$20	600.00	16,800
\$3 x 10	\$30	514.29	19,600
\$15 x 2	\$30	514.29	19,600
\$5 x 10	\$50	720.00	14,000
\$30 + (\$5 x 4)	\$50	782.61	12,880
\$2 + (\$3 x 2) + (\$5 x 3) + \$7 + (\$10 x 2) + \$50	\$100	25,200.00	400
\$10 x 10	\$100	25,200.00	400
\$250 x 2	\$500	36,654.55	275
\$500	\$500	162,580.65	62
\$5,000 x 2	\$10,000	5,040,000.00	2
\$10,000	\$10,000	5,040,000.00	2
Harley Sportster	Top Prize	1,260,000.00	8

(10) The estimated overall odds of winning some prize in Instant Game Number 436 are 1 in 3.33.

(11) For reorders of Instant Game Number 436, the estimated odds of winning, value, and number of prizes, including Bonus Drawing prizes, shall be proportionate to the number of tickets reordered.

(12) Procedures for Claiming a HARLEY-DAVIDSON® Motorcycle Prize Won Instantly. A player who has won a motorcycle in accordance with the instant play features of Instant Game Number 436 described in paragraphs (8)(a) and (b), above, shall claim his or her prize as follows. The claimant should complete the information section on the back of a winning HARLEY-DAVIDSON® ticket. The claimant must file a claim with a Lottery office and complete a Winner Claim Form DOL 173-2, Revised 2/01, or DOL 173-S, Revised 2/01 in accordance with the instructions on the form.

The forms are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939. The risk of loss or late delivery of a claim submitted by mail remains with the player. Prizes must be claimed within sixty days following the official end date of the HARLEY-DAVIDSON® instant lottery game. Prior to receipt of a motorcycle, the claimant must also complete a Release Form DOL-400. Release Form DOL-400, Revised 2/02, is incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(13) Procedures for Awarding a HARLEY-DAVIDSON® Motorcycle Prize Won Instantly.

(a) Upon the Lottery's receipt of the motorcycle winner's executed Release Form, the Florida Lottery will notify the fulfillment company, which will arrange for delivery of the motorcycle to the designated authorized HARLEY-DAVIDSON® dealership at which the winner will take possession of his or her motorcycle prize. The designated dealership will be as near the winner's place of residence as is practicable. The winner must present proof of vehicle insurance, as required by Chapter 320, Florida Statutes, and proof of a valid motorcycle license. If the winner is unable to provide proof of a valid motorcycle license, the motorcycle must be removed by trailer or similar transport equipment provided by the winner or be driven by a person who is able to provide proof of a valid motorcycle license. The winner must take possession of the motorcycle within thirty days of receipt of notification that it is ready for pickup at the designated dealership. If the winner fails to take possession of the motorcycle within thirty days of pickup notification and fails to make alternative delivery arrangements with the Lottery, the motorcycle prize will be forfeited and no cash prize will be substituted. The winner must also execute and have notarized Acceptance Form DOL-449, Revised 2/02, at the dealership prior to the receipt of the motorcycle. Acceptance Form DOL-449 is incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939. The cost of travel to take possession of a motorcycle prize shall be the responsibility of the prizewinner.

(b) Cash will not be awarded in lieu of motorcycle prizes except as follows:

1. The Florida Lottery reserves the right, due to unavailability of motorcycles, to award cash prizes equal to the total value of a HARLEY-DAVIDSON® Sportster® 1200 Custom™ motorcycle (approximately \$15,068).

2. If a player who has claimed an instant-win motorcycle prize by presenting a winning ticket to a retailer or Lottery district office and obtaining issuance of claim tickets fails to complete the process of submitting the Winner Claim Form and receiving and submitting the Release Form by the 60th day following the end of the ticket redemption period for the HARLEY-DAVIDSON® instant game, then the Lottery reserves the right to award a cash prize of \$15,068 instead of a motorcycle upon the winner's subsequent submission of the Winner Claim Form and either the winning ticket or a claim ticket.

(c) In the event cash prizes are awarded, applicable federal withholding tax shall be deducted from the cash prize, and any other taxes shall be the responsibility of the winner.

(d) If the winner of a motorcycle is identified as owing an outstanding debt to a state agency or child support collected through a court, including spousal support or alimony if the child support obligation is being enforced by the Department of Revenue, and the winner does not pay the debt or child or spousal support at the time of claiming his or her motorcycle prize, the debt will be collected in lieu of award of the motorcycle. If the debt is an amount less than the cash value of the motorcycle prize, the winner shall receive the excess cash value once applicable federal withholding tax has been deducted and the debt has been satisfied. If the debt is an amount greater than the cash value of the motorcycle prize, the entire cash value of the prize remaining after deduction of applicable federal withholding tax will be applied toward the outstanding debt as provided in Section 24.115, Florida Statutes.

(14) HARLEY-DAVIDSON® Bonus Drawings.

The Florida Lottery will conduct bonus drawings in which it will award as prizes four HARLEY-DAVIDSON® motorcycles and sixteen hundred HARLEY-DAVIDSON® merchandise prize packages.

(15) HARLEY-DAVIDSON® Bonus Drawing Prizes.

(a) HARLEY-DAVIDSON® Heritage Softail® Classic Motorcycle. A motorcycle prize includes federal withholding tax, sales tax, dealer preparation charges, set-up fees and a helmet. Any additional federal, state, and/or local taxes or other fees are the responsibility of the winner. The Florida Lottery provides no warranty for the motorcycle. Any warranties and guarantees are those of the manufacturer only.

(b) HARLEY-DAVIDSON® Merchandise Prize Package. Merchandise prize packages include an official HARLEY-DAVIDSON® blanket, watch, pair of sunglasses, set of car/truck mats, license plate cover, leather baseball cap, and a T-shirt.

(16) How to enter the HARLEY-DAVIDSON® Bonus Drawings.

(a) For purposes of paragraphs (16)(a) and (b), a HARLEY-DAVIDSON® Bonus Drawing "entry" is defined as three non-winning Instant Game Number 436, HARLEY-DAVIDSON® lottery tickets (hereinafter "non-winning ticket(s)") in a HARLEY-DAVIDSON® Bonus Drawing envelope, or in an envelope with a total area no larger than 4 1/2 x 9 1/2 inches addressed to Florida Lottery, Bonus Drawing, 250 Marriott Drive, Tallahassee, Florida 32395-2222.

(b) To enter a HARLEY-DAVIDSON® Bonus Drawing, a player may either mail his or her entry to the Bonus Drawing address or submit it to any Florida Lottery office. The risk of loss or late delivery of an entry submitted by mail remains with the player.

(c) The Bonus Drawing envelopes are available at Florida Lottery retailers and at any Florida Lottery office. If drawn, envelopes with a total area larger than 4 1/2 x 9 1/2 inches will be disqualified. Non-winning tickets mailed in envelopes addressed to a Florida Lottery address other than the Bonus Drawing address will be included in a drawing only if the mailing envelope is opened prior to the drawing in the regular course of business.

(d) The player information section on the back of each non-winning ticket should be legibly completed. If the back of a non-winning ticket is incomplete or illegible, identifying data from the mailing envelope shall be used by the Florida Lottery to supplement the information provided to the extent possible. Only one name per non-winning ticket should be used. If a drawn envelope contains a non-winning ticket on which more than one name appears, the prize will be awarded to the person whose name appears first on the line designated for name, subject to paragraph (e) below.

(e) Players may enter the bonus drawings as many times as they wish but each envelope should contain only three non-winning tickets. If a drawn envelope contains multiple non-winning tickets bearing different individual's names, the Lottery will select the non-winning ticket with the lowest book/ticket number and the prize will be awarded to the individual whose name appears on that non-winning ticket.

(f) Bonus Drawing envelopes and other envelopes sent to the Bonus Drawing address will be opened only if they are selected in the Bonus Drawing. For this reason, winning lottery tickets and correspondence unrelated to the Bonus Drawing should not be submitted in a Bonus Drawing envelope or to the Bonus Drawing address.

(g) Winning tickets submitted for payment in a Bonus Drawing envelope or to the Bonus Drawing address will not be paid or honored unless the envelope is selected in the Bonus Drawing. Envelopes submitted to the Bonus Drawing address are subject to a thirty-day retention schedule following the date of the applicable drawing and will be destroyed accordingly.

(h) Only one merchandise prize per envelope will be awarded.

(i) Only valid entries are eligible for Bonus Drawings. Entries will be declared invalid and shall be disqualified if any part of the entry is illegible, altered, mutilated, tampered with, duplicated or defaced.

(17) HARLEY-DAVIDSON® Bonus Drawing Details.

(a) The Florida Lottery will conduct four Bonus Drawings to be held in accordance with the schedule set forth below. Entries received during each of the four Bonus Drawing entry periods will be included only in the corresponding Bonus Drawing for that entry period.

DRAWING	ENTRY PERIOD IN WHICH ENTRY IS RECEIVED BY LOTTERY	DRAWING DATE
1 st	Inception of HARLEY-DAVIDSON® ticket sales through Tuesday, March 26, 2002, 5:00 p.m., ET.	Wednesday, March 27, 2002
2 nd	Wednesday, March 27, 2002, through Tuesday, April 16, 2002, 5:00 p.m., ET.	Wednesday, April 17, 2002
3 rd	Wednesday, April 17, 2002, through Tuesday, May 21, 2002, 5:00 p.m., ET.	Wednesday, May 22, 2002
4 th	To Be Determined- approximately sixty days after official end of game, 5:00 p.m., ET.	To Be Determined

Additional Bonus Drawings may be added if more tickets are printed. In such case, the last draw would be scheduled approximately sixty days after official end of game date.

(b) Any entry received by the Lottery after an entry deadline will be included in the next Bonus Drawing, except that any entry received by the Lottery more than sixty days following the date of the end of the HARLEY-DAVIDSON® game will not be included in any Bonus Drawing.

(c) In each of the four scheduled drawings, one HARLEY-DAVIDSON® Heritage Softail® Classic motorcycle and four hundred Official HARLEY-DAVIDSON® Merchandise Prize Packages will be awarded. A total of 451 entries will be drawn per Bonus Drawing. In each drawing, the first valid entry drawn will win the motorcycle. The second through the 401st valid entries drawn will win a merchandise prize package. The remaining drawn entries will be alternates and will be used in the order in which they were drawn and order of need by the Lottery to fulfill any Bonus Drawing prize that the Lottery could not successfully award to a winner. In the event a motorcycle winner fails to return the Winner Claim Form and Release Form in accordance with the provisions set forth in paragraph (18)(a)1. below, the winner will forfeit his or her right to claim the prize, and the first available qualified alternate will be awarded the motorcycle prize provided he or she completes and returns the Winner Claim Form and Release Form to the Florida Lottery no later than three weeks from the first alternate's receipt of the forms. If necessary, the Lottery will continue the above-described alternate award process until a motorcycle prizewinner is successfully awarded, but not to exceed a third alternate. Thereafter, no further motorcycle alternate winner will be selected. In the event the Lottery cannot successfully award a merchandise prize package to a winner due to returned mail or other similar delivery difficulties, the first available qualified alternate will be awarded the merchandise package prize. If necessary, the Lottery will continue the above-described alternate award process until the merchandise prize package is awarded.

(d) All drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(e) The odds of winning a Bonus Drawing prize are dependent upon the number of entries received.

(18) Procedures for Awarding HARLEY-DAVIDSON® Bonus Drawing Prizes.

(a) Motorcycle Prizes. Participants need not be present at the Bonus Drawing to win. The Florida Lottery will attempt to notify prizewinners by telephone or certified mail no later than two weeks after the winners are announced.

1. Prior to the receipt of a motorcycle prize, the winner must complete a Winner Claim Form DOL 173-2, or DOL 173-S, and a Release Form DOL-400. The executed Winner Claim Form and Release Form must both be received by the Florida Lottery no later than twenty-one days from the winner's receipt of the forms. If the twenty-first day falls on a Saturday or Sunday, or on an observed state holiday, this time period will be extended to the Lottery's next business day. The risk of loss or late delivery of a Winner Claim Form and/or Release Form submitted by mail remains with the player.

2. Once the Florida Lottery has received a motorcycle winner's Winner Claim Form and Release Form, the Lottery will award a Bonus Drawing motorcycle prize in accordance with the provisions set forth in paragraph (13)(a) above. Cash will not be awarded in lieu of bonus drawing motorcycle prizes except as follows. The Lottery reserves the right, due to unavailability of motorcycles, to award cash prizes equal to the total value of a HARLEY-DAVIDSON® Heritage Softail® Classic motorcycle (approximately \$25,609.53). The provisions set forth in paragraphs (13)(c) and (d) above shall also apply to the award of Bonus Drawing motorcycle prizes.

(b) Official HARLEY-DAVIDSON® Merchandise Prize Packages. Merchandise packages will be shipped to the winners' addresses within approximately four to six weeks following the Bonus Drawing in which they were selected.

(19) Bonus Drawing participants must be at least eighteen years of age.

(20) Persons prohibited by Section 24.116, Florida Statutes, from purchasing a Florida Lottery ticket are not eligible to win a HARLEY-DAVIDSON® Bonus Drawing prize.

(21) Entry into a Florida Lottery HARLEY-DAVIDSON® Bonus Drawing constitutes permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(22) The Florida Lottery will publish on the Florida Lottery's website, www.flalottery.com, a complete list of all HARLEY-DAVIDSON® Bonus Drawing winners following the conclusion of the Bonus Drawings, including the city and state of residence. To receive a copy of the winner list, write to Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(23) General Provisions – HARLEY-DAVIDSON® Instant Game Number 436 and HARLEY-DAVIDSON® Bonus Drawings.

(a) The winner's right to a merchandise prize is not assignable.

(b) Winners must be at least 18 years of age.

(c) All prizes are subject to the provisions of Chapter 24, Florida Statutes, and rules promulgated thereunder. By purchasing a HARLEY-DAVIDSON® lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery. Entry into a HARLEY-DAVIDSON® Bonus Drawing constitutes agreement to abide by the official rules of the HARLEY-DAVIDSON® instant game.

(d) Payment of prizes for HARLEY-DAVIDSON® lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(e) A copy of the complete rules for Instant Game Number 436, HARLEY-DAVIDSON® and the related bonus drawings may be obtained by writing the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011 or by calling (850)487-7724.

Specific Authority 24.105(9)(a),(b),(c),(d),(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c),(d),(e), 24.115(1), 24.115(4) FS. History—New 2-26-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 26, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 418, ROYAL 7'S

RULE NO.: 53ER02-11

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 418, "ROYAL 7'S," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prizewinners and the number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-11 Instant Game Number 418, ROYAL 7'S.

(1) Name of Game. Instant Game Number 418, "ROYAL 7'S."

(2) Price. ROYAL 7'S tickets sell for \$1.00 per ticket.

(3) ROYAL 7'S lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number (VIRN) under the latex area on the ticket. To be a valid winning ROYAL 7'S lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any ROYAL 7'S lottery ticket, or as to the prize amount, the VIRN number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) Determination of Prize Winners.

(a) A ticket having three "7's" in the play area in any one row, column or diagonal shall entitle the claimant to the corresponding prize shown. The prizes are: FREE TICKET, \$2, \$3, \$7, \$27, \$77, and \$777. A claimant who is entitled to a prize of a "FREE TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a ROYAL 7'S lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(b) A ticket having a "crown" symbol in any spot in the play area shall be entitled to a prize of \$10.

(6) The estimated odds of winning, value, and number of prizes in Instant Game Number 418 are as follows:

GAME PLAY	WIN	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL	ODDS OF 1 IN
RIGHT COLUMN	\$1 TICKET	907,200	8.33
MIDDLE COLUMN	\$2	478,800	15.79
LEFT COLUMN	\$3	226,800	33.33
TOP ROW	\$7	75,600	100.00
CROWN	\$10	50,400	150.00
CENTER ROW	\$27	30,996	243.90
BOTTOM ROW	\$77	840	9,000.00
DIAGONAL	\$777	25	302,400.00

(7) The estimated overall odds of winning some prize in Instant Game Number 418 are 1 in 4.27.

(8) For reorders of Instant Game Number 418, the estimated odds of winning, value and number of prizes shall be proportionate to the number of tickets reordered.

(9) By purchasing a ROYAL 7'S lottery ticket the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(10) Payment of prizes for ROYAL 7'S lottery tickets shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a),(b),(c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a),(b),(c), 24.115(1) FS. History--New 2-26-02.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 26, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Procedures for Awarding Prizes

RULE NO.: 53ER02-12

SUMMARY OF THE RULE: This emergency rule replaces Emergency Rule 53ER98-16 and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-12 Procedures for Awarding Prizes.

(1) General instructions for claiming a prize are printed on the back of every ticket.

(a) Winning on-line game tickets must be submitted for prize payment to an on-line retailer or Lottery office on or before the 180th day after the winning drawing, or mailed for prize payment to: Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939, or by using the self-mailing envelope attached to the claim form. Any winning on-line game ticket mailed to the Lottery must be postmarked on or before the 180th day after the winning drawing.

(b) Winning instant game tickets must be submitted for prize payment to an instant-only retailer, on-line retailer or Lottery office on or before the 60th day after the official end of the game, or mailed for prize payment to: Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939, or by using the self-mailing envelope attached to the claim form. Any winning instant ticket mailed to the Lottery must be postmarked on or before the 60th day after the official end of the game.

(c) If a valid claim is not made for a prize within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed prizes shall not be distributed to other winners within the same prize pool.

(d) In order to be a valid winning lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in either Emergency Rule 53ER92-63(1)(a), *Instant Game Ticket Validation*, or Emergency Rule 53ER92-65(1)(a), F.A.C., *On-line Game Ticket Validation*, depending upon the type of ticket presented. Winning tickets must pass all applicable validation and verification tests prior to payment being made to the claimant.

(e) Winning tickets submitted to any drawing address intended for any game or promotional drawing or submitted in any envelope designated for such will not be paid or honored unless selected during the drawing.

(f) A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark and deliver the ticket to the Lottery.

(g) A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket as follows. If the ticket submitted for payment is an instant lottery ticket, the claimant will receive an instant lottery ticket having the same retail sales price as the instant lottery ticket submitted for prize payment. If the prize is a free FANTASY 5 ticket, the claimant will receive a free FANTASY 5 quick pick ticket (\$1.00 value) for the next drawing after the ticket is validated, or if the free FANTASY 5 ticket is part of a FANTASY 5 multi-play ticket, the claimant will receive prize payment in accordance with the provisions of subsection (4) below.

(h) A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(i) A claimant who claims a prize on a winning advance play lottery ticket before all the drawings on the ticket have occurred will be issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket.

(j) If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant's advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one check for the total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the

claimant a check for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(2) Winning Tickets Less than \$600. Payment of any winning ticket of less than \$600 presented to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation.

(a) Winning tickets of \$50 or less presented to a retailer shall be paid in cash by the retailer unless:

1. It is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or

2. It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

(b) Winning tickets exceeding \$50 but less than \$600 presented to a retailer shall be paid by cash, check, or money order.

(c) No charge or fee shall be imposed by a retailer on a player for paying a winning ticket. This prohibition includes charging a fee for a money order issued to the player in payment of a prize when that is the only method of prize payment made available by the retailer.

(d) Winning tickets of \$100 or less presented to a Lottery district office will be paid by cash, check or issued lottery tickets at the claimant's option.

(e) Winning tickets with a value greater than \$100 but less than \$600 that are presented to a Lottery district office shall be paid by check or issued lottery tickets at the claimant's option.

(f) Winning tickets of less than \$600 submitted to Lottery Headquarters for payment shall be made by check.

(g) A player who presents a winning ticket of less than \$600 in person to a Lottery district office or Lottery Headquarters for payment by check shall be required to present one form of identification from the list in subsection (9). The identification is required to ensure proper check distribution.

(h) Winning tickets of less than \$600 shall be subject to and paid in accordance with subsections (5), (6), (7), and (8) below.

(3) Winning Tickets Valued at \$600 or Greater.

(a) Payment of winning tickets valued at \$600 or greater shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or greater cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or greater to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or greater is validated at a retailer location, the player shall retain the original ticket and the two claim tickets produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, revised 2/01, or Spanish Winner Claim Form DOL 173-S, revised 2/01, along with the documentation set forth in subsections (5) and (9) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Claims may be submitted either in person to any Lottery district office or to Lottery Headquarters, or by mail to Florida Lottery, Winner Validation, 250 Marriott Drive, Tallahassee, Florida 32399-9939. The player should retain a copy of the completed Winner Claim Form and the player copy of the claim ticket, if one was issued.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (5), (6), (7) and (8) below. Winning tickets valued at greater than \$250,000 submitted to a Lottery district office shall be forwarded to Lottery Headquarters for payment.

(e) Winning tickets valued at \$600 or more submitted to Lottery Headquarters shall be paid as follows and in accordance with subsections (5), (6), (7) and (8) below:

1. If the prize value is \$600 through \$250,000, payment shall be made by check.

2. If the prize value is greater than \$250,000 or is a prize for which there is a lump-sum option, payment shall be made by check or wire transfer at the claimant's option.

(4) FANTASY 5 Multi-play Tickets. Additional payment provisions applicable only to winning FANTASY 5 multi-play tickets (tickets with more than one panel played for a single draw date) which include a cash prize and a fourth prize (free FANTASY 5 quick pick ticket) are as follows:

(a) A \$1.00 value for each fourth prize on a multi-play ticket shall be included in the total prize value of the ticket.

(b) FANTASY 5 multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize.

(c) FANTASY 5 multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free FANTASY 5 quick pick tickets that are part of a claim with a total value of \$600 or more.

1. If the claim is submitted to a Lottery office in person and the validation process for the FANTASY 5 multi-play ticket is successfully completed, the claimant will be paid the cash prize and shall be given one free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize.

2. If the claim is submitted by mail to a Lottery office and the FANTASY 5 multi-play ticket is successfully validated, the Lottery will pay the cash prize and if the winner's address is in Florida, print one free FANTASY 5 quick pick ticket for the next FANTASY 5 drawing for each fourth prize. The payment and the free ticket(s) shall be mailed to the claimant by the Lottery, except as set forth in paragraph (1)(h), above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

3. If the claimant is identified as owing an outstanding debt as set forth in paragraph (8)(i), in an amount less than the cash portion of the prize net of any federal income tax withholding, the non-cash portion of the prize (free ticket(s)) and the amount owed to the claimant after his or her debt is satisfied and taxes have been withheld shall be awarded. If the claimant is identified as owing an outstanding debt in an amount greater than the cash portion of the prize net of any federal income tax withholding, the cash portion of the prize remaining after taxes have been withheld will be applied toward the outstanding debt as provided in subsection 24.115(4), Florida Statutes, and the claimant will receive the remaining non-cash portion of the prize (free ticket(s)).

(5) Ticket Presentation and Payment. In accordance with the applicable provisions of subsections (2), (3), and (4), a claimant must present an original winning ticket to the Lottery or to a retailer, or present an original claim ticket produced from validation of an original winning ticket to the Lottery to claim a prize.

(a) If a claimant presents an original winning ticket and an original claim ticket produced from an original winning ticket, payment will be made in accordance with subsections (6), (7), and (8) below.

(b) If a claimant presents only an original winning ticket, the ticket will be validated and payment will be made in accordance with subsections (6), (7), and (8) below.

(c) If the claimant presents only an original claim ticket, the claim ticket will be validated and payment will be made as follows:

1. For on-line prizes, payment will be made following expiration of 180 days after the winning draw date, provided that payment for the original winning ticket is not made before the expiration of 180 days.

2. For instant prizes, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 60 days after the official end of the game, whichever occurs sooner, provided that payment for the original winning ticket is not made before expiration of the 180 days or 60-day time period, whichever is applicable. Payment for prizes greater than \$1,000 will be made following expiration of 60 days after the official end of the game, provided payment for the original winning ticket is not made before expiration of the 60-day time period.

3. If the original winning ticket is presented and paid prior to expiration of the time periods set forth in subparagraphs (5)(c)1., and 2., the claim based on the claim ticket will be denied.

(d) In the event a claim for payment is made and neither an original ticket nor an original claim ticket is presented, the claim will be denied unless the following occurs:

1. The claimant establishes to the Lottery's satisfaction that the absence of the ticket or claim ticket is attributable to the Lottery. Acts or omissions of Lottery retailers shall not be considered attributable to the Lottery; and

2. The Lottery, upon presentation by the claimant of documentary evidence, determines that the evidence is sufficient to validate the claim.

(e) If a claim is approved for payment under paragraph (5)(d), payment will not be made until the time for claiming a prize has expired.

(6) Taxes. Federal withholding taxes shall be applied to prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.

(7) Regardless of how many persons or entities claim an ownership interest in a winning ticket, payment will be made to only one person or entity.

(8) The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) If the back of a ticket is blank or incomplete, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Instant tickets. If more than one name appears on the back of an instant ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) On-line tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

3. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued

at \$600 or more, no payment shall be made to a legal entity until the Lottery has received a copy of the entity's organizational documents which set forth the names and social security numbers of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (8)(d) and (e) above. If the ticket is valued at less than \$600, payment will be made to the person presenting the ticket for payment.

(g) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (8)(a) through (d) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant based upon the undisputed information submitted to the Lottery.

(h) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(i) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service (IRS) Form 5754 filed by a claimant whose portion of the prize is \$600 or more, will be compared to the State Owed Debt system. All persons ultimately entitled to receive Florida Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be compared to the State Owed Debt system. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), Florida Statutes, following deduction of federal tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant, notwithstanding taxability interests set forth on an IRS Form 5754, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant and reported as taxable as directed in the IRS Form 5754.

2. If the debt is of a person whose name appears on an IRS Form 5754 and subparagraph 1. is inapplicable, or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the person's debt, but not to exceed his or her percentage interest in the prize or entity, will be transferred to the state agency owed the debt. The monies remaining will be paid to the claimant on the ticket.

(9) Presentation of Identification.

1. The claimant of a prize valued at \$600 or more will be required to present identification as detailed below. The name on the identification presented to the Lottery must match the name on the back of the winning ticket. If the name on the ticket back and the identification presented do not match, the Lottery may request another form of identification listed below or request additional information to use in making its payment determination.

a. For prizes valued at \$600 through \$250,000 the following identification is required: one form of identification bearing a signature that is current or was issued within the past 5 years and bears a serial or other identifying number and a signature.

b. For prizes with a value greater than \$250,000 the following identification is required: one form of photo identification that is current or was issued within the past 5 years and bears a serial or other identifying number, or if photo identification is not presented, two forms of identification bearing a signature that are current or were issued within the past 5 years and bear a serial or other identifying number.

2. Acceptable forms of identification include the following:

a. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;

b. A passport issued by the Department of State of the United States;

c. A passport issued by a foreign government if the document is stamped by the United States Immigration and Naturalization Service;

d. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;

e. An identification card issued by any branch of the armed forces of the United States;

f. An identification card issued by the United States Immigration and Naturalization Service; or

g. Another form of identification approved by the Lottery.

3. A photocopy of required identification shall accompany claims valued at \$600 or greater that are submitted by mail.

(10) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(11) No payment shall be made upon a ticket presented for payment that is reflected in the Lottery's records as having been canceled.

(12) The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(13) The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and

binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

(a) deposit the prize winnings into an escrow fund until it resolves the controversy and reaches a decision; or

(b) petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(14) Information for claiming a prize can be obtained by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850)487-7777.

(15) This emergency rule replaces Emergency Rule 53ER98-16, Florida Administrative Code.

Specific Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1), 24.115(4) FS. History—New 2-26-02, Replaces 53ER98-16, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: February 26, 2002

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Florida Keys Community College. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 28, No. 3, dated January 18, 2002. No public comment was received. The petition requested a waiver of paragraph 11B-21.005(3)(c), F.A.C., pursuant to Section 120.542, F.S. paragraph 11B-21.005(3)(c), F.A.C., requires Commission-certified training centers to have at least two full-time criminal justice training instructors or instructional coordinators. On February 7, 2002, the Criminal Justice Standards and Training Commission granted a temporary waiver to Florida Keys Community College in a final order, OGC File No.: VAR 01-12.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Daryl Inwood. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 28, No. 4, dated January 25, 2002. No public comment was received. The petition requested a waiver of subsection

11B-27.004(9), F.A.C., pursuant to Section 120.542, F.S. Subsection 11B-27.004(9), F.A.C., requires that all appeals of disciplinary matters be completed before the Commission proceeds with its disciplinary action. On February 7, 2002, the Criminal Justice Standards and Training Commission granted a permanent waiver to Daryl Inwood in a final order, OGC File No.: VAR 01-11.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, telephone (850)410-7687.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action on a petition for waiver received from Clyde G. Cole. Notice of receipt of this petition was published in the Florida Administrative Weekly, Vol. 28, No. 8, dated February 22, 2002. No public comment was received. The petition requested a waiver of paragraph 11B-20.0014(3)(c), and subsection 11B-27.013(5), F.A.C., pursuant to Section 120.542, F.S. paragraph 11B-20.0014(3)(c), F.A.C., requires that an officer wishing to become a canine team instructor obtain certain Commission-approved training prior to certification. subsection 11B-27.013(5), F.A.C., requires canine teams to be recertified as of December 31, of the year following their initial certification. The Criminal Justice Standards and Training Commission granted a permanent waiver to Clyde G. Cole in a final order, OGC File No.: VAR 02-1.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

DEPARTMENT OF THE LOTTERY

NOTICE IS HEREBY GIVEN THAT the Department of the Lottery has received a Petition for Waiver of subsection 53ER98-16(9), F.A.C., *Procedures for Awarding Prizes*, filed on February 25, 2002, by Maryann Bellantonio of Fort Lauderdale, Florida. Emergency Rule 53ER98-16, F.A.C, sets forth the provisions for payment of prizes to players.

