

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 Preneed 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.

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 Procedures	59A-27.007 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 09-004~~, 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)(4)~~ 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;~~

~~(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)(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)(4)~~ Related violations against licensee in another state including findings of guilt or innocence, penalties imposed and penalties served;

~~(l)(4)~~ Actual negligence of the licensee pertaining to any violation;

~~(m)(4)~~ Penalties imposed for related offenses;

~~(n)(4)~~ Pecuniary gain to the licensee;

~~(o)(4)~~ 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. ~~(e)~~ 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: