

the District by its expansion by approximately 150 acres does not comprise (singularly or cumulatively) more than 10% of the District's initial service area and will not result in the addition of more than 250 acres. Finally, the District has obtained the consent of the owners of 100% of the property described above and which is proposed to be added to the District.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries and change of name of the Gateway Services District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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: 10:00 a.m. – 12:00 Noon, Monday, April 15, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Franklin, Young, van Assenderp, Varnadoe & Anderson, P.A., P. O. Box 1833, Tallahassee, Florida 32302-1833, telephone (850)222-7206, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

LAND AND WATER ADJUDICATORY COMMISSION

Bayside Improvement Community Development District

RULE CHAPTER TITLE: Bayside Improvement Community

Development District

RULE CHAPTER NO.: 42N-1

RULE TITLE: Boundary

RULE NO.: 42N-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to amend the boundaries of the Bayside Improvement Community Development District ("District") by approximately 72 acres. The petition to amend the District's boundaries submitted by the Board of Supervisors of the District requests that the Florida Land and Water Adjudicatory Commission (the "Commission") amend Chapter 42N-1, Florida Administrative Code, to change the District's name and add approximately 72 acres to the existing boundaries. After expansion as proposed, the District will consist of and serve approximately 1822 acres. Approximately 72 acres generally located wholly within the City of Bonita Springs are proposed to be added to the District. The expansion

parcel is bounded on the north and east by land serviced by the existing Bayside Improvement Community Development District; on the south by wetlands and the Spring Creek Estates neighborhood; and, on the west by Estero Bay. There is no real property within the proposed expanded District boundaries which is to be excluded from the jurisdiction of the District. Further, the amendment of the external boundaries of the District by its expansion by approximately 72 acres does not comprise (singularly or cumulatively) more than 10% of the District's initial service area and will not result in the addition of more than 250 acres. Finally, the District has obtained the consent of the owners of 100% of the property described above and which is proposed to be added to the District.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries of the Bayside Improvement Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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: 12:00 Noon – 2:00 p.m., Monday, April 15, 2002

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tim Franklin, Young, van Assenderp, Varnadoe & Anderson, P.A., P. O. Box 1833, Tallahassee, Florida 32302-1833, telephone (850)222-7206, or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Clarifying Form of Write-in Slot and

RULE NO.:

Write-in Candidates on Ballots

1S-2.003

PURPOSE AND EFFECT: This rule is no longer necessary as it applies to voting machines, which are repealed effective September 2, 2002.

SUMMARY: The Department of State is repealing rules regarding voting machines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 101.5608(4) FS.

LAW IMPLEMENTED: 101.5608(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Department of State, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

IS-2.003 Clarifying Form of Write-in Slot and Write-in Candidates on Ballots.

Specific Authority 101.5608(4) FS. Law Implemented 101.5608(4) FS. History--New 12-17-71, Repromulgated 1-1-75, Formerly 1C-7.03, Amended 7-7-86, Formerly 1C-7.003, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy K. Tuck, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Director, Division of Elections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2002

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Certificate of Authority Renewal

RULE NO.: 3D-30.041

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

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

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

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

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

LAW IMPLEMENTED: 497.105(1), 497.407 FS.

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: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3D-30.041 Certificate of Authority Renewal.

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

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

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

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

(3) No change.

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Diana Evans, Executive Director, Board of Funeral and Cemetery Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Donald B. Saxon, Director, Division of Securities and Finance
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Best Management Practices (BMPS) 5M-2
for Indian River Area Citrus Groves

RULE TITLES: RULE NOS.:
Purpose 5M-2.001
Definitions 5M-2.002
Approved BMPS 5M-2.003
Presumption of Compliance 5M-2.004
Notice of Intent to Implement 5M-2.005
Record Keeping 5M-2.006

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a “Notice of Intent to Implement,” that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5), F.S., for those pollutants addressed by the practices. Once filed with FDACS, the Notice

of Intent shall enable the applicant to apply for assistance with implementation as identified in s. 403.067(7)(d), F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

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

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

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

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

PLACE: Florida Department of Agriculture and Consumer Services, Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Lab 8, Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Jennings, Environmental Specialist III, Office of Ag Water Policy, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 (850)488-6249 or FAX (850)921-2153

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-2 BEST MANAGEMENT PRACTICES (BMPS) FOR INDIAN RIVER AREA CITRUS GROVES

5M-2.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History—New.

5M-2.002 Definitions.

“Non-regulatory and Incentive-based Programs” may include, but are not limited to, best management practices, cost sharing, waste minimization, pollution prevention, public education, pollutant trading or other equitable, economically based agreements.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History—New.

5M-2.003 Approved BMPS.

The document titled Water Quality/Quantity BMPs for Indian River Area Citrus Groves (May, 2000) is hereby incorporated and adopted by reference in this rule for Brevard, Indian River, Martin, Okeechobee, Palm Beach, St. Lucie and Volusia

counties. Copies of the document may be obtained from the University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, Florida 34945.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New

5M-2.004 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of s. 376.307(5), F.S. for those pollutants addressed by the practices, the applicant must:

(1) Conduct an assessment of the subject properties using the Citrus Grower Best Management Practices Checklist incorporated in the document titled Water Quality/Quantity BMPs for Indian River Area Citrus Groves (May 2000).

(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-2.005, F.A.C.

(3) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New

5M-2.005 Notice of Intent to Implement.

A Notice of Intent to Implement non-regulatory and incentive based programs identified in the document titled Water Quality/Quantity BMPs for Indian River Area Citrus Groves shall be submitted to FDACS, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Tallahassee, Florida 32301.

(1) Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the grove(s); the property tax ID number(s); a timeline for implementation; the gross acreage on which each practice will be implemented; the name and contact information of an authorized representative; and the notarized signature of the owner, lease holder, or an authorized agent.

(2) Once filed with FDACS, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in s. 403.067(7)(d), F.S.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New

5M-2.006 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive based programs identified in the Notice of Intent to Implement. All documentation is subject to FDACS inspection.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Rich Budell, Assistant Director, Office of Ag Water Policy
 NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Chuck Aller, Director, Office of Ag Water Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2001

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Florida Forever Program	9K-7
RULE TITLES:	RULE NOS.:
Purpose	9K-7.001
Definitions	9K-7.002
General Requirements and Eligibility Standards	9K-7.003
Submission of Application and Application Materials	9K-7.004
Communications to the Governing Board	9K-7.005
Application Review	9K-7.006
Project Evaluation Criteria	9K-7.007
Ranking and Selection of Applications	9K-7.008
Project Approval	9K-7.009
Modification to the Project Boundary	9K-7.010
Preparation and Acceptance of the Management Plan	9K-7.011
Title, Acquisition Procedures, Project Plans, Lease Agreements and Transfer of Title	9K-7.012
Annual Stewardship Report Requirement	9K-7.013

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule is to establish Florida Communities Trust grant application procedures using Florida Forever funds. The purpose of the program described in this rule chapter is to provide grants to Local Governments and Nonprofit Environmental Organizations for the acquisition of community-based projects, urban open spaces, natural resource conservation areas, parks, greenways, and outdoor recreation areas to implement Local Comprehensive Plans.

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: 380.507(11) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.501-.515 FS.

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

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

PLACE: Randall Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, Suncom 292-2207, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: C. Erica White, Assistant General Counsel, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0410

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-7.001 Purpose.

This rule chapter sets forth the procedures that must be followed for grant applications for Florida Forever funds awarded by Florida Communities Trust.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Repromulgated_____.

9K-7.002 Definitions.

(1) “Acquisition” means the act of obtaining real property or interests and rights therein by appropriate legal means in furtherance of The Florida Forever Act and this rule chapter.

(2) “Acquisition Plan” applies to Project Sites with multiple parcels or multiple owners and means a written description of the priority parcels and the general order in which the parcels will be acquired to assure that, in the event that all parcels cannot be acquired, the purposes of the project can be achieved.