A copy of the Petition can be obtained from: Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Department of Environmental Protection gives notice of its intent to issue a variance from the provisions of paragraph 62-4.244(5)(c), F.A.C. (File No. 0186991-002-EV) to the Town of Jupiter Island, Martin County, Florida, to establish a temporary mixing zone greater than 150 meters within an area of Class III Waters of the Atlantic Ocean. This variance is sought in conjunction with a joint coastal permit (Permit No. 0186991-001-JC) which was issued on February 11, 2002.

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 entitled "Official Notices."

If you have additional questions please contact: Stacey Roberts, (850)488-3181.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on February 7, 2002 a petition from River Park Utilities Management Association, Inc., seeking a variance under section 120.542 of the Florida Statutes from the staffing requirements for Type II wastewater treatment plants under subsection 62-610.462(3), F.A.C., to reduce the number of hours of operator staffing.

Copies may be received from, and written comments submitted to: DEP, Office of General Counsel, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

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."

If you do not have Internet access you may obtain a copy of the notice by calling Dr. David York, (850)922-2034.

DEPARTMENT OF HEALTH

The Board of Medicine hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Solange Pendas, M.D., on December 19, 2001. The Board considered the Petition at its February 2, 2002, meeting, held in Jacksonville, Florida. The Board's Order, filed on February 13, 2002, grants the petition for waiver or variance finding that the Petitioner established that she would suffer a substantial hardship or violations of the principles of fairness as a result of the application of Rule 64B8-5.001, F.A.C.

A copy of the Board's Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3753.

The Board of Psychology hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Kenneth W. Goodman, Ph.D., on behalf of the University of Miami Ethics Program. The Board considered the Petition at its January 31, 2002 telephone conference call. The Board's Order, filed on February 11, 2002, denies the petition for waiver or variance finding that the Petitioner sought a waiver from the statutory requirements of Section 490.007(2), Florida Statutes, and the Board is not authorized to grant a waiver or variance from a statutory requirement.

A copy of the Board's Order may be obtained by contacting: Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3755.

NOTICE IS HEREBY GIVEN that the State of Florida, Department of Health, Bureau of Emergency Medical Services, received a Petition for Variance February 18, 2002 from Pasco County, Florida

Applicable Rule: Paragraphs 64E-2.013(14)(a)-(c), F.A.C.

Requested Action: To grant Pasco County a temporary variance for a period of two years to paragraph 64E-2.013(14)(a)-(c), F.A.C., due to substantial hardship resulting from the retirement of the previous Emergency Medical Services Director.

Any interested person or agency may submit written comments on this petition until close of business March 22, 2002.

Comments on or requests for copies of the petition must be addressed to: Ms. Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738.

P.O. G10454

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration

Department of Veterans' Affairs

Department of Highway Safety and Motor Vehicles

Department of Law Enforcement

Department of Revenue

Department of Education

Administration Commission

Florida Land and Water Adjudicatory Commission

Board of Trustees of the Internal Improvement Trust Fund

Department of Environmental Protection

DATE AND TIME: March 26, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations;

investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Friends of Mission San Luis** announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2002, 2:00 p.m.

PLACE: R. A. Gray Building, 3rd Floor, Conference Room, 500 S. Bronough St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business with the Board of Directors.

A copy of the agenda may be obtained by contacting: Patsy B. Mcleod, 500 S. Bronough St., Tallahassee, FL 32399.

The **Department of State, Division of Elections** announces a public hearing to which all persons are invited.

DATE AND TIME: March 19, 2002, 5:00 p.m.

PLACE: R. A. Gray Building, Auditorium, 500 S. Bronough Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss changes to Proposed Rule 1S-2.032, F.A.C.

A copy of the agenda may be obtained by contacting: Amy K. Tuck, (850)245-6200.

In accordance with the Americans with Disabilities Act, persons needing special accommodation to participate in this proceeding by contacting: Amy K. Tuck, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, FL 32399-0250, email atuck@mail.dos.state.fl.us, (850)245-6200, not later than 3 days prior to the scheduled hearing.

The **Department of State, Division of Cultural Affairs** announces the following public meeting, to which all persons are invited:

COMMITTEE: Art Selection Committee

DATE AND TIME: Monday, March 18, 2002, 8:30 a.m.

PLACE: Escambia County Health Department, Conference Room, 1295 West Fairfield Drive, Pensacola, FL 32501, (850)505-6555

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting to select artwork for Art in State Buildings Project No. DOH 9817/7600, Escambia County Health Department, Northside, Pensacola.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, March 20, 2002, 8:30 a.m.

PLACE: DOT District Four Office, First Floor, Conference Room, 3400 West Commercial Blvd., Ft. Lauderdale, FL 33309-3421, (954)777-4203

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold an Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOT 232-858, FDOT – Ft. Lauderdale District Office Auditorium, Broward County.

COMMITTEE: Art Selection Committee

DATE AND TIME: Wednesday, March 20, 2002, 1:00 p.m.

PLACE: Dade County Health Department, Administrative Offices, Main Conference Room, 3rd Floor, 8175 N. W. 12th Street, Miami, FL 33126, (786)845-0110

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DOH 9813/7300, Dade County Health Department, West Perrine.

COMMITTEE: Art Selection Committee

DATE AND TIME: Thursday, March 21, 2002, 1:30 p.m.

PLACE: Department of Children and Family Services, Office of Division Construction, ASGDC, Building 3, Room 205, 1317 Winwood Blvd., Tallahassee, FL 32399-0700, (850)413-6776

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Orientation Meeting to determine potential artwork sites for Art in State Buildings Project No. DCF 0024/0250 District Two Program Office, Tallahassee, Leon County.

For more information or to obtain a copy of the agenda, please contact: Lee Modica, Arts Administrator, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250, (850)487-2980, Ext. 116.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Division of Cultural Affairs. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Don Blancett, (850)487-2980, Ext 131. If you are hearing or speech impaired, please contact the agency by calling TT (850)488-5779.

DEPARTMENT OF LEGAL AFFAIRS

The Legislative Advocacy Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Friday, March 22, 2002, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of a disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF BANKING AND FINANCE

The Florida **Board of Funeral and Cemetery Services** announces a public Rules Committee Meeting and all persons are invited to attend.

DATE AND TIME: March 14, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: Room 547, Fletcher Bldg., 101 E. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Review of Board rules beginning with Section 3F-2.003 and/including 3F-8.007, F.A.C., Processing Fee and other business as necessary.

To obtain further information and to obtain a copy of the agenda contact Frances Restifo, Administrative Assistant II, Division of Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853, seven days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

The Florida **Board of Funeral and Cemetery Services** announces a public Board Meeting and all persons are invited to attend.

DATE AND TIME: April 19, 2002, 10:00 a.m. – 5:00 p.m.

PLACE: Hyatt Regency Coral Gables, 50 Alhambra Plaza, Coral Gables, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

To obtain further information contact: Frances Restifo, Administrative Assistant II, Division of Securities and Finance, Room 649B, Fletcher Bldg., 101 East Gaines St., Tallahassee, FL 32399-0350, (850)410-9853.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Frances Restifo, (850)410-9853, at least 48 hours before the meeting. If you are hearing or speech impaired, contact Frances Restifo via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) for assistance.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2002, 10:00 a.m.

PLACE: Edgewater Hotel, 99 West Plant Street, Winter Garden, Florida 34787

GENERAL SUBJECT MATTER TO BE CONSIDERED: Request for a public meeting of the Historical Transient Lodging Task Force to discuss sprinkler issues at the Edgewater Hotel.

A copy of the agenda may be obtained by writing: Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: April 8, 2002, 12:00 Noon

PLACE: Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, FL 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Firefighters Safety and Health Task Force.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, FL 34482-1486.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: April 8, 2002, 2:00 p.m.

PLACE: Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, FL 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Fire Fighters Standards and Training Advisory Council.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, FL 34482-1486.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Endangered Plant Advisory Council** announces a public meeting to which all persons are invited:

DATES AND TIMES: Wednesday, March 13, 2002, 2:00 p.m. – Thursday, March 14, 2002, 2:00 p.m.

PLACE: Doyle Conner Building, Auditorium, 1911 S. W. 34th Street, Gainesville, Florida 32608

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items:

1. Welcome and Opening
2. Approval of Agenda
3. Review and Approve Minutes of Fall Meeting
4. Consideration to Confirm Ranking Number Details Accepted During Last Meeting
5. Evaluation of Pitcherplants and Their Habitats in Florida State Parks
6. Review Status of Plants Listed Prior to 1997
7. Bio Control Status of Melaleuca and Climbing Ferns
8. Endangered and Threatened Native Flora Grants Program Interim Status Reports
 - a. Bok Tower Gardens

- b. Archbold Biological Station
- c. Fairchild Tropical Garden
9. New listing Proposals for Regulated Plant Index
10. Comments or Concerns from Interested Parties
11. Election of Officers
12. Schedule Next Meeting

If you need a special accommodation in order to attend this meeting because of a disability, please let us know by March 8, 2002.

A copy of the agenda may be obtained by writing: Mr. Danny Phelps, Secretary, Endangered Plant Advisory Council, Division of Plant Industry, Post Office Box 147100, Gainesville, Florida 32614-7100, (352)372-3505.

DEPARTMENT OF EDUCATION

The **Florida Rehabilitation Council** announces the following conference call/meeting:

MEETING: Executive Committee Conference Call/Florida Rehabilitation Council

DATE AND TIME: March 14, 2002, 10:30 a.m.

PLACE: Headquarters, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida Rehabilitative Council.

A copy of the agenda may be obtained by contacting: Florida Rehabilitative Council, Building A, 2002 Old Saint Augustine Road, Tallahassee, FL 32399-0696, (850)488-6210.

Any interested parties that need further information may contact Vicki Welch, Extension 150 or her Assistant, Yolanda Manning, Extension 128.

COMMITTEE MEETINGS: Please note that committees of the Florida Rehabilitative Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meeting may request to be put on mailing list for such notices by writing to Yolanda Manning at the Council's address.

Notices of meetings and hearings must advise that a record is required to appeal. Each board, commission, agency of this state or of any political subdivision; thereof shall include in the notice any meeting or hearing, if notice of the meeting or hearing is required of such board, commission or agency, conspicuously on such notice, they advise that if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

NOTICE OF CANCELLATION – The Florida **Department of Education** (DOE) announces the cancellation of the Partnership for School Safety and Security’s meeting to be held at the Wyndham Westshore Hotel in Tampa, Florida, March 21-22, 2002.

NOTICE OF CORRECTION – The Florida **Department of Education** (DOE) announces a meeting of the Partnership for School Safety and Security to which all persons are invited. The original notice reflected the meeting to be held, March 21-22, 2002, at the Wyndham Westshore Hotel. This is serving as a correction to the original submission.

DATE AND TIME: March 21, 2002, 10:00 a.m. – 5:00 p.m.

PLACE: Wyndham Westshore Hotel, 4860 West Kennedy Boulevard, Tampa, Florida 33609

DATE AND TIME: March 22, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Clearwater High School, 540 South Hercules Avenue, Clearwater, Florida 33764

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Partnership for School Safety and Security Members appointed by Governor Jeb Bush in October 2000. The Partnership for School Safety and Security welcomes participation from any interested members of the public.

Any persons requiring special accommodation at this meeting because of a disability or physical impairment should contact Felicia Williams-Elliott, Office of Safe Schools, (850)414-7777, at least five calendar days prior to the meeting. Additional information may be obtained by writing: Department of Education, Office of Safe Schools, Room 301, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

The Board of Trustees Staff Recognition Committee of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 15, 2002, 1:00 p.m.

PLACE: Walker Hall Board Room, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing: Elmer Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2200.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: March 14, 2002, 10:00 a.m. (CDT)

PLACE: Gardner Seminar Room

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

The public is invited to a meeting of the Florida **Board of Education** to be held by telephone conference call.

DATE AND TIME: March 19, 2002, 10:00 a.m.

PLACE: Conference Room, 15th Floor, Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Strategic Plan Imperatives, Reorganization of the Department of Education, Accountability Workgroup, Higher Education Workgroup, State Legislative Issues, Delivery System Action Items, and other matters pertaining to the Florida Board of Education.

A copy of the agenda may be obtained from the Secretary of Education’s website at <http://www.flboe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)201-7160 (Voice), (850)201-7164 (TDD), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** (DCA) announces a public hearing and work group meeting to which all interested parties are invited.

DATE AND TIME: April 1, 2002, 1:00 p.m.

PLACE: Florida Department of Community Affairs, Room 260-N, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain public comments on the draft of the State of Florida Annual Action Plan for Federal Fiscal Year 2002 prior to it being finalized.

PLAN SUMMARY: The Federal Fiscal Year 2002 Annual Action Plan outlines the manner in which the State of Florida will administer programs funded by the U. S. Department of Housing and Urban Development for the current grant year period. Grant programs included in the Plan are the Florida Small Cities Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Home Investment Partnership (HOME) and Housing Opportunities for Persons

with Aids (HOPWA). The Plan contains specific elements on the state's method for distributing Federal Fiscal Year 2002 funds to eligible applicants for the programs mentioned above. The Annual Action Plan also contains the amount of funds allocated to each program and the citation for the federal and state rules and regulations that govern the administration of the programs.

ACTION TO BE TAKEN: At this public hearing and work group meeting, the Department will receive comments relating to the final draft of the State of Florida Annual Action Plan.

A copy of the agenda may be obtained by appearing in person at the agency headquarters or by writing or calling: Florida Small Cities CDBG Program, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644 or (850)922-1887.

Written comments are encouraged and may be submitted at the hearing or mailed to the address listed above no later than April 5, 2002.

Any person requiring a special accommodation at this hearing because of a disability, physical impairment or English language deficiency should contact the Department of Community Affairs, (850)487-3644, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department using the Florida Dual Party Relay System at 1(800)922-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, Florida **Department of Community Affairs** and **Monroe County** announces a meeting of the Habitat Conservation Plan (HCP) Coordinating Committee to which all persons are invited.

DATE AND TIME: March 19, 2002, 9:00 a.m.

PLACE: National Key Deer Refuge Office, Big Pine Key, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Department of Transportation, Florida Department of Community Affairs and Monroe County are jointly funding the development of a Habitat Conservation Plan for the Key deer and other protected species on Big Pine and No Name Keys. Representatives of these three agencies, the U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and local citizen representatives serve on an HCP Coordinating Committee. The Committee meets regularly to review and provide input on the HCP consultant's progress and findings.

A copy of the agenda may be obtained by calling: Catherine B. Owen, Florida Department of Transportation, (305)470-5399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Jeff Dodge. (305)470-5349. If you are hearing or speech impaired, please contact the agency by calling 1(800)648-6084.

NOTE: This is a rescheduled hearing. Notice of the previously scheduled hearing was published in the February 22, 2002, F.A.W., and subsequently cancelled by a notice published in the March 1, 2002, F.A.W.

Notice is hereby given that the Florida **Department of Transportation** will offer the opportunity for a public hearing.

DATE AND TIME: March 27, 2002, 6:00 p.m. – 8:00 p.m.

PLACE: Largo City Hall, Committee Room, 201 Highland Avenue, Largo, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This public hearing is being conducted to obtain public input concerning the proposed roadway jurisdiction transfer and access management classification of West Bay Drive and Clearwater-Largo Road in the City of Largo and Fort Harrison Avenue and Myrtle Avenue in the City of Clearwater. The Cities of Largo and Clearwater have requested the transfer of Alt US 19/SR 595/West Bay Drive/Clearwater-Largo Road/Fort Harrison Avenue from the State Highway System to the respective City Road System and Myrtle Avenue from Chestnut Street to Fort Harrison Avenue from the City of Clearwater Road System to the State Highway System.

All persons wishing to be heard on this subject are hereby notified to respond in writing to the individual listed below by March 25, 2002. If an interest in this hearing is expressed, the hearing will be held.

All interested persons may provide written response to: Brian C. Beaty, Florida Department of Transportation, District Seven-Planning, 11201 N. McKinley Drive, Tampa, Florida 33612, (813)975-6283 or 1(800)226-7220, Ext. 7740.

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Monday, April 1, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and propose changes to the grant ranking criteria for the National Scenic Byways grants.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)922-7221, e-mail mariano.berrios@dot.state.fl.us or Fax (850)922-7217.

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee, District Scenic Highways Coordinators meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 2, 2002, 8:30 a.m. – 5:00 p.m.

PLACE: Rhyne Building, Room 330, 2740 Centerview Drive, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review proposed changes to the Florida Scenic Highways Program Manual and Rule 14-12.021, F.A.C., which incorporates Appendix F of that manual by reference prior to beginning the actual rule development and rulemaking process.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven days prior to the meeting.

INFORMATION: Contact Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, Florida 32399-0450, (850)922-7221, e-mail mariano.berrios@dot.state.fl.us or Fax (850)922-7217.

The **Department of Transportation**, District 1 announces a public hearing to which all persons are invited:

DATE AND TIME: Tuesday, April 2, 2002, 7:00 p.m.

PLACE: Best Western Motel, 13021 N. Cleveland Avenue, North Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed design change for Financial Project ID Number 195705 1 52 01, otherwise known as the S.R. 78 Design Change Reevaluation. The limits of the project are from East of Slater Road to West of I-75, a distance of about 2.25 miles.

Anyone needing project or public hearing information or special accommodations under the Americans With Disabilities Act of 1990 should write to the address given below or call Antone Sherrard, (863)519-2304. Special accommodation requests under the Americans With Disabilities Act should be made at least seven days prior to the public hearing.

A copy of the agenda may be obtained by writing: Dick Combs, District Modal Development Manager, Florida Department of Transportation, District 1, Post Office Box 1249, Bartow, Florida 33831.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 20, 2002, 9:00 a.m.

PLACE: Florida Parole Commission, Bldg. C, Third Floor, 2601 Blairstone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, Building C, 2601 Blairstone Road, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice, (850)488-3417.

The **Florida Parole Commission** and the **Florida Parole Commission Qualifications Committee** announce that a public meeting will be held by telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, March 28, 2002, 9:00 a.m.

PLACE: Call: (850)487-8587, Suncom 277-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss interview process and to decide which candidates will be interviewed for the Parole Commissioner position.

Any person who decides to appeal a decision of the Florida Parole Commission or the Florida Parole Commission Qualifications Committee with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980).

A copy of the agenda may be obtained by writing: Florida Parole Commission, Attention: Mr. Frank Trueblood, Building C, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450, (850)488-3417, Suncom 278-3417.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency by sending the notice no later than five working days prior to the proceeding to the address given on the notice.

The **Florida Parole Commission** and the **Florida Parole Commission Qualifications Committee** announce that a public meeting will be held at the address below to which all persons are invited.

DATE AND TIME: Tuesday, April 16, 2002, 9:00 a.m.

PLACE: Tampa International Airport, Florida Bar Meeting Room Suite C-49, 5507 Spruce Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct interviews for a Parole Commissioner vacancy that will occur due to the expiration of the term of a sitting Commissioner.

Any person who decides to appeal a decision of the Florida Parole Commission or the Florida Parole Commission Qualifications Committee with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the agenda may be obtained by writing: Florida Parole Commission, Attention: Mr. Frank Trueblood, Building C, 2601 Blair Stone Road, Tallahassee, Florida 32399-2450, (850)488-3417, Suncom 278-3417.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency by sending the notice no later than five working days prior to the proceeding to the address given on the notice.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a Hearing and Prehearing Conference to be held in the following docket, to which all interested persons and parties are invited to attend. DOCKET NO. 001148-EI – Review of the retail rates of Florida Power & Light Company.

PREHEARING CONFERENCE

DATE AND TIME: Monday, March 25, 2002, 1:30 p.m. – Prehearing Conference

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing is to consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

HEARING

DATE AND TIME: Wednesday, April 10, 2002, 9:30 a.m. – Hearing. April 11, 12, 15, 16, 2002, have also been reserved for continuation of the hearing, as necessary, and the starting time for each such day will be announced at the conclusion of the prior day's proceedings

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is to permit parties to present testimony and exhibits relative to the review of the retail rates of Florida Power & Light Company, to address any motions or other matters that may be pending at the time of the hearing, and to address such other matters as the Commission deems appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the

issues identified by the parties at the prehearing conference held on March 25, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C. Any person requiring some accommodation at this hearing or prehearing conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

REGIONAL PLANNING COUNCILS

The District 5, **Local Emergency Planning Committee** announces public meetings to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Monday, March 18, 2002, 9:15 a.m. – 10:15 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Monday, March 18, 2002, 10:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman report, Committee updates and other organizational matters regarding the committees.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact: Charlotte Neupauer, (352)732-1315.

The **Withlacoochee Regional Planning Council** announces a public meeting of it's Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, March 21, 2002, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 Southwest 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Regional Planning Council** announces a public hearing to which all persons are invited:

DATE AND TIME: March 21, 2002, 9:30 a.m.

PLACE: Southwest Florida Regional Planning Council, Conference Room, 4th Floor, 4980 Bayline Drive, North Fort Myers, FL 33917

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Regional Planning Council.

A copy of the proposed agenda may be obtained by writing: Mr. Wayne E. Daltry, Executive Director, Southwest Florida Regional Planning Council, Post Office Box 3455, North Fort Myers, FL 33918-3455.

Please note that if a person decides to appeal any decision made by the Council with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

All Council Subcommittee meetings will immediately follow the Council meeting.

Any person requiring special accommodation due to disability or physical impairment should contact Mr. Wayne Daltry, (941)656-7720, at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Mr. Daltry using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

METROPOLITAN PLANNING ORGANIZATIONS

The **Metropolitan Planning Organization for the Orlando Urban Area** announces the following public meetings of its Governing Board and Executive Committee to which all persons are invited:

DATE AND TIMES: Wednesday, March 13, 2002, 9:00 a.m. and 11:00 a.m., respectively

PLACE: Metroplan Orlando, Suite 355, 315 East Robinson Street, Orlando, FL 32801

PURPOSE: Regularly Scheduled Meetings.

AGENDA/GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Call to Order
2. Chairman's Announcements
3. Executive Director's Announcements
4. Consent Items
5. Action Items
6. Other Business
7. Executive Director's Report
8. Board Workshop

A detailed copy of the agenda may also be obtained by contacting: Ms Lewis-Whittington, (407)481-5672, Ext. 314 or by written request to Metroplan Orlando, 315 East Robinson Street, Suite 355, Orlando, FL 32801.

Section 286.0105, Florida Statutes, states that if a person decides to appeal any decision made by a board, agency or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Metroplan Orlando, (407)481-5672, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: Thursday, March 14, 2002, 9:00 a.m.

PLACE: The South Florida Water Management Headquarters, Auditorium, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To adopt a resolution advising the Department of Environmental Protection of the Land Management adopted budget needs for Fiscal Year 2002, utilizing funds from the Water Management Lands Trust Fund.

A copy of the agenda may be obtained at the (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing: South Florida Water Management District, Mail Stop 2130, Post Office Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Fred Davis, Vegetation and Land Stewardship Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 5720, West Palm Beach, FL 33406, (561)682-6636.

SFWMD Form No. 1075

The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: March 20, 2002, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget and Finance Advisory Commission meeting to discuss SFWMD Budget and finance-related matters.

A copy of the agenda may be obtained by writing: South Florida Water Management District, Mail Stop 6260, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Assistant District Clerk, Paula Moree, (561)686-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information or wishing to submit written or physical evidence may contact Marcie Daniel, Budget Department, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406, (561)682-6469.

The **South Florida Water Management District** announces a public meeting of the Lake Belt Mitigation Committee, which will be conducted by means of or in conjunction with communications technology, specifically by telephonic conference, to which all interested parties are invited:

DATE AND TIME: March 22, 2002, 9:00 a.m.

PLACE: South Florida Water Management District, Headquarters, Conference Room 3A, 3301 Gun Club Road, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Lake Belt Mitigation Committee, created pursuant to Section 373.41492, Florida Statutes, to discuss committee activities for 2002 and other related committee business.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any Lake Belt Mitigation Committee decision require a record of the proceedings. Affected persons are advised it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

For more information, contact the Project Manager, Jim Jackson, (561)682-6334.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: April 4-5, 2002, 8:30 a.m. both days

PLACE: USDA-ARS-US Horticulture Research Laboratory, 2001 South Rock Road, Fort Pierce, Florida 34945

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Water Resources Advisory Commission Meeting.

A copy of the agenda may be obtained at the District Website seven (7) days prior to the meeting at <http://www.sfwmd.gov/gover/wrac/agendas.html> or by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Paula Moree, Assistant District Clerk, (561)682-6447, at least two business days in advance of the meeting to make appropriate arrangements.

Those who desire more information, please contact Julio Fanjul, (561)682-2769 or Paula Moree, (561)682-6447, Governing Board Operations Division, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406.

DEPARTMENT OF MANAGEMENT SERVICES

The **State Technology Office** announces a public meeting of the Florida – Region 9 Committee to which all persons are invited.

DATE AND TIME: May 6, 2002, 9:30 a.m.

PLACE: Radisson Resort, 8701 Astronaut Boulevard, Cape Canaveral, Florida (Room location will be listed in the lobby)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region Committee (FCC Region 9) 800 MHz and 700 MHz topics of discussion. The meeting will take place in conjunction with the Florida APCO chapter meeting at Cape Canaveral, beginning at 9:30 a.m. for the 800 MHz topics and at 1:00 p.m. for the 700 MHz subjects. The 700 MHz topics of discussion will include a status report on the development of a region technical plan, an update of frequency availability and an update on vendors and equipment availability. The 800 MHz topics will be determined later.

A complete agenda will be available at the meeting.

Directions: From the Orlando International Airport, exit the Beeline East to A1A. The Resort is also accessible from I-95 north and south by exit SR 528 East.

Any person requiring additional information or some accommodation at this meeting because of physical impairment should contact Mark Pallans, Region Chairman, (954)828-5790, Fax (954)828-5957 or e-mail markp@ci.fort-lauderdale.fl.us. If you are hearing or speech-impaired, please contact the same office by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation, Pilotage Rate Review Board** announces the following public hearing to which all persons are invited to attend.

DATE AND TIME: March 20, 2002, 9:00 a.m.

PLACE: Wyndam Harbour Island Hotel, 725 S. Harbour Island Boulevard, Tampa, FL 33602, (813)229-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Fact finding proceeding for the Port of Tampa's rate application by the Investigative Committee pursuant to Rule 61E13-2.007, Florida Administrative Code. (No Board business will be transacted)

To obtain a copy of the agenda, further information or to submit written or other physical evidence, contact in writing: Pilotage Rate Review Board, 1940 N. Monroe Street, Tallahassee, FL 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-0698, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Landscape Architecture** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: March 21, 2002, 2:00 p.m.

PLACE: Access Phone: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)488-6685, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission (FREC)** announces a meeting to which all persons are invited.

DATE AND TIME: March 20, 2002, 8:30 a.m.

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, Recovery Fund Claims, education issues, petitions for declaratory statement and disciplinary actions.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

A copy of the agenda may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, 400 W. Robinson Street, Orlando, Florida 32801-1772.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: March 20, 2002, 1:30 p.m. or the soonest thereafter

PLACE: Suite 301, North Tower, 400 West Robinson Street, Orlando, Florida

Portions of the probable cause proceedings are not open to the public.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, March 13, 2002, 6:00 p.m.

PLACE: Guana Tolomata Matanzas National Estuarine Research Reserve, 9741 Ocean Shore Blvd., Town of Marineland, St. Augustine, Florida 32080

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Management Advisory Group (MAG) for the Guana Tolomata Matanzas National Estuarine Research Reserve (GTMNERR) meets regularly on the second Wednesday of the third month of each quarter. The MAG is composed of ten citizens appointed by the three state legislators with overlapping jurisdictions within the reserve boundaries, ten representatives of the local, state and federal government entities with authority and responsibility in the reserve, and one member of the Friends of Guana River State Park (FroG), a private non-profit Citizen Support Organization. The government entities are the National Park Service; the Florida Park Service; the Florida Fish and Wildlife Conservation Commission; the St. Johns River Water Management District; the Florida Inland Navigation District; the Flagler County Board of County Commissioners; the St. Johns County Board of County Commissioners; the St. Augustine Port, Waterway and Beach Authority; the City of St. Augustine; and the Town of Marineland. The MAG provides advisory input to the Office of Coastal and Aquatic Managed Areas for the management of the GTMNERR.

The meeting agenda will include MAG member reports, and progress reports on a variety of GTMNERR activities including the planned construction of an environmental education center at the Guana River State Park.

A copy of the agenda may be obtained by contacting: Mr. Kenneth Berk, GTMNERR, Town of Marineland, 9741 Ocean Shore Blvd., St. Augustine, Florida 32080, (904)461-4054.

If an accommodation is needed for a disability in order to participate in this activity, please notify Linda Harvey, (850)488-0450, 1(800)955-8771 (TDD), at least seven days prior to the event.

The Florida **Department of Environmental Protection**, Central District Office and Bureau of Waste Cleanup will host a forum to exchange information and ideas with engineering and environmental consultants engaged in contaminated site cleanup in Florida. The forum will focus on ways to improve communications, reduce iterative processes and increase the pace of cleanups of “non-program” sites – those not being addressed by the petroleum, drycleaning solvent or Brownfields programs.

DATE AND TIME: March 19, 2002, 10:00 a.m. – 3:00 p.m.

PLACE: Harry P. Leu Gardens, 1920 N. Forest Avenue, Orlando, FL

This meeting is intended to serve as a pilot for subsequent forum meetings to be held at other locations throughout the state. The full text of this notice will be published on March 8, 2002, 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.”

The **Department of Environmental Protection** (DEP) announces a public meeting of the Environmental Regulation Commission on March 21, 2002.

For more information contact Jacqueline McGorty at email: jackie.mcgorty@dep.state.fl.us or phone (850)921-9660.

The full text of this notice, which includes specific information about meeting time, location and anticipated subject matter to be covered, 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.”

NOTICE OF CANCELLATION – The **Acquisition and Restoration Council** (ARC), as defined in Section 259.035, Florida Statutes, announces the cancellation of the following public hearing:

DATE AND TIME: March 27, 2002, 6:00 p.m.

To obtain additional information, please contact the Office of Environmental Services, Department of Environmental Protection, 3900 Commonwealth Boulevard, Mail Station 140, Tallahassee, Florida 32399-3000, (850)487-1750.

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.”

The **Department of Environmental Protection** announces a public hearing on:

DATE AND TIME: April 10, 2002, 2:00 p.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and to take final action on the management of the FY 2002 State Revolving Fund (SRF) loan priority list for water pollution control projects under Rule Chapter 62-503.680, Florida Administrative Code. Approximately \$196 million is projected to be available for assignment to qualifying wastewater, stormwater or nonpoint source projects.

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."

For more information regarding the Notice, please contact Gary Powell, (850)488-8163.

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Friday, March 22, 2002, 8:30 a.m.

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, FL 32207, (904)398-8800

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (850)245-4444, Ext. 3617, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the Board using the Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, BIN #C07, Tallahassee, FL 32399-3257.

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 22, 2002, 5:00 p.m.

PLACE: The Hilton Miami Airport and Towers, 5101 Blue Lagoon Drive, Miami, Florida 35126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

NOTICE OF RESCHEDULING – The Florida **Board of Medicine**, Medical Fraud Committee announces a Notice of Rescheduled meeting to which all persons are invited.

DATE AND TIME: Saturday, March 23, 2002, immediately following the Credentials Meeting or soon thereafter

PLACE: The Hilton Miami Airport and Towers, 5101 Blue Lagoon Drive, Miami, Florida 35126, (305)262-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, Florida Board of Medicine, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Board of Nursing**, Probable Cause Panel will hold a duly noticed conference call meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, March 14, 2002, 5:30 p.m.

PLACE: Department of Health, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Nursing, (850)245-4125, at least 48 hours prior to

the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, BIN #C02, Tallahassee, FL 32399-3252.

The Department of Health, Board of Nursing announces a public meeting to which all interested persons are invited.

CNA COUNCIL MEETING

DATE AND TIME: Wednesday, March 26, 2002, 9:30 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider rules on practice and training programs and other related for Certified Nursing Assistants.

A copy of the agenda may be obtained by writing: Dan Coble, RN, Ph.D. Executive Director, Florida Board of Nursing, 4052 Bald Cypress Way, BIN #C-02, Tallahassee, FL 32399.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact the Board of Nursing Office, (850)245-4125, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Department of Health, Board of Psychology announces a meeting to which all persons are invited.

DATE AND TIME: March 22, 2002, 8:00 a.m. or soon thereafter

PLACE: The Crowne Plaza, 950 N. W. LeJeune Road, Miami, FL 33126-3643

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting and Rules Review.

A copy of the agenda may be obtained by writing: Department of Health, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255 or by contacting the Board Office, (850)245-4373.

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 department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office,

(850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Board of Speech Language Pathology and Audiology announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: April 5, 2002, 9:00 a.m. or soon thereafter

PLACE: Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, FL 32812, (407)856-0100

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Speech Language Pathology and Audiology, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3266.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

EXECUTIVE COMMITTEE

DATES AND TIME: March 6, 13, 20, 27, 2002, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Children and Family Services, Room 327D, 337 North 4th Street, Fort Pierce, FL 34950

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA

Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Advocacy Committee**, District 15 announces a public meeting to which all persons are invited.

DATE AND TIME: March 19, 2002, 9:30 a.m.

PLACE: Benton Regional Service Center, Room 104, 337 North 4th Street, Fort Pierce, FL 34950

A copy of the agenda may be obtained by contacting: Ellen Higinbotham, FLAC Liaison, (561)467-4176.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Shared Services Alliance of Okeechobee and the Treasure Coast of the **Department of Children and Family Services**, District 15 announces the following public meeting to which all persons are invited:

ALLIANCE MEETING

DATE AND TIME: March 22, 2002, 8:30 a.m.

PLACE: Workforce Development Board, 9350 South U.S. 1, Port St. Lucie, FL

For more information, please contact: Betty Robinson, CBC Liaison, Room 327, 337 North 4th Street, Fort Pierce, Florida 34950, (561)467-4174.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (561)467-4184, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Department of Children and Family Services**, District 4 announces public meetings to which all persons are invited:

WHAT: Nassau County Community Alliance

DATES AND TIME: March 18, 2002; April 15, 2002; May 20, 2002; June 17, 2002; July 15, 2002; August 19, 2002; September 16, 2002; October 21, 2002; November 18, 2002; December 16, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Children and Family Services Education Center, 479 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Plan for Human Services System of Care; Community Participation; Membership Expansion.

WHAT: Nassau County Community Alliance Outcome Committee: Provider Subcommittee

DATE AND TIME: March 18, 2002, 1:00 p.m.

PLACE: Children and Family Services Education Center, 479 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review provider surveys for community plan.

WHAT: Nassau County Community Alliance Outcome Committee: Community Subcommittee

DATES AND TIME: March 12-13, 2002, 10:00 a.m. – 12:00 Noon

PLACE: School Board Building, 1201 Atlantic Avenue, Fernandina Beach, FL 32034

DATE AND TIME: March 18, 2002, 1:30 p.m.

PLACE: Children and Family Services Education Center, 479 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community input for priority outcome indicators.

WHAT: Nassau County Community Alliance Outcome Committee: Existing Data Subcommittee

DATE AND TIME: March 18, 2002, 1:00 p.m.

PLACE: Children and Family Services Education Center, 479 Felmore Road, Yulee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Data Collection for priority outcome indicators.

WHAT: Children and Family Services' Community Alliance of Northeast Florida (Baker, Clay, Duval, St. Johns)

DATE AND TIME: April 17, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: Baker County Courthouse, 339 E. Macclenny Ave., Macclenny, FL

DATE AND TIME: July 17, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: St. Johns County Health Department, 1955 Route 1, St. Augustine FL

DATE AND TIME: October 16, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: Duval County, 5920 Arlington Expressway, Jacksonville, FL

DATE AND TIME: December 18, 2002, 2:30 p.m. – 4:30 p.m.

PLACE: Deerwood Public Library, 10599 Deerwood Park Blvd., Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Community Plan for Human Services System of Care.

WHAT: Children and Family Services' Community Alliance of Northeast Florida – St. Johns County members

DATES AND TIME: March 21, 2002; May 15, 2002; June 20, 2002; August 15, 2002; September 19, 2002; November 21, 2002, 2:45 p.m.

PLACE: Suite 100, Conference Room C, 1955 Route 1, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: County efforts and resources to address Alliance priorities.

WHAT: Children and Family Services' Community Alliance of Northeast Florida – Clay County members

DATES AND TIME: March 20, 2002; May 15, 2002; June 19, 2002; August 21, 2002; September 18, 2002; November 20, 2002, 3:30 p.m.

PLACE: Clay County Administration Building, Room A, 4th Floor; 477 Houston St., Green Cove Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: County efforts and resources to address Alliance priorities.

WHAT: Children and Family Services' Community Alliance of Northeast Florida – Duval County members

DATES AND TIME: March 20, 2002; May 15, 2002; June 19, 2002; August 21, 2002; September 18, 2002; November 20, 2002, 2:30 p.m.

PLACE: City Hall, Community Services Conference Room, 117 W. Duval Street, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: County efforts and resources to address Alliance priorities.

WHAT: Children and Family Services' Community Alliance of Northeast Florida – Task Force for Foster Care

DATES AND TIME: March 15, 2002; April 2, 2002; May 7, 2002, 3:00 p.m. – 5:00 p.m.

PLACE: Clay County Administration Bldg., Conference Room B, 4th Floor, 477 Houston St., Green Cove Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quality Foster Care and Permanency Services.

WHAT: Children and Family Services' Community Alliance of Northeast Florida – Executive Committee

DATES AND TIME: March 20, 2002; April 10, 2002; May 15, 2002; June 19, 2002; July 10, 2002; August 21, 2002; September 18, 2002; October 9, 2002; November 20, 2002; December 11, 2002, 12:00 Noon – 1:00 p.m.

PLACE: Meet Me Number: (850)921-6433, Room 243, 5920 Arlington Expressway, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Needs of the Alliance.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** (FWC) announces a Management Advisory Group Meeting for the Fisheating Creek Wildlife Management Area, located near Palmdale in Glades County, Florida.

DATE AND TIME: Wednesday, March 13, 2002, 9:00 a.m. – 1:00 p.m.

PLACE: Doyle Conner Agricultural Center, Auditorium, 900 US Highway 27, North, Moorehaven, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To convene a meeting of stakeholders to provide priority considerations to the FWC for future management of the Fisheating Creek Wildlife Management Area. The input

received will be used to develop the five-year Conceptual Management Plan for the Fisheating Creek Wildlife Management Area.

The Fisheating Creek Settlement Agreement Advisory Board announces a meeting of the Board on the same day.

DATE AND TIME: Wednesday, March 13, 2002, 2:00 p.m., following the above Management Advisory Group Meeting

PLACE: Doyle Conner Agricultural Center, Board Room, 900 US Highway 27, North, Moorehaven, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Initial organizational meeting of the entire board following appointment of all members.

The Florida **Fish and Wildlife Conservation Commission** announces a Public Hearing for the Fisheating Creek Wildlife Management Area, located near Palmdale, in Glades County, Florida.

DATE AND TIME: Wednesday, March 27, 2002, 7:30 p.m.

PLACE: Glades County Courthouse, County Commission Chambers, 500 Avenue J, Moorehaven, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive input from the public regarding considerations for the development of the five-year Conceptual Management Plan (CMP) for the Fisheating Creek WMA.

SPECIAL NOTE: Participants in this hearing should understand that the purpose for this hearing does not include the opportunity to discuss public use and/or hunting regulations for Fisheating Creek WMA. There is a separate public process for this purpose. This hearing is designed exclusively for discussion of the draft management plan.

A copy of the Fisheating Creek WMA Management Prospectus is available upon request from: Florida Fish and Wildlife Conservation Commission, Land Management Planning Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)922-8777.

NOTICE OF CORRECTION – The notice of the March 2002, meeting of the **Fish and Wildlife Conservation Commission**, Stone Crab Advisory and Appeals Board, published in the March 1, 2002 issue of the F.A.W. contained an error. The meeting will be held from 8:00 a.m. – 5:00 p.m. each day on March 19-20, 2002, as indicated, but on March 21, 2002, the Board will also meet from 8:00 a.m. – 12:00 Noon. As published, the meeting will be held at the Springhill Suites by Marriott – Ft. Lauderdale Airport, 151 S. W. 18th Court, Ft. Lauderdale, Florida.

SUNSHINE STATE ONE CALL OF FLORIDA

The **Sunshine State One Call of Florida**, Inc. (SSOCOF) announces it's Board and Committee meetings to which all interested persons are invited.

Bylaws Committee Meeting

DATE AND TIME: March 14, 2002, 8:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Discussion points: Review and drafting revisions to current SSOOCF bylaws.

Safety and Compliance Committee Meeting
 DATE AND TIME: March 14, 2002, 10:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Discussion points: CGA membership benefits, customer satisfaction survey, Dig Safely Week re-cap, children's video production.

Operations Committee
 DATE AND TIME: March 14, 2002, 11:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Discussion points: disaster recovery options, Irth System optional features, discussion on recorded statistics, review outstanding policies.

Lunch
 DATE AND TIME: March 14, 2002, 12:00 Noon (provided at Call Center for committee meeting attendees)

Finance Committee Meeting
 DATE AND TIME: March 14, 2002, 1:00 p.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Discussion points: accounting supervisor position update, review of current fiscal year activity, draft budget for fiscal year 2002/03, cash reserves discussion, presentation of proposed long- and short-term disability policy with financial impact review, investment and budget transfer policies discussion.

Nomination Committee
 DATE AND TIME: March 14, 2002, 3:00 p.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Discussion points: nominating candidates and balloting process.

Board of Directors Meeting
 DATE AND TIME: March 15, 2002, 8:00 a.m.
 GENERAL SUBJECT MATTER TO BE CONSIDERED:
 Discussion points: AGT IRTM Host System Conversion update, reports from committees on above discussion points, mapping project implementation update, executive director performance review process, and APWA/OCSI and Common Ground Alliance Membership Renewal.

Adjourn
 DATE AND TIME: March 15, 2002, 3:30 p.m.
 PLACE: SSOOCF Call Center, 11 Plantation Road, DeBary, FL 32713

Any person requiring some accommodation at this meeting because of a physical impairment should call the One-Call Notification Center, (386)575-2000, at least five calendar days

prior to the activity. Any person who is hearing or speech impaired should contact the One-Call Notification Center through the Florida Relay Center at 1(800)955-8771.

FLORIDA CENTER FOR ADVISING AND ACADEMIC SUPPORT

The **Florida Center for Advising and Academic Support** (FCAAS) announces a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2002, 9:00 a.m. – 5:00 p.m.
 PLACE: Florida State University Center, Room C6109, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the Future Technologies Expert User Group will be held to discuss upcoming projects and implementation schedules.

A copy of the agenda may be obtained by writing: FCAAS, Suite 1414, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Yvette Hargreaves, FCAAS, (850)201-7363, at least seven days in advance so that their needs can be accommodated.

FLORIDA RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a telephonic meeting of its Board of Governors.

DATE AND TIME: Thursday, March 21, 2002, 9:00 a.m. (EST)
 PLACE: TBA

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, the approval of documents related to the renewal of the FRPCJUA's Line of Credit.

For additional information, please call 1(800)807-7647, Extension 3702.

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a telephonic meeting of its Executive Committee to be held on:

DATE AND TIME: Tuesday, April 2, 2002, 10:00 a.m. (EDT)
 PLACE: TBA

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to publicly commence and convene a closed meeting of the FRPCJUA Executive Committee, which closed meeting has been called, and will be held, pursuant to the provisions of Chapter 286, Florida Statutes.

