

- 50 – Alligator Point Resource Board
- 51 – Hillsborough County Consolidated Taxicab Commission
- 52 – Port of Palm Beach District
- 53 – Department of the Lottery
- 54 – Interlocal Agencies
- 55 – Department of Veterans' Affairs
- 56 – Clean Florida Commission
- 57 – Spaceport Florida Authority
- 58 – Department of Elder Affairs
- 59 – Agency for Health Care Administration
- 60 – Department of Management Services
- 61 – Department of Business and Professional Regulation
- 62 – Department of Environmental Protection
- 63 – Department of Juvenile Justice
- 64 – Department of Health
- 65 – Department of Children and Family Services
- 66 – Navigation Districts
- 67 – Florida Housing Finance Corporation
- 68 – Fish and Wildlife Conservation Commission

Specific Authority 120.55(1)(c) FS. Law Implemented 120.55(1)(c) FS. History—New 5-29-80, Formerly 1-1.01, Amended 10-1-84, 11-14-85, 4-10-90, 6-17-92, 4-1-96, 9-13-98, _____.

1S-1.002 Style and Form for Filing Rules; Certification Accompanying Materials.

(1) In addition to the following requirements, the text of all rules filed for adoption shall be submitted on 3.5" diskette, and shall comply with the specifications listed in paragraphs Rule 1S-1.003(2)(b) and (c)(a), F.A.C.

(2) No change.

(3) An agency adopting an amendment to an existing rule shall submit the original and two copies, underlining new material and striking through deleted material. The new material shall appear before the deleted material. Each rule page shall be numbered. The text of a rule amendment shall set forth in full the amended rule and include such subsections, paragraphs, subparagraphs or sub-subparagraphs of the amended rule where necessary to make the publication of the amended rule complete and meaningful. Any subsections, paragraphs, subparagraphs or sub-subparagraphs not being amended, shall be noted as "No change". The original shall be prepared in the same manner as described in subsection (2)(+) of this rule.

(4) through (11) No change.

Specific Authority 120.55(1)(c) FS. Law Implemented 120.54(3)(e)4.,(6), 120.55(1)(c),(d), 403.8055 FS. History—New 5-29-80, Formerly 1-1.02, Amended 12-30-81, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 10-1-96, 9-13-98, 8-23-99, _____.

1S-1.003 Florida Administrative Weekly (FAW).

(1) No change.

(2)(~~a~~) All proposed rules and other documents to be published in the FAW shall be submitted;

(a) Electronically through the Electronic Submission link/button found on the Florida Administrative Weekly web page, <http://faw.dos.state.fl.us>. This page may also be accessed through the Department of State's homepage at <http://election.dos.state.fl.us>;

(or)

On ~~on~~ 3.5" diskette, together with one hard copy of each notice printed on white letter size (8 1/2" x 11") paper, double spaced, and shall comply with the following specifications:

1. 3.5" diskette, 720 K or 1.44 M recording Density, IBM PC compatible formatting; and

2. All diskettes shall be accompanied by an affixed external label that:

a. Identifies the submitting agency by the agency's title number;

b. Lists the file(s) contained on the disk; and

c. Lists the type of software used.

(b) Agencies shall submit a cover memo for each notice to be published in the FAW, specifying the person's name and address to which the invoice will be sent, so that the proper agency will be billed for the costs of publication. In addition, the cover memo shall contain the agency's title number, type of notice(s) and file name(s) contained on the disk, and shall specify the publication date. A sample cover memo may be obtained by contacting the Bureau of Administrative Code.

~~(c)3.~~ Acceptable software:

~~a. WordPerfect for MS-DOS Version 5 and above; or~~

~~1.b. WordPerfect for Windows Version 5 and above; or~~

~~e. Microsoft Word for MS-DOS Versions 3.0, 4.0, 5.0, 5.5 and 6.0; or~~

~~2.d. Microsoft Word for Windows Versions 3.0, 4.0, 5.0, 5.5 and 6.0; or~~

~~e. Microsoft Write for Windows; or~~

~~f. Ami Professional; or~~

~~g. DisplayWrite 2, 3, 4, and 5; or~~

~~3.h. Rich Text Format.~~

~~(d)4.~~ No other software will be accepted unless specifically authorized in writing by the Bureau of Administrative Code.

~~(e)5.~~ All documents submitted shall use "underscore" and "overstrike" character attributes to denote inserted and deleted text, respectively. Documents shall not contain "redlining" or other revision markers.

~~(f)(b)~~ Except when the intended action is the repeal of a rule, agencies shall provide notice of the development of proposed rules in the format set out in subsection ~~(3)(4)~~ of this rule.

(g)(e) All proposed new rules, amendments, substantial rewording of existing rules, repeals and emergency rules shall be preceded by a Notice of Proposed Rulemaking as set out in subsections (4)(5) and (7)(8) of this rule; and

1. Separate Notices of Rule Development and Proposed Rulemaking are required for each rule chapter affected.

2. All proposed new rules shall be coded by underlining the rule number, title, text, specific authority, law implemented and history note.

3. All proposed rule amendments shall be coded by underlining new material and striking through deleted material. When amending a portion of a rule chapter, only the amended sections of the chapter shall be included on the notice of proposed non-emergency rules.

4. All proposed rules which substantially reword existing rules shall be coded by underlining the new material. The rule number, title, specific authority, law implemented and history note lines should not be underlined. The following directory line shall be inserted immediately preceding the rule number and rule title of the substantially reworded rule: (Substantial rewording of Rule ____ follows. See Florida Administrative Code for present text.)

5. All proposed rule repeals shall be coded by underlining the word "Repealed" in the history note. The full text of said rule is not required to be published in the FAW. Only a reference to the rule number, rule title and the specific authority, law implemented and history note must be set out, provided that the rule summary portion of the notice fully describes the subject matter of the repealed rule text. Partial rule repeals will be treated in the same manner as an amendment.

6. Emergency rules shall be coded as specified in subparagraphs 2. through 4.

(h)(d) The department shall reject any notice that does not comply with the requirements specified in these rules.

~~(3) Agencies shall submit a cover memo for each notice to be published in the FAW, specifying the person's name and address to which the invoice will be sent, so that the proper agency will be billed for the costs of publication. In addition, the cover memo shall contain the agency's title number, type of notice(s) and file name(s) contained on the disk, and shall specify the publication date. A sample cover memo may be obtained by contacting the Bureau of Administrative Code.~~

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

Specific Authority 120.55(1)(c) FS. Law Implemented 120.54(2), 120.55(1),(3) FS. History--New 5-29-80, Formerly 1-1.021, Amended 7-12-81, 12-30-81, 7-8-82, 2-9-84, 10-1-84, 11-14-85, 10-19-86, 4-10-90, 6-17-92, 9-2-93, 4-1-96, 10-1-96, 9-13-98,_____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Logo Sign Program
RULE CHAPTER NO.: 14-85

RULE TITLE: Logo Sign Program
RULE NO.: 14-85.004

PURPOSE AND EFFECT: The proposed amendment adds a new "Attractions" category for Logo signs, a new definition for "Prepared Food," and removes the metric equivalent measurement references. Numerous corrections and revisions have been made to the former language and organization of the rule.

SUBJECT AREA TO BE ADDRESSED: The Logo Sign Program is amended to include Attractions as a separate category. Also, a new definition is added and the metric equivalent measurement references are removed. Numerous corrections and revisions have been made to the former language and organization of the rule.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 479.261 FS.

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

TIME AND DATE: 10:00 a.m, March 6, 2002

PLACE: Fourth Floor Conference Room, Room 479, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-85.004 Logo Sign Program.

(1) Definitions.

(a) "Annual Permit Renewal" means the process of requalifying businesses with existing permits to allow for continued participation in the program.

(b) "Business" means an attraction or a commercial establishment providing gas, food, lodging, ~~or~~ camping services from a single site at a qualified interchange.

(c) "Business Logo Sign" means a board mounted on the display panel of a logo structure showing the name, symbol, trademark, or combination thereof for a category of motorist services available at an interchange.

(d) "Category" means the motorist services of gas, food, lodging, ~~or camping, or attraction.~~

(e) "Combination Logo Structure" means a logo structure designed to display a combination of business logo signs in no more than three categories in the following configurations combinations:

1. 15' x 12' 4/2 or 2/4 two-category service combination, with business logo signs in each of the two categories placed together.

2. 15' x 12' 2/2/2 three-category service combination, with business logo signs in each of the three categories placed together.

3. 15' x 8' 2/1 two-category service combination, with business logo signs in each of the two categories placed together.

4. 15' x 12' 3/3 two-category service combination, with three business logo signs in each of the two categories placed together.

(f) "Crossroad" means a road intersecting the interstate highway to which access is provided by means of an interchange.

(g) "Display Panel" means the facing or surface of a logo structure to which business logo signs are affixed.

(h) "Double Exit Interchange" means an interchange configuration where, for a given direction of travel on the mainline, two exit ramps provide access to the crossroad, one for each direction of travel on the crossroad.

(i) "Exit Ramp" means the traffic lane or lanes at an interchange on an interstate highway leading from the mainline to the crossroad.

(j) "Full Size Logo Structure" means a mainline or ramp logo structure capable of displaying six business logo signs.

(k) "Half Size Logo Structure" means a mainline or ramp logo structure capable of displaying three business logo signs.

(l) "Initial Permit" means written authorization for the a permit to display of a new business logo sign.

(m) "Logo Structure" means the support columns and display panel upon which separate business logo signs may be displayed.

(n) "Mainline" means the traffic lanes of an Interstate highway intended for through travel.

(o) "Mainline Logo Structure" means those logo structures located along the mainline.

(p) "Prepared Food" means hot or deli style food prepared to order on site.

~~(q)(p)~~ "Program Administrator" means the contractor providing all services relating to the logo program pursuant to a contract under Section 479.261(4), Florida Statutes. ~~Pursuant to a contract dated December 30, 1996, Florida Logos, Inc., is the Program Administrator under this rule.~~

~~(r)(q)~~ "Ramp Logo Structure" means those logo structures located along an exit ramp.

~~(s)(r)~~ "Qualified Interchange" means an interchange that meets the requirements of Section (3) of this Rule.

~~(t)(s)~~ "Single Exit Interchange" means an interchange configuration where, for a given direction of travel on the mainline, one exit ramp provides access to the crossroad for both directions of travel on the crossroad.

~~(u)(t)~~ "Traffic Control Signs" means all signs, signals, markings, and devices placed on, over, or adjacent to a street or highway by authority of a public body or official having jurisdiction to regulate, warn, or guide ~~motorists traffic.~~

(2) Responsibilities of Program Administrator and Department.

(a) Subject to paragraph (2)(b), the Program Administrator is responsible for administering all provisions of this Rule, including the receipt of applications and renewals and the issuance of notices. ~~Florida Logos, Inc., can be contacted at 4706 Capital Circle, S.W., Tallahassee, Florida 32310 or 1-888-608-0833.~~

(b) The Department is responsible for ~~final~~ interpretation of Section 479.261, Florida Statutes, and this Rule, and is responsible for all proceedings under Chapter 120, Florida Statutes.

(3) Qualification of Interchanges.

(a) All interchanges with logo structures erected or approved ~~as of on~~ May 23, 1996, are qualified.

(b) Additional interchanges on the Interstate highway system will be qualified when minimum sign spacing distance allows at least one logo structure on the mainline and one logo structure on the exit ramp in addition to all necessary traffic control signs for each direction of travel on the mainline.

(c) An interchange is qualified only when the interchange configuration ~~allows permits~~ a motorist to exit, ~~as well as and~~ reenter the Interstate highway and continue in the same direction of travel.

(d) Interchanges, including those with logo structures erected or approved ~~as of on~~ May 23, 1996, become unqualified when ~~either~~ the spacing requirements in (b) or the configuration requirement in (c), above, ~~is are~~ no longer met as a result of Department action pursuant to Section 479.261(6), Florida Statutes. The Department or the Program Administrator shall relocate or remove logo structures when ~~deemed necessary by the as a result of~~ Department, ~~action~~ pursuant to Section 479.261(6), Florida Statutes.

(4) Mainline Logo Structures.

(a) The number of logo structures along an approach to an interchange, regardless of the number of categories displayed, shall be limited to a maximum of four. Approaching the interchange, the successive order of logo categories that may be displayed in permissible combinations on the four logo structures shall be attraction, camping, lodging, food, and gas. No category shall appear on more than one more than one logo structure ~~will be provided for each category.~~ If spacing is unavailable on the four ~~for~~ logo structures for all five ~~four~~

categories in a permissible combination, category preference shall be given first in priority order to the categories of gas, then to food, lodging, and camping, and attraction, respectively.

(b) Combination logo structures shall be used when spacing is unavailable for separate structures for all business categories for which applications have been submitted. The configuration of the logo structures shall be determined by the priority order established in paragraph (4)(a) above, and the number of applicant businesses in each category which have been qualified for participation at the time the structure is erected. A "2/2/2" combination logo structure displaying two business logo signs in each of the three categories ("2/2/2") shall not be constructed at an interchange where more than two qualified gas or food businesses have applied, in order to preserve the priority of businesses which provide services in the categories of gas and food.

(c) The ~~size of the~~ display panel of mainline logo structures for all categories shall be a rectangle ~~4500 mm (15 feet) wide by 3,000 mm (10 feet) high for a full size mainline logo structure, 4,500 mm (15 feet) wide by 6 1,800 mm (six feet) high for a half size logo structure, and 4,500 mm (15 feet) wide by either 3,600 mm (12 feet) or 8 2400 mm (eight feet) high for a combination logo structure.~~

(5) Ramp Logo Structures.

(a) A business logo sign shall be permitted on exit ramp logo structures for each business logo sign permitted on mainline logo structures.

(b) If ~~space~~ spacing is unavailable for logo structures for five all four categories of service, preference shall be given in priority order to the categories of gas, food, lodging, ~~and camping, and attraction.~~

(c) The ~~size of the~~ display panel of ramp logo structures shall be ~~8 2,400 mm (eight feet) wide by 7 2,100 mm (seven feet) high for a full size ramp logo structure, 8 2,400 mm (eight feet) wide by 4 1,200 mm (four feet) high for a half size ramp logo structure, and 8 2,400 mm (eight feet) wide by 8 2,400 mm (eight feet) high for a combination ramp logo structure.~~

(6) Placement of Business Logo Signs on Logo Structures. The initial arrangement of business logo signs on each logo structure shall be from left-to-right, top-to-bottom, based upon the date of issuance of the permit. When a business logo sign is removed, the next business logo sign to be displayed will be placed in the location of the removed business logo sign.

(7) Business Logo Signs on Mainline Logo Structures.

(a) No more than six ~~The maximum number of~~ business logo signs shall be allowed on any logo structure. ~~of the four logo structure category types at any interchange is as follows:~~

- ~~1. GAS — 6.~~
- ~~2. FOOD — 6.~~
- ~~3. LODGING — 6.~~
- ~~4. CAMPING — 6.~~

(b) No more than a total of six business logo signs shall be allowed for any category.

~~(c)(b)~~ Business logo signs on mainline logo structures shall be constructed of metal and shall be ~~1,200 mm (48 inches) wide and 900 mm (36 inches) high.~~ Letters shall be at least ~~250 mm (10 inches) high,~~ whether capital or lowercase. However, when only a the symbol or trademark is used on the logo sign alone for the logo, any legend on the symbol or trademark ~~it~~ shall be proportional to the size customarily used ~~on the symbol or trademark.~~

(8) Business Logo Signs on Ramp Logo Structures. Business logo signs on ramp logo structures shall be constructed of metal and shall be ~~600 mm (24 inches) wide and 450 mm (18 inches) high.~~ Letters shall be at least ~~150 mm (six inches) high,~~ whether capital or lowercase. However, when only the symbol or trademark is used ~~alone for the logo,~~ any legend on it shall be proportional to the size customarily used on the symbol or trademark.

(9) Installation and Maintenance of Logo Structures and Signs. Except as provided herein, all logo structures and signs shall be installed and maintained in accordance with the *Manual on Uniform Traffic Control Devices* which is incorporated by reference in 14-15.010, Florida Administrative Code; ~~and~~ *Roadway and Traffic Design Standards*, 1996 edition; and *Standard Specifications for Road and Bridge Construction*, 1996 edition, which are incorporated herein by reference. The Program Administrator shall remove, replace, or cover any business logo sign that no longer meets Department standards.

(10) Qualification of Businesses.

(a) To qualify for a business logo sign in any category, a business must:

1. ~~H~~hold all necessary licenses and permits to provide services required to qualify for the ~~logo~~ category being displayed;

2. Comply with laws concerning the provisions of public accommodations without regard to race, religion, color, age, sex, or national origin;

3. Provide on site, modern sanitary facilities and a telephone on-site for use by motorists;

4. ~~F~~all within a category set forth in subsections ~~(10)(d)~~ ~~(e)~~ through ~~(h)~~, ~~(f)~~ and meet the requirements applicable to that category, including distance from the qualifying interchange. The qualifying interchange, ~~which~~ will be measured from the point where the crossroad intersects with the centerline of the Interstate highway median, along the crossroad to the nearest entrance to the premises of the business; and

5. Bbe located on or visible from the crossroad so that a motorist can immediately discern the type of service provided. However, a EXCEPTION: A business which meets all other qualifications but is not located on or is not visible from the crossroad will be permitted to display a business logo sign subject to ~~under~~ the following conditions:

a. The business demonstrates that additional signs are adequate signing is in place which are adequate to direct the motorist to its location. Such signs signing shall be maintained at all times while the business logo sign is displayed.

b. Space is available to display the business logo sign on an existing logo structure.

c. ~~Such A business which qualifies under the exception in paragraph 5.~~ will be permitted to renew its business logo sign permit annually unless one or more approved qualified businesses that are visible from the crossroad have applied apply and are approved and no space is available on the logo structure. In such cases, the businesses qualified under this exception which are nearest the crossroad shall be approved for permit renewal.

(b) ~~A In addition to the qualifications for a Business Logo Sign in (10)(a),~~ a business qualified in the categories of gas, food, or lodging, only, which is located between three ~~and to~~ six miles from the interchange will be granted a permit for a ~~bBusiness Logo sSign~~ if less than six permits have been issued for businesses within three miles of the interchange for that category. A permit for a business logo sign issued for a business located between within three ~~and to~~ six miles of the interchange will not be renewed at the next billing date if after six businesses located within three miles of the interchange have been qualified for logo permits.

(c) ~~A In addition to the qualifications for a Business Logo Sign in (10)(a) and (10)(b),~~ a business shall qualify for a business logo sign in one direction only and at one half the standard annual permit fee if either of the following conditions are met:

1. The business is located at an interchange that serves one direction only.

2. ~~The business is Businesses~~ located at an interchange serving both directions, but the business can only serve motorists traveling in one direction, can only be signed in one direction because of the interchange configuration or because of sign spacing. A permit for a ~~bBusiness Logo sSign~~ issued to a business serving one direction only shall not be renewed at the next billing date after six businesses serving both directions have been qualified for logo permits.

(d) Gas.

1. To qualify for a business logo sign in the gas category, a the business must:

a. Operate year round at least 16 hours per day, 360 days a year.; However, a business that meets all other qualifications but maintains operating hours other than 16 hours per day will be permitted to display a business logo sign in the gas category under the following conditions:

I. Space is available to display the business logo sign on an existing logo structure.

II. At least one business logo sign is displayed at the same interchange for businesses in the gas category operating year round at least 16 hours per day, 360 days a year.

III. The gas business with operating hours other than 16 hours per day must operate at least 12 continuous hour per day, 360 days a year.

b. ~~Provide on-site vehicle services including, at a minimum: fuel, oil, water, and tire inflation;~~

c. ~~Provide on-site restroom facilities and drinking water.;~~

d. ~~provide tire repair service, either on-site or by contract; and~~

~~d.e. Be located within three miles of the interchange.~~

2. Any full service or self service gas business willing to provide gas pumping service to motorists with disabilities during the hours the business is open shall display the International Symbol of Accessibility for Access for the Handicapped (Symbol D9-~~56~~ *Manual on Uniform Traffic Control Devices*) on its business logo sign. The symbol shall be a minimum of 6 150 mm (six inches) wide by 6 150 mm (six inches) high tall and a maximum of 8 200 mm (eight inches) wide by 8 200 mm (eight inches) high tall for the mainline business logo. These dimensions shall be reduced by one half for corresponding ramp business logos signs. The symbol shall be located in the upper left hand corner of the business logo and shall be positioned in such a way as to cause minimal interference with the artwork. Permitted gGas category businesses may apply to use this symbol on their business logo signs elect to participate at the next permit renewal date. ~~A, or, in the case of a new participant, may elect to participate when with the first permit fee payment is submitted.~~ Permit fees will be in accordance with 14-85.004(11)(b)3. and 14-85.004(11)(e)4. ~~Following the approval of the initial or renewed application, the program administrator will fabricate and install the reflective metal construction symbols for two mainline signs and two ramp signs.~~

3. Gas category businesses interested in providing this service should contact the ~~Pprogram Administrator~~. In order to participate, a gas business shall demonstrate that:

a. An attendant is on duty who that will pump gas for the motorist with disabilities without additional charge.

b. At least one gas pump is plainly identified with the International Symbol of Accessibility for Access for the Handicapped, and with an explanation of which identifies the method by which the driver can notify an attendant of the need for assistance without exiting the vehicle.

c. Following the approval of the initial or renewed application, the program administrator will fabricate and install the reflective metal construction symbols for two mainline signs and two ramp signs.

(e) Food. To qualify for a business logo sign in the food category, a business must:

1. Be licensed in accordance with Chapter 500 or 509, Florida Statutes, and serve prepared food.

2. Be located within three miles of the interchange.

3. Not require a cover charge for admittance.

4. Maintain continuous operating hours from at least 7:00 a.m. to 10:00 p.m., at least (full service hours) 360 days a year. ~~EXCEPTION:~~ A business which meets all other qualifications, but maintains operating hours other than 7:00 a.m. to 10:00 p.m., ~~(limited service hours)~~ will be permitted to display a business logo sign in the food category under the following conditions:

a. Space is available to display the business logo sign on an existing logo structure.

b. At least one business logo sign is displayed at the same interchange for businesses in the food category with continuous operating hours from at least 7:00 a.m. to 10:00 p.m. full service hours.

c. The business with ~~limited service hours~~ maintains continuous operating hours from at least 7:00 a.m. to 10:00 p.m. must operate for at least six consecutive hours between 6:00 a.m. and 12:00 midnight, at least 11:00 a.m. to 9:00 p.m. 360 days a year.

~~d. Businesses with limited service hours will not be permitted to renew their business logo sign permit when the logo structure for the food category is full and one or more applications is received from businesses offering full service hours except as follows:~~

~~I. The business may adjust its operating hours to provide full service hours and be allowed to renew its permit.~~

~~II. Denial of permit renewal will be limited to a sufficient number to provide space for approved applications from businesses offering full service hours.~~

~~III. Denial of permit renewal will be based upon the date of approval of the original application to display the business logo sign with the earliest date of approval being the first to be denied renewal.~~

5. If a food business is qualified, except for the fact that the business is only open six days a week, that business will be allowed to participate as a fully qualified business. The business must identify the day it is closed on the business logo sign, e.g., Closed Sunday. The legend must be located in the lower one third of the business logo sign. The letters must be at least 6 150 mm (six inches) high. The color of the letters must be in contrast to the color of the background.

(f) Lodging. To qualify for a business logo sign in the lodging category, the business must:

1. ~~Be~~ licensed in accordance with Chapter 509, Florida Statutes; and

2. ~~Be~~ located within three miles of the interchange.

(g) Camping. To qualify for a business logo sign in the camping category the business must hold a permit under the provisions of Chapter 513, Florida Statutes, and must be located within fifteen 15 miles of the interchange.

(h) Attraction. To qualify for a business logo sign in the attraction category, a business must:

1. Be open at least of 5 days a week for 52 weeks a year.

2. Charge admission for entry.

3. Have, as its principal focus, family-oriented entertainment or cultural, educational, recreational, scientific, or historical activities.

4. Be publicly recognized as a bona fide tourist destination.

5. Provide adequate parking.

6. Not be advertised or displayed on any other existing traffic control device such as a supplemental guide sign or overhead sign.

7. Be located within fifteen miles of the interchange.

(11) Permitting.

(a) Permit Period. All permits shall expire annually on December 31. However, initial permits approved after September 30, will expire December 31; of the year following approval.

(b) Permit Fees. Annual permit fees shall be \$1,000.00.

1. Payment of permit fees shall be by U.S. currency, postal money order, bank draft, cashier's check, personal check, or business check. ~~Cash will not be accepted.~~ If a personal or business check is not honored for any reason by the bank on which it is drawn, the application for which the fee was submitted will be denied. If an individual or company issues two or more checks to the Department or the Program Administrator which are not honored, no further personal or business checks will be accepted from that individual or company, regardless of whether restitution has been made on previous checks.

2. For an initial permit application, the permit fee will be prorated with 1/12 of the annual permittee charged for each month or portion thereof remaining in the calendar year after the date of approval of the application. The fee for applications approved after September 30; will also include fees for the next calendar year.

3. For an initial permit application for a full service or self service gas business willing to provide gas pumping service to motorists with disabilities, the permit fee for the initial year of participation will be \$1,200. Subsequent annual permit renewals fees will be ~~at the rate of~~ \$1,000.

4. Permits for the attraction category shall be awarded by the Department annually to the highest bidder. However, the fees shall not be less than the fees established for logo participants in other logo categories. Businesses seeking to be placed on the Department's qualified bidders list for the attraction category must submit a completed Logo Application for Attractions, Form Number FLI-163-1, Rev. 09/01, incorporated herein by reference to the address specified on the form. The Logo Application for Attractions, Form Number FLI-163-1, Rev. 09/01 may be obtained from the Program Administrator, Florida Logos, Inc., 4706 Capital Circle, S.W., Tallahassee, FL 32310. Applicants whose applications meet program requirements will be issued a PIN number and bidding instructions.

(c) Initial Permit Application. A business applying for a business logo sign must submit a completed Logo Application/Annual Permit Renewal, Form Number FLI-163, Rev. ~~09/01~~ 09/98, incorporated herein by reference, to the address specified on the form. The Logo Application/Annual Permit Renewal, Form Number FLI-163, Rev. 09/01, Forms may be obtained from the Program Administrator Florida Logos, Inc., 4706 Capital Circle, S.W., Tallahassee, FL 32310.

1. Completed applications will be approved or denied within 90 days of receipt. A written notice of the approval or denial will be furnished to the applicant.

2. Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

3. After notification of approval of the application, the applicant shall be responsible for providing the Program Administrator with a business logo sign which meets the specifications provided herein.

4. The business logo sign will be affixed to the display panel by the Department or its agent within 30 days of receipt of the sign or the permit fee, whichever is later.

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph (10)(b) above, and for operating hours pursuant to paragraph (10)(e)4., and will place the business on a waiting list in the priority order of the dates on which they were received. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

~~6.a.~~ For all categories, applications received for businesses within three miles of an interchange have priority over businesses that are within three to six miles of an interchange.

~~b.~~ Applications for food businesses that have full service operating hours (7:00 a.m. to 10:00 p.m.) have priority over food businesses that have limited service operating hours (11:00 a.m. to 9:00 p.m.).

(d) Priority of Applications.

1. Each permit holder that timely applies for renewal renews under this rule will retain priority over other applicants, except when retaining priority would conflict with Section (10)(a)5.c. of this Rule.

2. Initial permit applications received after October 10, 1996, will be assigned priority based upon the date and time of receipt by ~~the Department or the Program Administrator.~~ The with the application received earliest will be given receiving the highest priority.