For additional information, please call 1(800)807-7647, Extension 3702.

The **Florida Market Assistance Plan** (FMAP) announces a teleconference of its Board of Governors.

DATE AND TIME: Thursday, March 21, 2002, immediately following the Florida Residential Property and Casualty Joint Underwriting Association’s Board of Governors Meeting

PLACE: TBA

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, FMAP’s budget, annual report, assessments and marketing reports.

For additional information, please call 1(800)807-7647, Extension 3809.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Tuesday, March 26, 2002, 2:00 p.m. – 4:00 p.m.

PLACE: Pennington Law Firm, 2nd Floor, 215 S. Monroe Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors’ Meeting.

A copy of the proposed agenda may be obtained by writing: Brenda DeYounks, Florida Comprehensive Health Association, 1210 E. Park Avenue, Tallahassee, Florida 32301, (850)309-1200 or by Facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BANKING AND FINANCE

NOTICE IS HEREBY GIVEN THAT the Florida Department of Banking and Finance has issued a Declaratory Statement in response to the request received from Michael Johnson, Attorney for Associated Pharmacies, Incorporated. The request was assigned the number 3338-S-11/01. This Declaratory Statement was issued February 20, 2002, and found that the Company’s Certificates of Membership and Participation are not securities pursuant to Chapter 517, Florida Statutes.

A copy of the petition may be obtained by contacting: Agency Clerk, Office of the General Counsel, Department of Banking and Finance, Suite 526, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 20, 2002, from Wayne H. Russ, Building Official, Indian River County, regarding Florida Building Code, Building Section 1606.1.6 Basic Wind Speed, particularly Figure 1606 State of Florida, Wind-Borne Debris Region and Basic Wind Speed. It has been assigned the number DCA02-DEC-052.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a Petition for Declaratory Statement on February 20, 2002, from AIRTEMP, regarding confusion caused by the term “Balance Return Air” in Section 601.4 of the Florida Building Code, Mechanical Volume. It has been assigned the number DCA02-DEC-061.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 22, 2002, from Triodyne Safety Systems, L.L.C., regarding whether the device in the Florida Building Code (424.2.2.6.6.3) known as the antivortex cover is a safety hazard rather than a measure of safety. It has been assigned the number DCA02-DEC-061.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on February 22, 2002, from Triodyne Safety Systems, L.L.C., with regards to whether the term “suction outlets” has been inadvertently, and in error, changed to “suction inlets” in the Florida Building Code (424.2.2.6.6.4 Suction Inlets Per Pump). It has been assigned the number DCA02-DEC-060.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF CITRUS

NOTICE IS HEREBY GIVEN THAT on February 19, 2002, the State of Florida, Department of Citrus, received a Petition to Initiate Rulemaking from Florida Citrus Processors Association, a voluntary cooperative association located in Winter Haven, Florida. The petition requests Chapter 20-71, F.A.C., which provides for manifest requirements for transporting processed citrus products, be amended. This proposed amendment will eliminate grading and inspection of bulk citrus products for inter- or intra-company transfer between registered processing facilities. It further provides that once a bulk citrus product is inspected, and if product is not further processed, but is transported and/or stored by third parties (who may or may not be registered processing plants), subsequent manifests may indicate the principle inspection and further inspection would not be required.

A copy of the Petition may be obtained from: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

NOTICE IS HEREBY GIVEN THAT on February 19, 2002, the State of Florida, Department of Citrus, received a Petition to Initiate Rulemaking from Florida Citrus Processors Association, a voluntary cooperative association located in Winter Haven, Florida. The petition requests Rule 20-72.009, F.A.C., which provides for alternate proof of inspection for processed citrus products, be amended. This proposed amendment will eliminate grading and inspection of bulk citrus products for inter- or intra-company transfer between registered processing facilities. It further provides that once a bulk citrus product is inspected, and if product is not further processed, but is transported and/or stored by third parties (who may or may not be registered processing plants), subsequent manifests may indicate the principle inspection and further inspection would not be required.

A copy of the Petition may be obtained from: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order #DC 02-04, from Randall Prater. The Department denied the Petition to amend subsection

33-210.103(1), Florida Administrative Code, to specify that mail to and from the United States Post Master or Postal Inspector is privileged mail as provided in this rule.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order #DC 02-06, from Randall Prater. The Department denied the Petition to amend paragraphs 33-602.101(3)(a),(c), Florida Administrative Code, to permit transferred inmates to keep with them one belt, one set of blues, one sweatshirt and one jacket until these items are replaced with new ones.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order #DC 02-07, from Randall Prater. The Department denied the Petition to amend subsection 33-208.002(27), Florida Administrative Code, to permit chaplains to respond to letters sent to them by inmates at other institutions.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

NOTICE IS HEREBY GIVEN THAT the Department of Corrections has issued a response to a Petition to Initiate Rulemaking, Final Order #DC 02-08, from Randall Prater. The Department denied the Petition to amend paragraph 33-602.205(2)(e), F.A.C., to provide that, except for calls to attorneys as provided in paragraph 33-602.205(3)(a), F.A.C., or calls during family crisis as provided in subsection 33-602.205(4), F.A.C., the time limit for telephone calls be extended from 10 minutes to 15 minutes.

A copy of the Order may be obtained from: Anthony W. Garcia, Assistant General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Florida Real Estate Commission (FREC) received a Petition for Declaratory Statement from Charles Ryan Hickman, Esquire, requesting an interpretation of Section 475.42(1)(d), Florida Statutes. The Department filed the Petitioner on January 22, 2002, and assigned it number DS 2002-003.

A copy of the request may be obtained by writing: Deputy Clerk, Florida Real Estate Commission, Administration Office, P. O. Box 1900, Orlando, Florida 32802-1900.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE IS HEREBY GIVEN THAT the Department of Environmental Protection has received on January 28, 2002, a second request for Petition for Declaratory Statement from Jacqueline M. Lane of Pensacola, Florida. The petition seeks the agency's clarification of what relief mechanisms were granted in a Consent Order issued to Champion International in 1989, and for the water quality standards that were relieved by the consent order.

A copy of the petition may be obtained by contacting: Chip Collette, Office of General Counsel, Department of Environmental Protection, MS #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000.

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

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed by Barbara VanHorn, Ph.D. The Petitioner seeks the Board's interpretation of "maintained professional responsibility of the applicant's work," when the applicant's work is performed at an institution off the premises of the supervising psychologist.

A copy of the petition may be obtained by writing: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

Southern Baptist Hospital of Florida, Inc. vs. Agency for Health Care Administration; Case No.: 02-0575RX

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

The Florida International University Board of Trustees announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project Name and Number: Law School Building, BR-832

Project Location: This facility will be located at Florida International University, University Park.

Project Description: The project consists of site development and construction of a multi story facility sited in the general area, inside the loop road, east of Golden Panther Arena. The building will consist of classrooms, seminar rooms, teaching laboratories, study (library), instructional media, student academic support, offices, other assignable areas, campus support services and supporting facilities, for an approximate total gross square footage of 152,000. The total building construction cost is approximately \$21,000,000 and the total project cost is \$26,000,000.

The selected firm will provide design development, construction documents, and construction administration. Blanket professional liability insurance will be required in the amount of \$1,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms and Joint Ventures desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

- 1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999. Applications on any other form will not be considered. Notwithstanding item "C" of the special instructions for the joint venture applicants included on the

Professional Qualifications Supplement, location will be scored based on the location of the party to the joint venture which is closest from the project. The MBE point scale in the PQS is no longer used. Disregard paragraph 4 on page 2 of the instructions.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board.

An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit seven (7) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. State of Florida Minority Business Enterprise certification is no longer requested. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms may be obtained on-line at <http://www.fldcu.org/chn/cms.asp> (Architect/Engineer Selection CM-N-06.03-09/99) and the Project Fact Sheet may be obtained by written request to Facilities Planning and Construction, Florida International University, Campus Support Complex, Room 236, University Park, Miami, Florida 33199, or by FAXING a request to (305)348-4010. Requests for meetings by individual firms will not be granted.

Submit qualifications to: Mary Varela Witham, Facilities Planner, Florida International University, Facilities Planning and Construction, Campus Support Complex, University Park, Miami, Florida 33199, by 2:00 p.m. (Local Time), Monday, April 15, 2002. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

NOTICE TO PROFESSIONAL CONSULTANTS

The Florida International University Board of Trustees announces that Professional Services in the discipline of Architecture will be required for the project listed below:

Project Name and Number: Office/Classroom Building (Graduate School of Business), BR-856

Project Location: This facility will be located at Florida International University, University Park.

Project Description: The project consists of site development and construction of a multi story facility sited south of the Education Building, along the main entrance mall, off South West 8 Street. The building will consist of classrooms, seminar rooms, study (library), offices, other assignable areas, campus support services and supporting facilities, for an approximate total gross square footage of 86,000. The total building construction cost is approximately \$12,000,000 and the total project cost is \$16,000,000.

The selected firm will provide design development, construction documents and construction administration. Blanket professional liability insurance will be required in the amount of \$500,000 and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms and Joint Ventures desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed (former Board of Regents) "Professional Qualifications Supplement (SUSPQS)," dated September 1999. Applications on any other form will not be considered. Notwithstanding item "C" of the special instructions for the joint venture applicants included on the Professional Qualifications Supplement, location will be scored based on the location of the party to the joint venture which is closest from the project. The MBE point scale in the PQS is no longer used. Disregard paragraph 4 on page 2 of the instructions.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board.

An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit seven (7) copies of the above requested data bound in the order listed above. Applications that do not comply with the above instructions will not be considered. State of Florida Minority Business Enterprise certification is no longer requested. Application material will not be returned.

The plans and specifications for A/E projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms may be obtained on-line at <http://www.fldcu.org/chn/cms.asp> (Architect/Engineer Selection CM-N-06.03-09/99) and the Project Fact

Sheet may be obtained by written request to Facilities Planning and Construction, Florida International University, Campus Support Complex, Room 236, University Park, Miami, Florida 33199, or by FAXING a request to (305)348-4010. Requests for meetings by individual firms will not be granted.

Submit qualifications to: Mary Varela Witham, Facilities Planner, Florida International University, Facilities Planning and Construction, Campus Support Complex, University Park, Miami, Florida 33199, by 2:00 p.m. (Local Time), Monday, April 22, 2002. Late submittals shall be disqualified. Facsimile (FAX) submittals are not acceptable and will not be considered.

DEPARTMENT OF LAW ENFORCEMENT

The Criminal Justice Professionalism Program announces the following opportunity for test developers to enter into the Criminal Justice Basic Abilities market for the State of Florida's criminal justice profession:

The purpose of this document is to inform testing organizations of an opportunity to develop standardized Basic Abilities Tests for Florida's pre-employment criminal justice population. Due to the size and scope of the project it is recommended that Providers have professional test development and testing service experience. The Criminal Justice Standards and Training Commission envisions a Basic Abilities Test that is standardized, cost efficient to administer, legally defensible, and complies to recognized industry standards.

In order to assess applicants according to specific ability levels, the Commission intends to accept testing instruments for each of the three criminal justice disciplines (law enforcement, correctional, correctional probation). The Provider has the opportunity to develop and provide the services for one or more disciplines. The performance levels of the test must be appropriate to the designated discipline and be validated to Florida's officer population. Testing developers will be responsible for completing all aspects of the revised RFP, Contract, and Attachments at their expense during the research, development, and validation phase of the project. Upon approval of the submitted test(s), vendors will be able to recoup the cost of development through the sale of the approved test(s) to certified criminal justice training centers, agencies, and assessment centers.

If you would like to obtain a copy of the revised Basic Abilities materials, please contact: Donald Toms or Vickie Marsey, (850)410-8600.

REGIONAL PLANNING COUNCILS

Request for Qualifications and Costs
Community Transportation Coordinator (CTC)
Transportation Disadvantaged Program

The Pensacola Florida Metropolitan Planning Organization, and its advisors, the Santa Rosa and Escambia County Transportation Disadvantaged Coordinating Boards, will accept proposals from qualified agencies or firms to coordinate transportation services for the transportation disadvantaged in each of these counties. These are two separate service areas. The selected contractor(s) will be recommended as the designated Community Transportation Coordinator(s) to the Florida Commission for the Transportation Disadvantaged [CTD]. If approved by the CTD, the selected contractor(s) will coordinate the administration and operation of the Transportation Disadvantaged systems, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2, Florida Administrative Code. Interested parties should contact: Julia Pearsall, West Florida Regional Planning Council, 1(800)226-8914 for more information.

WATER MANAGEMENT DISTRICTS

INVITATION TO BID
BID 02B-003

The Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333-4712 will receive sealed bids up to the 3:00 p.m., opening time on April 8, 2002, for external repairs and replacement of siding on one of the District's Office Facilities at this location.

All bids must conform to the instructions in the Invitation to Bid. Interested prospective bidders may obtain a copy of the complete Invitation to Bid package at the above address or by calling (850)539-5999.

The bid opening is open to the public. Provisions will be made to accommodate the handicapped (if requested) provided the District is given at least 72 hours advance notice. All bids must comply with applicable Florida Statutes.

REQUEST FOR PROPOSALS No. 01/02-035WR

HYDROLOGIC RESTORATION OF FANNIN SPRINGS

The Suwannee River Water Management District (District) invites interested parties to submit sealed proposals for restoration activities at Fannin Springs located in Levy County, Florida. Activities will include the restoration of historical flow to Fannin Springs by removal of sand and debris from the main spring vent and replanting of aquatic grass around the spring vent.

Responses to this request are due at the District office by 3:00 p.m., March 22, 2002. Requests for the RFP document (RFP #01/02-035 WR) should be directed to:

Suzanne Richardson, Administrative Assistant
 Suwannee River Water Management District
 9225 CR 49
 Live Oak, FL 32060
 (386)362-1001 or 1(800)226-1066 (Florida only)

If you have questions regarding the project, please direct them to David Hornsby, SRWMD, (386)362-1001 or toll free (Florida only) 1(800)226-1066, Fax (386)362-1056.

AGENCY FOR HEALTH CARE ADMINISTRATION

**NOTICE OF CHANGE – REQUEST FOR PROPOSAL
 DURABLE MEDICAL
 EQUIPMENT/SUPPLIES PROGRAM**

The Agency for Health Care Administration, Medicaid Program Development is requesting proposals for the Durable Medical Equipment/Supplies Program.

The potential contractor will be responsible for providing durable medical equipment services in Florida. This contract will be for 36 months, commencing on May 15, 2002 and running through June 30, 2005. The Request for Proposal, AHCA – 0203, Durable Medical Equipment/Supplies Program, will be issued on February 28, 2002.

Copies may be obtained by writing the contract manager at the address noted below:

Maureen Hemmerly, AHCA Administrator
 Agency for Health Care Administrator
 2728 Mahan Drive, Building 3
 Tallahassee, Florida 32308-5403
 (850)467-2641, Fax (850)414-1721

Responses must be received by and will be opened on March 11, 2002. The Agency reserves the right to reject any or all bids.

DEPARTMENT OF MANAGEMENT SERVICES

**NOTICE TO PROFESSIONAL CONSULTANTS
 PROFESSIONAL SERVICES FOR
 ARCHITECTURE-ENGINEERING**

The Department of Management Services, Division of Facilities Management and Building Construction announces that professional services are required for the project(s) listed below.

PROJECT NUMBER: DOE-21033000
 PROJECT NAME: Renovations, WMFE-TV/FM
 Broadcasting Facility

PROJECT LOCATION: Orlando, Florida (Orange County)
 SERVICES TO BE PROVIDED: Programming and full service architectural and engineering services for minor additions plus substantial exterior and interior renovations including: roof and wall waterproofing, ADA facility upgrades, HVAC mechanical and electrical systems upgrades and interior remodeling to prepare for digital broadcasting. Estimated construction is \$1.75 million.

SAMAS CODE: DOE01CA
 CLIENT AGENCY: Department of Education
 CLIENT AGENCY REPRESENTATIVE: Jose A. Fajardo, Executive Vice President
 DMS PROJECT MANAGER: Jere K. Lahey
 PHONE NO: (904)359-6093
 RESPONSE DUE DATE: April 9, 2002, 4:00 p.m. (Local Time)

Applications are to be sent to: Jere K. Lahey, Project Manager, Department of Management Services, Division of Facilities Management and Building Construction, 921 N. Davis Street, Jacksonville, FL 32209

DATE AND LOCATION OF SHORTLIST: 10:00 a.m., April 17, 2002, WMFE-TV Studio, 11510 East Colonial Drive, Orlando, FL 32817

DATE AND LOCATION OF PRE-PRESENTATION WORKSHOP: 3:00 p.m., April 19, 2002, WMFE-TV Studio.

DATE AND LOCATION FOR INTERVIEWS: Interview presentation times to be established at Pre-Presentation Workshop on April 26, 2002 at WMFE-TV Studio.

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). Any changes to the above dates will be published on our website, <http://fcn.state.fl.us/dms/dbc/opportun/index.html>

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of the firm's current Florida Professional Registration License Renewal.

4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Please include one stamped, self-addressed envelope for notice of selection results. Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Applicants are advised that plans and specifications for A/E projects may be reused.

Selections will be made in accordance with Section 287.055, Florida Statutes. The selected firms will be given official notice of selection results by Fax and/or mail. Any protests of the selection must be made within 72 hours of the date of receipt. The selection results will also be published in the Florida Administrative Weekly and on our website.

PUBLIC ANNOUNCEMENT FOR

ASBESTOS AND LEAD CONTRACTING SERVICES

PROJECT NAME: Continuing Area Contracts for Asbestos and Lead Contracting Services

PROJECT LOCATION: Florida North Region (All counties in a line across the State north of Manatee, Hardee, Highlands, Okeechobee and St. Lucie).

The Department of Management Services, Division of Building Construction, requests qualifications from Asbestos Contracting Firms that are also accredited to provide Lead Contracting Services. Applicant must be licensed as an Asbestos Contracting Firm and have current Lead Accreditation Credentials from the US EPA. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

Scope of services may include (Asbestos): Abatement of asbestos containing building materials to include preparation of pre-job-submittals to consultant, erection of criticals and sealed containments, removal of ACM materials as designated by consultant specifications and drawings, construction of decontamination chambers and shower facilities for on-site personnel, bagging of ACM in leak tight containers, transportation to a licensed facility designated for accepting asbestos containing waste materials for burial, removal and tear down of containment system, preparation of post-project-submittals and disposal receipt to DMS Asbestos Consultant. All contracting work shall be done in accordance to Federal and State Environmental Regulations and shall comply fully with Federal OSHA.

Scope of services may include (Lead): Abatement of lead containing paint, primers and building materials to include preparation of pre-job-submittals to consultant, erection of criticals and sealed containments, removal of lead materials as designated by consultant specifications and drawings, construction of decontamination chambers and shower facilities for on-site personnel, proper storage of lead containing waste materials if exceeding the TCLP threshold in drums or other sealed containers as designated by the consultant, manifesting, weighing, labeling and transportation using the DMS Hazardous Waste Contractor for that region, removal and tear down of containment system, preparation of post-project-submittals and disposal receipt to DMS Project Consultant. All contracting work shall be done in accordance with Federal and State Environmental Regulations and shall comply fully with Federal OSHA.

Additional Requirements Shall Include: Contractor shall provide evidence of a minimum of \$1,000,000 Pollution Liability Insurance, \$1,000,000 General Liability Insurance and \$1,000,000 Motor Vehicle Carrier Transportation Insurance.

The Department of Management Services may enter into a contract with up to two firms responsible for performance of contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Selection of finalists for interview will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of the Division of Facilities Management and Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085 Revised 3/00.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.

RESPONSE DUE DATE: April 8, 2002 by 4:00 p.m. (Local Time)

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, Building 4030, Suite 360B, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-2824.

DATE AND LOCATION OF SHORTLIST: April 23, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

DATE AND LOCATION OF INTERVIEWS: May 7, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our website, <http://fcn.state.fl.us/dms/dbc/oppor1.html>

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will be published in the Florida Administrative Weekly and on our website.

**PUBLIC ANNOUNCEMENT FOR
ASBESTOS AND LEAD CONTRACTING SERVICES**

PROJECT NAME: Continuing Area Contracts for Asbestos and Lead Contracting Services

PROJECT LOCATION: Florida South Region (All counties in a line across the State south of Pinellas, Hillsborough, Polk, Osceola and Indian River).

The Department of Management Services, Division of Building Construction, requests qualifications from Asbestos Contracting Firms that are also accredited to provide Lead Contracting Services. Applicant must be licensed as an Asbestos Contracting Firm and have current Lead Accreditation Credentials from the US EPA. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

Scope of services may include (Asbestos): Abatement of asbestos containing building materials to include preparation of pre-job-submittals to consultant, erection of criticals and sealed containments, removal of ACM materials as designated by consultant specifications and drawings, construction of decontamination chambers and shower facilities for on-site personnel, bagging of ACM in leak tight containers, transportation to a licensed facility designated for accepting asbestos containing waste materials for burial, removal and tear down of containment system, preparation of post-project-submittals and disposal receipt to DMS Asbestos

Consultant. All contracting work shall be done in accordance to Federal and State Environmental Regulations and shall comply fully with Federal OSHA.

Scope of services may include (Lead): Abatement of lead containing paint, primers and building materials to include preparation of pre-job-submittals to consultant, erection of criticals and sealed containments, removal of lead materials as designated by consultant specifications and drawings, construction of decontamination chambers and shower facilities for on-site personnel, proper storage of lead containing waste materials if exceeding the TCLP threshold in drums or other sealed containers as designated by the consultant, manifesting, weighing, labeling and transportation using the DMS Hazardous Waste Contractor for that region, removal and tear down of containment system, preparation of post-project-submittals and disposal receipt to DMS Project Consultant. All contracting work shall be done in accordance with Federal and State Environmental Regulations and shall comply fully with Federal OSHA.

Additional Requirements Shall Include: Contractor shall provide evidence of a minimum of \$1,000,000 Pollution Liability Insurance, \$1,000,000 General Liability Insurance and \$1,000,000 Motor Vehicle Carrier Transportation Insurance.

The Department of Management Services may enter into a contract with up to two firms responsible for performance of contracts that will vary in size up to \$500,000. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Selection of finalists for interview will be made in accordance with Section 255.29(3), F.S. and the procedures and criteria of the Division of Facilities Management and Building Construction.

INSTRUCTIONS

Firms interested in being considered for this project must submit four (4) copies of their application with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085 Revised 3/00.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.

RESPONSE DUE DATE: April 8, 2002 by 4:00 p.m. (Local Time)

Applications are to be sent to: Mrs. Carole Nichols, Department of Management Services, Division of Facilities Management and Building Construction, Building 4030, Suite 360B, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)487-2824.

DATE AND LOCATION OF SHORTLIST: April 23, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, Florida 32399-0950

DATE AND LOCATION OF INTERVIEWS: May 7, 2002, Department of Management Services, Division of Facilities Management and Building Construction, 4030 Esplanade Way, Suite 360L, Tallahassee, FL 32399-0950

Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Betty Stevens, Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any changes to the above dates will be published on our website, <http://fcn.state.fl.us/dms/dbc/oppor1.html>

The selected firms will be given official notice of selection results by Fax and/or mail. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after receipt of notice shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The selection results will be published in the Florida Administrative Weekly and on our website.

DEPARTMENT OF HEALTH

Title: Invitation to Negotiate – Teenage Pregnancy Prevention

Purpose: To identify an agency or agencies that will be able to provide a program or programs that current research and literature support as being successful in reducing the incidence of teen pregnancies in Lee County

Contract Administrator:
 William Mallett
 Assistant Director
 Lee County Health Department
 3920 Michigan Avenue
 Ft. Myers, FL 33916

Notices of Intent to Submit are Due:
 Date: March 15, 2002
 Time: N/A

All Responses to ITN must be received and will be opened:
 Date: March 29, 2002
 Time: 1:00 p.m.

Responses to ITN must be submitted to:

William Mallett
 Assistant Director
 Lee County Health Department
 3920 Michigan Avenue
 Ft. Myers, FL 33916

“Certified Minority Business Enterprises are encouraged to participate in any bidders’ conferences, pre-solicitation or per-bid meetings which are scheduled.” The department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the state.

INDIAN RIVER COUNTY – BOARD OF COUNTY COMMISSIONERS

**NOTICE TO CONSTRUCTION MANAGERS
 REQUEST FOR QUALIFICATIONS – RFQ #4045
 CONSTRUCTION MANAGER AT RISK**

The Indian River County Board of County Commissioners, in compliance with CCNA, Chapter 287.055, F.S., announces that Construction Manager at Risk services will be required for Facilities Maintenance Complex (Project No. 9820), located on South Gifford Road, in Indian River County, Florida.

Firms desiring to be considered for construction management services for this project may obtain the detailed scope of work and submittal requirements by sending an e-mail to Indian River County Purchasing Division, purchasing@bcc.co.in indian-river.fl.us.

Submit one (1) original and five (5) copies of proposal. All proposals must be in writing and delivered by hand or mail to the Indian River County Purchasing Division, 2625 19th Avenue, Vero Beach, Florida 32960-3335, on or before 2:00 p.m., Wednesday, March 27, 2002, (772)567-8000, Extension 1216.

Facsimile (FAX) submittals are not acceptable and will not be considered. Proposals received after 2:00 p.m., of the day specified above will be returned unopened.

The Board of County Commissioners reserves the right to accept or reject any and all submittals and to waive all informalities.

Indian River County, Florida
 Purchasing Manager

**Section XII
 Miscellaneous**

DEPARTMENT OF BANKING AND FINANCE

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance, on April 16, 2001 and February 26, 2002, issued a Notice of Intent

to Enter a Final Order Granting Recovery from the Securities Guaranty Fund in Administrative Proceeding No. 2535-S-7/97 to Harry Mason, as Trustee of the Harry and Virginia A. Mason Trust, date July 27, 1977, and John Pew regarding the activities of SUSAN W. BYRD, CRD No. 1381500. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Department of Banking and Finance
Suite 526, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0350

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA02-OR-035
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 01-19

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On January 16, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 01-19 which was adopted by the Village Council on November 19, 2001 ("Ord. 01-19"). Ord. 01-19 establishes administrative procedures for: quasi-judicial proceedings, concurrency management, comprehensive plan amendments, rezoning, platting, beneficial use review, vested rights determinations, and consideration of development agreements.
2. Ord. 01-19 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 01-19 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
7. Ordinance 01-19 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
 - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
 - (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection and disposal facilities;
 3. Solid waste collection and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
8. Ordinance 01-19 is not inconsistent with the remaining Principles. Ord. 01-19 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 01-19 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL

ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of February, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor

Islamorada, Village of Islands

Post Office Box 568

Islamorada, FL 33036

Carol Simpkins, Village Clerk

Islamorada, Village of Islands

Post Office Box 568

Islamorada, FL 33036

John Herin, Esq.

Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.

2665 South Bayshore Drive

Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA Tallahassee

Rebecca Jetton, DCA Florida Keys Field Office

Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA02-OR-041

In re: CITY OF LAYTON LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF LAYTON ORDINANCE NO. 02-01-01

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving City of Layton Ordinance No. 02-01-01 as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Layton is a local government within the Florida Keys Area.
2. On January 17, 2002, the Department received for review City of Layton Ordinance No. 02-01-01 which was adopted by the City of Layton on January 10, 2002 ("Ord. 02-01-01"). Ord. 02-01-01 regulates the use of land through the application of lot line set-backs, lot coverage and height limitations. Ord. 02-01-01 regulates other development activities which would have an adverse impact on natural resources, and provides minimum criteria for development such as required parking, preservation of native species, and provision of open space.
3. Ord. 02-01-01 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
5. The City of Layton is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-01-01 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). § 380.0552(7), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
8. Ord. 02-01-01 promotes and furthers the following Principles in § 380.0552(7):
(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
(b) To protect shoreline and marine resources including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
(c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
(e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
(f) To enhance natural scenic resources, promote aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
(g) To protect the historical heritage of the Florida Keys.
(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

10. Ord. 02-01-01 is not inconsistent with the remaining Principles. Ord. 02-01-01 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-01-01 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA

ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of February, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:
Carol MacLaren, Mayor
City of Layton

P. O. Box 778
 Long Key, FL 33001
 Skip Haring, City Administrator
 City of Layton
 P. O. Box 778
 Long Key, FL 33001
 Gail Ueland, City Clerk
 City of Layton
 P. O. Box 778
 Long Key, FL 33001
 By Hand Delivery or Interagency Mail:
 Michael McDaniel, Growth Management Administrator, DCA
 Tallahassee
 Rebecca Jetton, DCA Florida Keys Field Office
 Richard A. Lotspeich, Assistant General Counsel, DCA
 Tallahassee

DCA Final Order No.: DCA02-OR-042

In re: A LAND DEVELOPMENT REGULATION
 ADOPTED BY ISLAMORADA,
 VILLAGE OF ISLANDS
 ORDINANCE NO. 02-06

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On February 4, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 02-06 which was adopted by the Village Council on January 24, 2002 ("Ord. 02-06"). Ord. 02-06 requires that new development pay for its fair share of public facilities through the imposition of impact fees that will be used to finance, defray, or reimburse all or a portion of the costs incurred by the Village for public facilities and services that serve such development.
2. Ord. 02-06 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-06 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
7. Ordinance 02-06 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
 - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
 - (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 2. Sewage collection and disposal facilities;
 3. Solid waste collection and disposal facilities;
 4. Key West Naval Air Station and other military facilities;
 5. Transportation facilities;
 6. Federal parks, wildlife refuges, and marine sanctuaries;
 7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
 8. City electric service and the Florida Keys Electric Co-op; and
 9. Other utilities, as appropriate.
8. Ordinance 02-06 is not inconsistent with the remaining Principles. Ord. 02-06 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-06 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE

AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this __ day of February, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA
Tallahassee

DCA Final Order No.: DCA02-OR-043

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 02-07

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. On February 4, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 02-07 which was adopted by the Village Council on January 24, 2002 ("Ord. 02-07"). Ord. 02-07 establishes procedures and criteria for approval of accessory uses and structures.
2. Ord. 02-07 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-07 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
7. Ordinance 02-07 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
 - (j) To make available affordable housing for all sectors of the population of the Florida Keys.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

8. Ordinance 02-07 is not inconsistent with the remaining Principles. Ord. 02-07 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-07 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF

ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of February, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133
By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA
Tallahassee

DCA Final Order No.: DCA02-OR-044
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA,
VILLAGE OF ISLANDS
ORDINANCE NO. 02-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. On February 4, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 02-08 which was adopted by the Village Council on January 24, 2002 ("Ord. 02-08"). Ord. 02-08 establishes regulations for the use of live aboard vessels.
2. Ord. 02-08 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

- 3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-08 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
7. Ordinance 02-08 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
8. Ordinance 02-08 is not inconsistent with the remaining Principles. Ord. 02-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-08 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

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PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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CERTIFICATE OF FILING AND SERVICE

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Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA
Tallahassee

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Polaris Sales Inc., intends to allow the establishment of Daytona Custom Motorcycles, LLC d/b/a Arlen Ness Motorcycles, as a

dealership for the sale of Victory motorcycles, at 420 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after March 1, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Custom Motorcycles, LLC d/b/a Arlen Ness Motorcycles are dealer operator: Bruce Rossmeyer, 290 N. Beach Street, Daytona Beach, FL 32114; principal investor(s): Bruce Rossmeyer, 260 Beach Street, Daytona Beach, FL 32114, Terry Taylor, 515 East Las Olas Blvd., Ft. Lauderdale, FL 33301 and Arlen and Cory Ness, 16520 East 14th Street, San Leandro, CA 94578.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, CFO, Secretary, Treasurer, Polaris Sales, Inc., 2100 Highway 55, Medina, MN 55340.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mazda Motor of America, Inc., intends to allow the sale and relocation of Mark J. Payne Enterprises, LLC d/b/a Mark Payne Mazda of Miami, to Grand Prize Motors, Inc. d/b/a Grand Prize Mazda, as a dealership for the sale of Mazda vehicles, from its present location at 1810 South Dixie (Dade County), Florida 33157, to a proposed location at 11855 Southwest 152th Street, Miami (Miami-Dade), Florida 33177, on or after May 21, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Grand Prize Motors, Inc. d/b/a Grand Prize Mazda are dealer operator: Ralph W. Sifford, 13641 Deering Bay Drive, Unit 117, Coral Gables, Florida 33158; principal investor(s): Ralph W. Sifford, 13641 Deering Bay Drive, Unit 117, Coral Gables, Florida 33158.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Nick White, Manager Dealer Development, Mazda North American Operations, 8313 Baycenter Road, Jacksonville, Florida 32256.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Kannon Motorcycles, LLC, intends to allow the establishment of Kannon Motorcycles of Daytona Inc., as a dealership for the sale of Kannon V-Cycles, at 101 Fairview Ave., Daytona Beach (Volusia County), Florida 32114, on or after February 17, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Kannon Motorcycles of Daytona Inc. are dealer operator(s) and principal investor(s): Joe Cary, 1091 S. Nova Rd., Ormond Beach, FL 32174.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: James W. Mills, General Manager, Kannon Motorcycles, LLC, P. O. Box 761, Ketchum, OK 74349.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Global Electric Motorcars, LLC, intends to allow the establishment of Lakeland Chrysler Plymouth Dodge, Inc., as a dealership for the sale of GEM vehicles, at 2335 US 98, North, Lakeland (Polk County), Florida 33805, on or after March 2, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Lakeland Chrysler Plymouth Dodge, Inc. are dealer operator: James R. Bryan, 6923 Ashbury Dr., Brandon, FL; principal investor(s): James R. Bryan, 716 Dorado Court, Brandon, FL, Robert E. Vaughn, 122 Lakewood, Brandon, FL and James R. Bryan, Jr., 6923 Ashbury Dr., Brandon, FL.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kenneth R. Montler, President/COO, Global Electric Motorcars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Global Electric Motorcars, LLC, intends to allow the establishment of Orlando Dodge, as a dealership for the sale of GEM vehicles, at 4101 West Colonial Drive, Orlando (Orange County), Florida 32808, on or after March 2, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Orlando Dodge are dealer operator: Mike Smith, 345 Nebraska Avenue, Longwood, FL; principal investor(s): Robert B. Massey, 1902 Epping Forest Way, South, Jacksonville, FL, Robert B. Massey, Jr., 107 Overlook Drive, Ponte Vedra, FL, William W. Massey, Jr., 10113-1751 Whipporwill Ln., Jacksonville, FL, William W. Massey, III, 5971 Ortega River Circle, Jacksonville, FL, Roberta E. Smith, 141 Variety Tree Circle, Altamonte Springs, FL, Michael L. Smith, 345 Nebraska Avenue, Longwood, FL and Steward O. Smith, 463 Wilford Avenue, Longwood, FL.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kenneth R. Montler, President/COO, Global Electric Motorcars, LLC, 3601 7th Avenue, N. W., Fargo, ND 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

WATER MANAGEMENT DISTRICTS

Pursuant to Section 373.456(4), F.S., the St. Johns River Water Management District Governing Board, on February 9, 2002, approved and adopted the Surface Water Improvement and

Management (SWIM) Plan for the Middle St. Johns River Basin. The Plan sets forth water quality improvement and preservation strategies for the Wekiva River, Econlockhatchee River, Deep Creek, Lake Jesup and Lake Monroe watersheds.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on February 18, 2002, concerning certificate of need decisions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine substantial interest of person. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F. S., as well as Section 28-5.111 and 28-5.207, F. A. C. In deference to rights of substantially affected person, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

CON#	INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
8740	Denial, modification to reduce the number of beds to be delicensed from 100 to 50, Wueshoff Memorial Hospital, Inc., (PRH) same as applicant
9475	Supports Approval, establish a hospice program, Leon County, Covenant Hospice, Inc., (PRH) same as applicant
9484	Supports Denial, establish a 170 bed acute care hospital, Duval County, St. Vincent's Medical Center, Inc., (PRH) Southern Baptist Hospital of Florida, Inc.
9484P	Partial approval, establish a 135 bed hospital, Duval County, St. Vincent's Medical Center, Inc., (PRH) Southern Baptist Hospital of Florida, Inc.
9493	Supports Denial, addition of 5 Level III Neonatal Intensive Care beds, Hillsborough County, St. Joseph's Hospital, Inc., (PRH) University Community Hospital, Inc. d/b/a University Community Hospital
9504	Supports denial, addition of 28 comprehensive medical rehabilitation beds, Palm Beach County, Healthsouth of Treasure Coast, Inc. d/b/a Healthsouth Treasure Coast Rehabilitation Hospital, (PRH) Bethesda Healthcare System, Inc.
9506	Supports denial, establish a 20 bed comprehensive medical rehabilitation unit, Palm Beach County, Martin Memorial Medical Center, Inc., (PRH) Bethesda Healthcare System, Inc.

- 9508 Supports denial, establish a 20 bed comprehensive medical rehabilitation unit, Palm Beach County, Columbia/JFK Medical Center Limited Partnership d/b/a JFK Medical Center, (PRH) Bethesda Healthcare System, Inc.
- 9509 Supports denial, addition of 8 comprehensive medical rehabilitation beds, Palm Beach County, Lawnwood Medical Center, Inc. d/b/a Lawnwood Regional Medical Center, (PRH) Bethesda Healthcare System, Inc.
- 9522 Withdrawal, transfer 60 additional skilled nursing beds and change of ownership, Jackson County, Jackson County Convalescent Center Operations, L.L.C., (PRH) same as applicant
- 9526 Denial, establish 24 general adult psychiatric beds through the conversion of existing beds, Collier County, Willough Health Care, Inc. d/b/a The Willough At Naples, (PRH) same as applicant
- 9527 Approval, addition of 34 acute care beds through the conversion of 34 adult psychiatric beds, Duval County, St. Vincent's Medical Center, Inc., (PRH) Memorial Healthcare Group, Inc. d/b/a Memorial Hospital Jacksonville

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO ISSUE PROPOSED MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4), F.A.C., concerning Wheelabrator North Broward, Inc., North Broward County Resource Recovery Facility, Modification of Conditions of Certification, Power Plant Siting Application No. PA86-22G, OGC Case No. 02-0280, Broward County, Florida.

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."

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The Florida Department of Environmental Protection (Department) hereby provides notice of an intent to modify Power Plant Certification Conditions issued pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes. A Proposed Final Order has been prepared in accordance with Rule 62-17.211(4), F.A.C., concerning Wheelabrator South Broward, Inc., South Broward

County Resource Recovery Facility, Modification of Conditions of Certification, Power Plant Siting Application No. PA85-21E, OGC Case No. 02-0281, Broward County, Florida.

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."

NOTICE OF PUBLIC OPPORTUNITY TO INSPECT AND COMMENT

The Call for Information and Nominations and Notice of Intent to prepare an Environmental Impact Statement for Lease Sales 189 and 197, Proposed 5-Year Outer Continental Shelf Oil and Gas Leasing Program for 2002-2007 is being reviewed by the State of Florida and is available for public inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953, Douglas Building, 3900 Commonwealth Boulevard, Mail Station #47, Tallahassee, Florida 32399-3000. FDEP is soliciting written comments regarding information on oil and gas leasing, exploration, and development and production, as well as significant issues and alternatives to be analyzed in the EIS for the proposed sales.

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

On February 25, 2002, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Tammy St. John, R.T., license number RT 008073. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 11, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Kimberly Joyce Cody R.N. and DO. Cody holds license number RN 3419342 and DO 2657. Cody's last known address is 3251 Aurora Road, Melbourne, Florida 32935. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The

Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 20, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Christopher Lacharite, R.N. Lacharite holds license number RN 900672. Lacharite's last known address is 908 Ocean Drive, Boynton Beach, Florida 33426. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 20, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Diana Richardson, R.N. Richardson holds license number RN 2967732. Richardson's last known address is 30474 Willow Bank Avenue, Brooksville, Florida 34602. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 20, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Celina Capresecco, L.P.N. Capresecco holds license number PN 882531. Capresecco's last known address is 1480 S. Ocean Blvd., #420, Pompano Beach, Florida 33062. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 20, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of James Nicholas Russo, R.N. Russo holds license number RN 1475932. Russo's last known address is 986 Wildflower Way, Longwood,

Florida 32750. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 20, 2002, John O. Agwunobi, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of Stephen Charles Wolff, D.C. Wolff holds license number CH 4842. Wolff's last known address is 1304-C East Atlantic Boulevard, Pompano Beach, Florida 33060. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE TO COASTAL LOCAL GOVERNMENTS DERELICT VESSEL REMOVAL GRANT PROGRAM

The Florida Fish and Wildlife Conservation Commission is administering a grant program to provide funding to coastal local governments for the reimbursement of the removal of derelict vessels from coastal waters of the State. An abandoned vessel becomes a derelict only after all available means to have the rightful owner remove the vessel have failed. An investigation is conducted by the local Florida Fish and Wildlife Conservation office and can involve court orders requiring the removal. In many cases the attempt to identify the owner is unsuccessful, and after proper notice the vessel is declared derelict. Only after this declaration, is the vessel eligible for removal under this grant program.

Applications will be accepted from May 15, 2002, through July 15, 2002. Applications must be postmarked no later than July 15, 2002 or delivered in person by 5:00 p.m., on July 15, 2002.

Application packages can be obtained by writing or calling: Ms. Wendy Huszagh, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, 620 South Meridian Street, Tallahassee, FL 32399-1600, (850)488-5600, Ext. 173, Email: huszagw@gfc.state.fl.us.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 18, 2002
 and February 22, 2002

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF BANKING AND FINANCE

Division of Banking

3C-110.053	2/19/02	3/11/02	28/3	
3C-140.002	2/19/02	3/11/02	28/3	

Division of Finance

3D-30.0055	2/20/02	3/12/02	27/49	
3D-30.060	2/20/02	3/12/02	27/50	28/3

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

61B-60.002	2/21/02	3/13/02	27/52	
61B-60.003	2/21/02	3/13/02	27/52	
61B-60.004	2/21/02	3/13/02	27/52	
61B-60.005	2/21/02	3/13/02	27/52	
61B-60.006	2/21/02	3/13/02	27/52	
61B-60.008	2/21/02	3/13/02	27/52	

Board of Funeral Directors and Embalmers

61G8-32.007	2/21/02	3/13/02	28/3	
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DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

64B-1.016	2/22/02	3/14/02	27/48	28/3
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Osteopathic Medicine

64B15-6.002	2/18/02	3/10/02	27/49	
64B15-6.003	2/18/02	3/10/02	27/49	
64B15-6.0035	2/18/02	3/10/02	27/49	
64B15-6.0105	2/18/02	3/10/02	27/49	
64B15-6.01051	2/18/02	3/10/02	27/49	

Division of Environmental Health and Statewide Programs

64E-23.001	2/18/02	3/10/02	27/47	28/4
64E-23.002	2/18/02	3/10/02	27/47	
64E-23.003	2/18/02	3/10/02	27/47	
64E-23.004	2/18/02	3/10/02	27/47	28/4
64E-24.001	2/18/02	3/10/02	27/47	28/4
64E-24.002	2/18/02	3/10/02	27/47	27/52
64E-24.003	2/18/02	3/10/02	27/47	

Biomedical Research Advisory Council

64H-1.001	2/19/02	3/11/02	27/42	28/2
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FLORIDA HOUSING FINANCE CORPORATION

67-49.001	2/20/02	3/12/02	28/2	
67-49.002	2/20/02	3/12/02	28/2	
67-49.003	2/20/02	3/12/02	28/2	
67-49.0031	2/20/02	3/12/02	28/2	
67-49.004	2/20/02	3/12/02	28/2	
67-49.005	2/20/02	3/12/02	28/2	
67-49.006	2/20/02	3/12/02	28/2	
67-49.007	2/20/02	3/12/02	28/2	
67-49.008	2/20/02	3/12/02	28/2	
67-49.009	2/20/02	3/12/02	28/2	
67-49.010	2/20/02	3/12/02	28/2	