~~3. If more than one application for the same category and location are received on the same day, priority will be assigned on the basis of a random drawing. Each applicant involved in the drawing will be notified of the date, time, and place of the drawing.~~

~~3.4.~~ All processing of permit applications will be in order of assigned priority. A business that fails to submit an application within 30 days of notice that space has becomes available will be deemed to have withdrawn its application and must resubmit its application in order to be assigned priority, which will be based on date of receipt as an initial permit application.

~~4.5.~~ Acceptance of an application and assignment of processing priority does not constitute approval of an application. Approval or denial of applications will be granted after processing is complete.

(e) Annual Permit Renewal.

1. On or before November 1 of each year, the Program Administrator ~~may~~ will provide a Notice of Annual Permit Renewal to each holder of a valid permit. Failure of delivery to any permit holder will not excuse timely submission of the permit renewal application by the permit holder.

2. Each permit holder must submit a completed Logo Application/Annual Permit Renewal, form number FLI-163, Rev. ~~09/01~~ 09/98, to the Program Administrator. The Annual Permit Renewal must be postmarked no later than December 1.

3. The annual permit fee amount must be submitted with the Annual Permit Renewal.

~~4. For an annual renewal for a full service or self service gas business willing to provide gas pumping service to motorists with disabilities, the first year permit fee will be \$1,200. Subsequent annual permit renewals will be at the rate of \$1,000.~~

~~4.5.~~ Failure to submit the Annual Permit Renewal by December 1, will result in expiration of the permit and removal of the business logo sign from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

(12) Denial, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if:

- 1. Space is not available;
 - 2. The business does not meet the eligibility requirements;
- or
- 3. The required fees are not submitted with the application.

(b) Revocation. A business's permit to participate in the logo program will be revoked if:

1. The business no longer meets the eligibility requirements outlined in this Rule chapter and has not requested a suspension.

2. The business ~~willfully~~ made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or the Program Administrator ~~that was used to determine eligibility.~~

3. The business has modified or revised a business logo sign or logo structure without authorization by the Department or the Program Administrator.

(c) Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in Section (12)(c)1., above, the Program Administrator shall revoke the business logo sign permit in accordance with (12)(b), above.

(d) Voiding. If the Department or the Program Administrator must ~~relocate or~~ remove logo structures pursuant to Section (3)(d), the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

(e) Notice. In cases of denial, denial of renewal, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, Florida Statutes.

1. Prior to revoking a logo permit, the Program Administrator shall issue a Notice of Noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:

a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.

b. If corrective action is not accomplished within the 30-day period, the Program Administrator shall issue a notice of intent to revoke the permit.

2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, Florida Statutes. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign, permit ~~term~~, on a pro rata basis.

(f) Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate ~~intent to cancel~~. Upon receipt of the notice, ~~of intent to cancel~~ the Program Administrator will cancel the participant's permit and remove ~~take down~~ the participant's business logo sign.

(13) Variances and waivers. The Department will consider and act on petitions for variances to or waivers of the provisions of this rule chapter, in accordance with Sections 120.542 and 479.261(7), Florida Statutes, and Chapter 28-104, F.A.C.

(a) A variance will be granted under Section 479.261(7), Florida Statutes, when it is shown that such variance is necessary to serve the interest of the traveling public or when required to ensure equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

(b) When considering the standards of Section 120.542(2), Florida Statutes, the purposes of Section 479.261, Florida Statutes, will be achieved by other means if the variance or waiver serves the interest of the traveling public or ensures equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

Specific Authority 334.044(2) FS. Law Implemented 334.044(28), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, Amended 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Management of Uplands Vested in the Board of Trustees	18-2
RULE TITLE:	RULE NO.:
Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands	18-2.018
PURPOSE AND EFFECT:	To delete subparagraph 18-2.018(3)(b)7. of the rule, enabling the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) to be more flexible in negotiations when it exchanges conservation lands with other parties, in accordance with section 253.42, Florida Statutes.
SUBJECT AREA TO BE ADDRESSED:	Natural resource land exchanges. The subparagraph to be deleted requires the Board of Trustees to obtain twice the acreage that it conveys in

exchanges of natural resource lands. This requirement unnecessarily constrains the Board of Trustees. The amendment would eliminate this requirement, giving the Board of Trustees greater flexibility to negotiate exchanges in accordance with the aforementioned statute.

SPECIFIC AUTHORITY: 253.03 (7)(a) FS.

LAW IMPLEMENTED: 253.42 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 IS: Greg Wilson, Bureau Chief, Bureau of Public Land Administration, Department of Environmental Protection, M.S. 130, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)488-2291

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

18-2.018 Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands.

Applications to use Trustees-owned uplands and decisions to approve or reject such applications will be based on all of the following:

(1) through (3) No change.

(a) through (b) No change.

1. through 6. No change.

~~7. Every exchange of natural resource lands shall result in the trustees acquiring a minimum of twice the amount of acreage being conveyed out of state ownership.~~

(c) through (f) No change.

Specific Authority 253.03(7)(a), ~~270.08, 270.11~~ FS. Law Implemented 253.001, 253.02, 253.03, 253.034, 253.04, 253.111, 253.115, 253.42-44, 253.47, 253.51-.61, 253.62, 253.77, 253.82, 259.035, 270.07, 270.08, 270.11 FS. History--New 6-4-96, Amended _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Special Petitions

RULE NO.: 19B-12.001

PURPOSE AND EFFECT: This rule revision amends the rule on Special Petitions to the Florida Prepaid College Board to add the rules of the Florida College Savings Program as rules that can be included in a petition for relief to the Board. This change is being implemented due to the implementation of s. 240.553, F.S., and the creation of the Florida College Savings Program.

SUBJECT AREA TO BE ADDRESSED: Special Petitions to the Florida Prepaid College Board.

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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., February 22, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-12.001 Special Petitions.

(1) Any person desiring to petition the Board for relief from procedures and policies within Chapters 19B-4 through 11, ~~and~~ 19B-13, and 19B-15, F.A.C., may do so by filing a petition with the Executive Director of the Board or by filing a petition for a waiver or variance of the Board rule pursuant to s. 120.542, F.S.

(2) The petition shall contain the name and address of the person requesting relief; the specific nature of the relief requested; the name and address of any purchaser or beneficiary on any disputed contract (if applicable); the prepaid college contract account numbers of the contract in question; the rule or policy from which the petition is requesting relief; the date of request; and the signature of the petitioner.

(3) The chairman has the authority to respond on behalf of the Board. The response must be in writing and must be made within 45 days of receipt of the petition from the person requesting relief.

Specific Authority, 240.551(5) FS. Law Implemented 120.542, 240.551 FS. History--New 2-6-90, Formerly 4G-12.001, Amended 6-20-96, 12-16-97, _____.

PUBLIC SERVICE COMMISSION

DOCKET NO: UNDOCKETED

RULE TITLES: Number Portability

RULE NOS.: 25-4.082

Customer Billing for Local Exchange Telecommunications Companies

25-4.110

PURPOSE AND EFFECT: These rules will require telecommunications companies to release a subscriber's telephone number when the subscriber elects to switch providers and will allow telecommunications companies to place a preferred carrier freeze on a subscriber's service only when it is requested by the subscriber.

SUBJECT AREA TO BE ADDRESSED: Number portability and preferred carrier freezes.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Property
RULE NO.: 33-602.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for reporting claims of missing inmate property.

SUBJECT AREA TO BE ADDRESSED: Inmate Property.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-602.201 Inmate Property.
- (1) through (12) No change.
- (13) Missing Inmate Property.
- (a) through (c) No change.
- (d) The Department of Corrections Environmental Health, Safety and Risk Management Office shall review and forward the claim to the Department of Insurance, Division of Risk Management, for review and reimbursement consideration. Form DC6-238, Report of Risk Management Claim for Inmate Property, shall be used to notify the ~~institution regional office~~ of action taken on the claim by the Department of Corrections Environmental Health, Safety and Risk Management Office.
- (e) through (15) No change.
- (16) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.
- (a) through (e) No change.
- (f) DC6-238, Report of Risk Management Claim for Inmate Property, effective date _____ ~~September 12, 2001~~.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Home and Community-Based Services Waivers
RULE NO.: 59G-8.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook, June 2001, and to repeal portions of the rule that are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect will be to incorporate by reference in the rule the current Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook and to eliminate duplication.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services Waivers.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906(12), 409.912(7) FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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: 9:00 a.m. – 12:00 Noon, March 8, 2002

PLACE: Department of Children and Family Services, Regional Headquarters, Old Florida Land Mall, 9393 North Florida Avenue, Auditorium, Tampa, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathryn Stephens, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)921-4464

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-8.200 Home and Community-Based Services Waivers.

(1) through (11) No change.

(12) Developmental Services Waiver – General. This rule applies to all Developmental Services Waiver Services providers enrolled in the Medicaid program. All Developmental Services Waiver Services providers enrolled in the Medicaid program must comply with the Florida Medicaid Developmental Services Waiver Services Coverage and Limitations Handbook, June 2001, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, until required to use HCFA-1500, which is incorporated by reference, in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

~~(a) Program Summary. This program provides HCB waiver services to recipients with developmental disabilities who are clients of the Department of Health and Rehabilitative Services (HRS) developmental services (DS) program, and who are eligible for admission to an intermediate care facility for the mentally retarded developmentally disabled (ICF/MR-DD). The recipients have elected to receive services in the community rather than in an ICF/MR-DD.~~

(b) ~~Covered Services and Provider Qualifications.~~ Providers of the DS waiver services must be certified by the HRS DS program in each district where it applies to provide services. Additional provider requirements are noted below by the respective service:

1. ~~Adult Day Training and Child Day Training.~~ Agencies or centers providing these services must be designated by the DS program as adult day training centers or child day training centers and must be certified by DS.

2. ~~Behavioral Analysis Services.~~ Providers must be psychologists licensed in accordance with Chapter 490, F.S.; clinical social workers, marriage and family therapists, or mental health counselors licensed in accordance with Chapter 491, F.S.; or providers certified by the HRS DS behavior analysis certification program as having a Master's degree in behavior analysis, health or human services, or education.

3. ~~Chore Services.~~ Providers must have at least one year of experience directly related to the area of work they will be performing. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

4. ~~Companion Services.~~ Private vendors must be registered as a "companion" or "sitter" with the Agency in accordance with s. 400.509, F.S., and Rule 59A-8, F.A.C.

5. ~~Environmental Modification.~~ Providers must be licensed contractors, electricians, plumbers, carpenters, handymen or medical supply companies. Contractors and electricians will be licensed in accordance with Chapter 489, F.S.; medical supply companies will be licensed in accordance with Chapter 205, F.S.; and plumbers will be licensed in accordance with Chapter 553, F.S., by the Department of Business and Professional Regulation. Handymen shall have experience in providing the required service and shall be licensed according to local community requirements.

6. ~~Homemaker.~~ Providers must be registered as a "homemaker" with the Agency in accordance with s. 400.509, F.S., and Chapter 59A-8, F.A.C.

7. ~~Non-Residential Support Services.~~ Persons providing this service must have at least one year of experience working in a medical, psychiatric, nursing, or child care setting, or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

8. ~~Occupational Therapy.~~ Providers must be occupational therapists or occupational therapy aids licensed under Chapter 468, Part III, F.S.

9. ~~Personal Care Assistance.~~ These services are provided pursuant to the requirements in Chapter 393, F.S. Providers must be employees of Medicaid participating home health agencies or individuals with at least one year of experience working in a medical, psychiatric, nursing or child care setting or in working with developmentally disabled persons. College,

or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

10. ~~Personal Emergency Response Systems.~~ Vendors of this service must be licensed by the Department of Business and Professional Regulation in accordance with Chapter 489, F.S.

11. ~~Physical Therapy.~~ Providers must be licensed as physical therapists or physical therapist assistants, either independently or as employees of licensed and Medicaid-participating home health agencies. Physical therapists and physical therapist assistants must be licensed under Chapter 486, F.S., and home health agencies must be licensed under Chapter 400, F.S.

12. ~~Private Duty Nursing.~~ Providers must be licensed and Medicaid-participating home health agencies or licensed nurses. Individual nurses must be licensed in accordance with Chapter 464, F.S.; home health agencies must be licensed under Chapter 400, F.S.

13. ~~Psychological Assessment Services.~~ These services must be provided by a psychologist licensed under Chapter 490, F.S.

14. ~~Residential Habilitation.~~ Providers must be group home facilities or foster care facilities licensed under Chapter 393 or Chapter 400, F.S., and Chapter 10F-6, F.A.C. Persons providing this service must have at least one year of experience working in a medical, psychiatric, nursing, or child care setting or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

15. ~~Respite.~~ Agencies providing respite care services must be home health agencies, group homes, assisted living facilities (ALF's), nursing registries, or independent vendors. Home health agencies must be Medicaid certified and licensed in accordance with Chapter 400, F.S. Group homes must be licensed in accordance with Chapter 393, F.S. The ALF's must be licensed in accordance with Chapter 400, F.S. Nurses must be licensed in accordance with Chapter 464, F.S. Aids providing respite services must have at least one year of experience working in a medical, psychiatric, nursing, or child care setting, or in working with developmentally disabled persons. College, or vocational/technical training, equal to 30 semester hours, 45 quarter hours, or 720 classroom hours can substitute for the required experience.

16. ~~Skilled Nursing Services.~~ Providers must be licensed home health agencies, or independent licensed nurses. Individual nurse providers must be licensed in accordance with Chapter 464, F.S. Home health agencies must be licensed under Chapter 400, F.S., and Medicaid-certified.

17. ~~Special Medical Equipment and Supplies.~~ Providers must be medical supply companies, licensed pharmacies or independent vendors. Medical supply companies and

independent vendors must be licensed under Chapter 205, F.S.; pharmacies must be licensed under Chapter 465, F.S. Supplies and equipment will be purchased from vendors based on availability and best price.

18. ~~Special Medical Home Care. Providers must be licensed group homes employing registered nurses, licensed practical nurses and nurses aides. The group home must be licensed in accordance with Chapter 393, F.S. Registered nurses and licensed practical nurses must be licensed in accordance with Chapter 464, F.S. Nurse's aides must work under the supervision of either a registered nurse or a licensed practical nurse.~~

19. ~~Speech and Language Therapy. Providers must be licensed as speech pathologists, either independent or as employees of licensed and Medicaid participating home health agencies. Speech pathologists and speech therapy assistants must be licensed under Chapter 468, Part I, F.S.; home health agencies must be Medicaid certified and licensed under Chapter 400, F.S.~~

20. ~~Support Coordination (also known as case management). Support coordinators must have a baccalaureate degree from an accredited college or university and have two years of professional experience in developmental disabilities, mental health, counseling, social work, guidance, or health and rehabilitative services. A master's degree can substitute for one year of the required experience. Within 120 days of assuming support coordination functions, support coordinators must complete the required support coordination training program provided by the Department's DS program.~~

21. ~~Transportation. Providers of private autos, wheelchair vans, buses, and taxis must be licensed under Chapter 322, F.S., and meet Department of Highway Safety and Motor Vehicles rules for operation.~~

~~(c) Recipient Eligibility~~

1. ~~Developmental Services waiver services are available only to individuals who are not residing in an institution or an ICF/MR-DD, who are financially eligible for Medicaid in accordance with Chapter 10C-8, F.A.C., who are clients of developmental services, and who meet the level of care criteria for an ICF/MR-DD.~~

2. ~~Recipients determined financially eligible for DS waiver services must also meet admission criteria for ICF/MR-DD services as defined in Section 59G-4.170, F.A.C.~~

~~(d) Provider Enrollment. Prospective providers of DS waiver services will submit a completed DS provider application, Medicaid Provider Enrollment Application, and a Medicaid Non-Institutional Technical and Professional Agreement to the DS program in the district where the provider intends to provide services. When the prospective provider is certified by DS, the district DS office forwards the completed Medicaid forms together with the DS certification to the Medicaid fiscal agent.~~

~~(e) Program Operations. The HCB services program under this waiver shall comply with the standards established in Section 10F-13, F.A.C.~~

~~(13) through (15) No change.~~

Specific Authority 409.919 FS. Law Implemented 409.906 (12), 409.912(7) FS. History—New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLES: RULE NOS.:

Continuing Education Credit for Biennial Renewal	61G10-18.001
Board Approval of Continuing Education Providers	61G10-18.002
Approval of Continuing Education Courses	61G10-18.006

PURPOSE AND EFFECT: The Board proposes to amend these rules to clarify the requirements for education credit for biennial renewals, to clarify requirements for continuing education provider status, to clarify requirements for approval of continuing education courses and to change the application deadline for approval of continuing education course approval from 4 months to 60 days prior to next scheduled board meeting.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credit for Biennial Renewal, Board Approval of continuing Education Providers, and Approval of Continuing Education Courses.

SPECIFIC AUTHORITY: 455.2124, 455.2179, 481.306, 481.313, 481.325(2) FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sherry Landrum, Executive Director, Board of Landscape Architecture, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-55R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Environmental Resource Permit Procedures	62-343
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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,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLE: Fees RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to establish initial and renewal fees for continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Initial and renewal fees for continuing education providers.

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 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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,_____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES: RULE NOS.:

Definitions 64B13-15.002

Designation of Administrative Violations; Major; Minor 64B13-15.005

Designation of Patient Care Violations; Major; Minor 64B13-15.006

Aggravating and Mitigating Factors 64B13-15.007

Citations 64B13-15.009

PURPOSE AND EFFECT: The Board proposes the development of several rule amendments to update current disciplinary guidelines rules.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

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 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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;~~

~~(e) 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)(k) The actual knowledge of the licensee pertaining to the violation;~~

~~(j)(l) 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,_____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:

Methods of Taking Fur-Bearing Animals; Possession; Open Season 68A-24.002

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish or revise rule provisions associated with the methods of taking, possession of, and open season for fur-bearing animals to better conserve and manage Florida's furbearers.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include regulations pertaining to the open season for and taking or possession of mink.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING ON THE PROPOSED RULES WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S PUBLIC MEETING AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, April 3, 4 and 5, 2002

PLACE: Holiday Inn-Capitol, 1355 Apalachee Parkway, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT CAN BE OBTAINED FROM: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Bay Scallops

RULE TITLE: RULE NO.:

Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops 68B-18.003

PURPOSE AND EFFECT: The purpose of this rule development effort is to shift the open area for harvest of bay scallops southward to the Pasco-Hernando County Line from the Suwannee River and contract the westward boundary of the open area from the Florida-Alabama State Line to Salt Creek, near Mexico Beach. This change in open area recognizes restoration of bay scallop populations in the Homosassa area and decline in populations in the western Florida Panhandle. The effect of this effort will be to match the open areas for bay scallop harvest to the areas with the healthiest populations of the species.

SUBJECT AREA TO BE ADDRESSED: Open areas for harvest of bay scallops.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-18.003 Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops.

(1) Bay scallops shall only be harvested during the open season, which is from July 1 through September 10 of each year.

(2) No person shall harvest in or from the waters of the state, land, or possess while in or on the waters of the state any bay scallop during the period beginning on September 11 of each year and continuing through June 30 of the following year.

(3)(a) The harvest of bay scallops is allowed only in state waters along the Gulf of Mexico north of the Pasco-Hernando County Line (latitude ~~28 29~~ degrees, ~~26.016 17~~ minutes, and ~~02 seconds~~ North ~~(from the south bank of the mouth of the Suwannee River to near channel marker 21 westward to the outer limits of state waters)~~ and east and southeast of a line extending due south from the west bank at the mouth of Salt Creek in Bay County (longitude 85 degrees, 25.84 minutes West). Any bay scallops harvested and possessed pursuant to this subsection shall only be landed within the area where harvest is herein allowed. The possession while in or on the waters of the state or landing of bay scallops outside the open area specified by this subsection is prohibited.

(b) It is the intent of the Fish and Wildlife Conservation Commission to annually review and evaluate the status and health of the bay scallop fishery. Should it become necessary to close any area presently open to bay scalloping, or should the bay scallop resource recover sufficiently to allow the opening of an area presently closed to bay scalloping, the Commission shall initiate rulemaking to amend paragraph (a) of this subsection.

(4) The prohibition against possession in subsection (3) of this rule shall not apply to:

(a) Bay scallops that have been legally harvested in another state and have entered the State of Florida in interstate commerce. The burden shall be upon any person possessing such bay scallops for sale or exchange, to establish the chain of possession from the initial transaction after harvest by appropriate receipt(s), bill(s) of sale, or bill(s) of lading, and to show that such bay scallops originated from a point outside the waters of the State of Florida and entered the state in interstate commerce. Failure to maintain such documentation or to promptly produce such documentation at the request of any duly authorized law enforcement officer shall constitute a violation of this rule.

(b) Bay scallops that are possessed for experimental, scientific, or exhibitional purposes pursuant to a permit issued by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ as authorized by Section 370.10(2), Florida Statutes, or as stock for artificial

cultivation pursuant to a special activity License issued by the ~~commission department~~ as authorized by Section 370.101(2), Florida Statutes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 6-13-85, Amended 6-15-94, 3-1-95, 7-15-96, 7-1-97, Formerly 46-18.003, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Sponges

RULE TITLES: RULE NOS.:

Commercial Sponge Size Limit 68B-28.0035

Recreational Bag Limit; Commercial

Licensing Requirements 68B-28.0036

PURPOSE AND EFFECT: The purpose of this rule development effort is to establish an endorsement for the commercial harvest of "commercial" sponges, provide a recreational bag limit, and clarify the existing statutory size limit. "Commercial sponges" are those sponges with significant commercial value, i.e., sheepswool, yellow, grass, glove, finger, wire, reef, and velvet sponges. The effect of this effort will be to update the existing management plan for these sponges to allow better reporting of commercial landings and to assure that these sponges are taken at appropriate sizes.

SUBJECT AREA TO BE ADDRESSED: Sponges.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Cindy Hoffman, ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-28.0035 Commercial Sponge Size Limit.

Notwithstanding the provisions of Section 370.17(3), Florida Statutes, no person shall harvest in or from the waters of the state, possess while in or on the waters of the state, land, or sell

any commercial sponge, or piece thereof, measuring, when wet, less than 5 inches in greatest dimension, measured across the top of the sponge.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

68B-28.0036 Recreational Bag Limit; Commercial Licensing Requirements.

(1) Beginning July 1, 2002, except as provided in subsection (2), no person shall harvest within or without the waters of the state in any one day, possess while in or on the waters of the state, or land more than 10 pieces of commercial sponge.

(2) Beginning July 1, 2002, no person shall harvest within or without the waters of the state, possess while in or on the waters of the state, or land more pieces of commercial sponge than the amount specified in subsection (1), or sell any commercial sponge, unless such person possesses a valid saltwater products license with a sponge endorsement.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees
 RULE CHAPTER NO.: 68C-22
 RULE TITLE: Indian River County Zones
 RULE NO.: 68C-22.007
 PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. Two of the areas currently under review by the FWC (Vero Beach Municipal Power Plant and the Jungle Trail Narrows area of the Indian River) are located in Indian River County. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in these areas. No other areas in Indian River County are being considered at this time. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation, as well as regulations that would prohibit some human activities in limited portions of these areas.
 SUBJECT AREA TO BE ADDRESSED: Manatee protection in portions of Indian River County.
 SPECIFIC AUTHORITY: 370.12(2)(f),(m),(n) FS.
 LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m),(n) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 5:00 p.m., Tuesday, February 26, 2002
 PLACE: Indian River County Administrative Building, Commission's Chambers, 1840 25th Street, Vero Beach, Florida

The workshop will be held in two distinct parts. Between 5:00 p.m. and 6:30 p.m., FWC staff members will be available to discuss manatee protection issues, to answer questions about the preliminary recommendations and the information that is being used to evaluate manatee protection needs, and to accept suggestions regarding what regulations (if any) attendees believe are needed. Verbal comments will be taken starting at 6:30 PM via the more traditional public hearing setting. The amount of time allotted for individual speakers will likely be limited to three minutes, depending on how many attendees want to speak. Written comments will be accepted throughout the workshop. This will be an information-gathering workshop only. No final decisions will be made at the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. (No text has been developed. Maps depicting preliminary recommendations will be displayed at the workshop.)

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE: Manatees
 RULE CHAPTER NO.: 68C-22
 RULE TITLES: Palm Beach County Zones
 RULE NOS.: 68C-22.009
 Martin County Zones
 RULE NOS.: 68C-22.024
 PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. One of the areas currently under review by the FWC (North Fork of the Loxahatchee River) is located in Palm Beach County. The portion of the North Fork in Martin County is included in this review. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in this area. No other areas in Palm Beach County are being considered at this time. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation.
 SUBJECT AREA TO BE ADDRESSED: Manatee protection in a portion of Palm Beach County.
 SPECIFIC AUTHORITY: 370.12(2)(f),(g),(m),(n) FS.
 LAW IMPLEMENTED: 370.12(2)(d),(f),(g),(j),(m),(n) FS.
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 5:00 p.m., Thursday, February 28, 2002

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

TIME AND DATE: 4:00 p.m., Wednesday, February 27, 2002
 PLACE: Port Orange City Hall, Council Chambers, 1st Floor, 1000 City Center Circle, Port Orange, Florida

The workshop will be held in two distinct parts. Between 4:00 p.m. and 5:30 p.m., FWC staff members will be available to discuss manatee protection issues, to answer questions about the preliminary recommendations and the information that is being used to evaluate manatee protection needs, and to accept suggestions regarding what regulations (if any) attendees believe are needed. Verbal comments will be taken starting at 5:30 p.m. via the more traditional public hearing setting. The amount of time allotted for individual speakers will likely be limited to three minutes, depending on how many attendees want to speak. Written comments will be accepted throughout the workshop. This will be an information-gathering workshop only. No final decisions will be made at the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. (No text has been developed. Maps depicting preliminary recommendations will be displayed at the workshop.)

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manatees	68C-22
RULE TITLE:	RULE NO.:
Martin County Zones	68C-22.024

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission (FWC) agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. One of the areas currently under review by the FWC (the Crossroads area) is located in Martin County. The Commission is considering what (if any) regulations are needed to protect manatees or manatee habitat in this specific area. What effect the regulations would have depends on what zones (if any) are proposed. Options being considered include regulations that would limit allowable motorboat speed and operation.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in a portion of Martin County.

SPECIFIC AUTHORITY: 370.12(2)(g),(m) FS.

LAW IMPLEMENTED: 370.12(2)(d),(g),(j),(m) FS.

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

TIME AND DATE: 4:30 p.m., Wednesday, March 6, 2002

PLACE: Hobe Sound Nature Center, Hobe Sound National Wildlife Refuge, 13640 S. E. Federal Highway, Hobe Sound, Florida

This workshop will be held in two distinct parts. Between 4:30 p.m. and 6:00 p.m., FWC staff members will be available to discuss manatee protection issues, to answer questions about the preliminary recommendations and the information that is being used to evaluate manatee protection needs, and to accept suggestions regarding what regulations (if any) attendees believe are needed. Verbal comments will be taken starting at 6:00 p.m. via the more traditional public hearing setting. The amount of time allotted for individual speakers will likely be limited to three minutes, depending on how many attendees want to speak. Written comments will be accepted throughout the workshop. This will be an information-gathering workshop only. No final decisions will be made at the workshop.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Scott Calleson, Environmental Specialist III, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, telephone (850)922-4330

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. (No text has been developed. Maps depicting preliminary recommendations will be displayed at the workshop.)

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE:	RULE NO.:
Certificate of Authority Renewal	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.

SUMMARY: 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.

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

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

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

LAW IMPLEMENTED: 497.105(1), 497.407 FS.