(3) “Applicant” means an eligible Local Government entity(ies) or Nonprofit Environmental Organization entity(ies) which entity(ies) eligible pursuant to this rule chapter to submit submit an Application(s) or Partnership Application(s) for Florida Forever funds through the Trust. Eligible entities are limited to Local Governments, Nonprofit Environmental Organizations, and partnerships between or among Local Governments and Nonprofit Environmental Organizations. An Applicant who has been approved for funding by the Trust and

who has executed a Grant Contract Conceptual Approval Agreement with the Trust shall also be referred to as a Recipient.

(4) “Application” means a formal request by an Applicant on an approved form for Florida Forever funds from the Trust, and consisting of a project proposal together with required documentation submitted pursuant to this rule chapter.

(5) “Award” means a grant from the Trust pursuant to the procedures developed in this rule chapter.

(6) “Board of Trustees” means the Governor and Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund.

~~(7) “Conceptual Approval Agreement” means a written contract between the Trust and the Recipient setting forth the requirements and responsibilities for Acquisition and management of the Project Site.~~

~~(7)(8)~~ “Department” means the Florida Department of Community Affairs.

~~(8)(9)~~ “Donation” means a voluntary transfer of title and possession of cash or real property without consideration; the conveyance of land by the owner at a purchase price below its market value can be considered a donation of a portion of the purchase price only when the owner expresses the intent, in advance of purchase and sale negotiations, to make a bargain sale, with no conditions placed on the bargain sale or donation.

~~(9)(10)~~ “Florida Forever Funds” means proceeds from the Florida Forever Trust Fund created by Section 259.1051, F.S., and distributed to the Department of Community Affairs pursuant to Sections 259.105(3)(c) and 380.5115, F.S., for the purpose of providing Acquisition Awards through the Florida Communities Trust Florida Forever Program.

~~(10)(11)~~ “Future Land Use Map” means a map or map series included within the future land use element of a local comprehensive plan that meets the requirements of Rule 9J-5.006(4), F.A.C.

~~(11)(12)~~ “Governing Board” means that six-member governing body described in Sections 380.504 and 380.505, F.S.; the powers of the Trust are vested in its Governing Board members, pursuant to Section 380.505, F.S.

~~(12)(13)~~ “Grant Award Agreement” means a recordable document that states all conditions to be placed on the Project Site upon its conveyance to the Recipient using Trust Funds.

~~(13) “Grant Contract”, formerly known as the “Conceptual Approval Agreement”, means a written contract between the Trust and the Recipient setting forth the requirements and responsibilities for Acquisition and management of the Project Site.~~

(14) “Greenway” means a linear open space protected and managed as part of linked conservation lands or recreation opportunities, including waterway trails such as canoe or paddling trails. Greenways typically follow natural landscape features such as rivers, streams, shorelines, man-made corridors such as utility and abandoned railroad right-of-ways,

and scenic roadways or any area defined in Section 260.13, F.S. Greenways may protect the habitat of native plants and wildlife, maintain wildlife movement routes and natural connections, or provide opportunities for outdoor recreation.

(15) "Habitat" means a natural community or communities composed of physical and biological elements that typically support populations of plants and animals.

(16) "Joint Acquisition" means the entire Project Site or a portion of the Project Site will be acquired by the Applicant and the Trust together through a voluntarily-negotiated transaction.

(17)(16) "Listed Animal Species" means animal species listed as endangered, threatened or of special concern by the Florida Fish and Wildlife Conservation Commission in Chapter 68A-27, F.A.C.

(18)(17) "Local Comprehensive Plan" means a plan that meets the requirements of Sections 163.3177, 163.3178, and 163.3191, F.S., and has been found to be in compliance in accordance with Section 163.3184, F.S.

(19)(18) "Local Government" means a county or a municipality within the State of Florida.

(20)(19) "Low-income Community" means a U.S. Census tract where 51 percent of the residents are low-income families with an annual income that does not exceed 80 percent of the median income for the area or that does not exceed 80 percent of the median income for the State, whichever is higher, as most recently determined by U.S. Department of Housing and Urban Development.

(21)(20) "Management Plan" means a plan prepared by the Recipient under this rule chapter and approved by the Trust regarding the long-term care and management of the Project Site.

(22)(21) "Match" means the provision of cash, eligible Project Costs, value of real property donated by a party(ies) other than the Applicant, or real property owned by the Applicant, provided the Match is from an eligible source as set forth in Section 259.105(3)(c), F.S.

(23)(22) "Natural Community" means a community that is dominated by native plant species as described in the Florida Natural Areas Inventory publication, "Guide to the Natural Communities of Florida." A Natural Community generally possesses the following characteristics: the plant species composition includes most of the more common species typical of that natural community type; the community may contain small areas of exotic or invasive plants that could be easily controlled by prescribed burning or other forms of management; evidence of historical disturbance may be present but disturbance has not destroyed or prevented the re-establishment of a mature natural community type; and, the community is not substantially disturbed by recent human activities, except for such disturbance as low intensity forestry activities that allow the natural community to recover to previous conditions.

(24)(23) "Nonprofit Environmental Organization" means a ~~any~~ private nonprofit organization, existing under the provisions of Section 501(c)(3) of the United States Internal Revenue Code which has and can demonstrate that the conservation of natural resources or protection of the environment are among its principal purposes and goals.

(25)(24) "Outdoor Recreation" means the pursuit of leisure-time activities that occur in an outdoor setting and that are dependent on some particular element or combination of elements in the natural environment. Examples of such activities include bicycling, walking, hiking, skating, swimming, horseback riding, boating, camping, fishing, hunting, picnicking, studying nature, and visiting archaeological and historical sites.

(26)(25) "Partnership Application" means an Application for an Award submitted to the Trust by two or more eligible Applicants.

(27)(26) "Phased Project" means the phased continuation of a project which has been approved for funding by the Trust in a prior funding cycle. A Phased Project is generally characterized as a unified project but which, as a result of numerous owners, unique or linear configuration, or funding limitations, causes the project to be difficult or burdensome to develop and complete during a single funding cycle of the Trust and is instead developed as part of two or more Trust funding cycles.

(28)(27) "Pre-acquired" means the Project Site or a portion of the Project Site has been ~~or will be~~ acquired by the Applicant through a voluntarily-negotiated transaction within 24 months prior to ~~or 18 months after~~ the Application deadline.

(29)(28) "Project Cost" means the total of all eligible costs associated with the Acquisition of the Project Site in accordance with this rule chapter and Chapter 9K-8, F.A.C., and may include the cost of the following items: purchase price for Acquisition of all or a portion of the Project Site; certified survey ~~Certified Survey~~ containing an adequate legal description of the Project Site; any assessment or examination essential and necessary to determine Project Site boundary, ~~if any~~; appraisal report(s) and appraisal review of the Project Site; title report and title insurance premium; reasonable real estate fees or commissions paid by the Recipient for Acquisition and environmental site assessment(s) performed pursuant to Rule 9K-8.012, F.A.C.

(30)(29) "Project Plan" means the compilation of items to be approved by the Trust that when taken together provide a detailed description of a proposed project that has received ~~conceptual~~ approval for an Award from the Trust; A Project Plan shall be prepared by the Recipient pursuant to the requirements of this rule chapter and Chapter 9K-8, F.A.C., and shall be approved by the Trust prior to disbursement of Florida Forever Funds.

(31)(30) “Project Site” means the specific area(s), defined by a boundary map or legal description and Certified Survey, where Trust funds are proposed in an Application to be used for all or a portion of the Acquisition. Project Site may include non-contiguous areas, so long as connectivity through other public ownership (excluding road right-of-ways and water bodies unless parcels are directly across from each other) is demonstrated, and the non-contiguous areas are part of a unified scheme of development and management.

(32)(31) “Reasonable Assurance” means the Applicant’s ability to demonstrate to the Trust that there is a substantial likelihood that the project will be successfully implemented and managed in accordance with the Application and the Grant Contract Conceptual Approval Agreement, and may include the Trust’s inquiry into: the Applicant’s current and prospective financial condition; the Applicant’s history in acquiring, developing and managing similar projects; the Applicant’s financial commitment to the subject project as evidenced by the amount and type of any Match in the form of monies or real estate; and the character and background of the Applicant’s partners, directors, officers, managers, project administrators, controlling shareholders (if applicable), and appointed or elected officials.

(33)(32) “Recipient” means an Applicant that has been approved for funding by the Trust and who has executed a Grant Contract Conceptual Approval Agreement with the Trust for an Award.

(34)(33) “Recreational Trail System” means a network of land-based trails linear corridor and any adjacent support parcels connecting parks, schools, residential and commercial, or retail areas on land providing public access for recreation and authorized alternative modes of transportation such as bicycling, walking, running, hiking, skating, and horseback riding.

(35)(34) “Reimbursement” means recognition of those eligible Project Costs incurred for Pre-acquired parcel(s) or Reimbursement Acquisition parcels, either for a one parcel Project Site or at the Acquisition of additional parcels.

(36) “Reimbursement Acquisition” means the entire Project Site or remaining portion of the Project Site will be acquired by the Applicant through a voluntarily-negotiated transaction within 18 months after the Application deadline.

(37)(35) “Standard Metropolitan Statistical Area” or “Metropolitan Statistical Area” means an area that has been defined or designated by the United States Census Bureau or by the Office of Management and Budget of the Executive Office of the President.

(38)(36) “Trust” means the Florida Communities Trust, a nonregulatory agency and instrumentality, which is a public body corporate and politic, created within the Department of Community Affairs pursuant to Chapter 380, Part III, F.S., or the Governing Board of the Florida Communities Trust.

(39)(37) “Urban Area” means an area of or for development characterized by social, economic and institutional activities which are predominantly based on the manufacture, production, distribution, or provision of goods and services in a setting which typically includes residential and nonresidential development uses other than those which are characteristic of rural areas.

(40)(38) “Urban Service Area” means built-up areas where public facilities and services such as sewage treatment systems, roads, schools, and recreation areas, are already in place. For the purpose of this rule, it may also include other similar designations that have been formally adopted by a local government on its Future Land Use Map, or it may be an area that is currently provided services such as those listed above.

(41)(39) “Voluntarily-Negotiated Transaction” means an arm’s length market value transaction between a willing seller and a willing buyer. The use of condemnation or the threat of condemnation is not considered a Voluntarily-Negotiated Transaction.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History—New 5-27-01, Amended_____.

9K-7.003 General Requirements and Eligibility Standards. The following constitutes the general procedures for the Florida Forever Program of the Florida Communities Trust.

(1) Application Form. Application Form FF-2FF-1 (effective _____) is prescribed for use with these rules and is incorporated by reference. Applications for funding must be submitted on Application Form FF-2FF-1. Applicants may only submit one Applicant form per Project Site. A copy, or instructions for receiving the Application Form in an electronic format, may be obtained by writing to the Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, or by calling 850-922-2207 (SunCom 292-2207). As a part of the Application process the Trust may request supplementary information from Applicants:

(2) Notice of Application Period. The Trust shall announce the amount of Florida Forever bond funds available for Awards, the limitation on Award amounts, and applicable deadlines in the Notice of Application Period published in the Florida Administrative Weekly.

(3) Limitation of Awards. The total amount of any Award or combination of Awards applied for by any Local Government(s) or Nonprofit Environmental Organization(s) Applicant under any Application(s) or Partnership Applications(s) for any project(s) a project or projects shall not exceed ten percent of the total Florida Forever Funds as advertised available for Awards in the Notice of Application Period announcing the cycle. All award(s) for Partnership Applications shall, for purposes of calculation of award limitations, be divided equally among the Local Government(s) or Nonprofit Environmental Organization(s).

(4) Match Requirement. All Local Governments shall provide a minimum of 25 percent match toward the Project Costs, including:

(a) Partnership Applications between Local Governments (other than a small Local Government as defined in Rule 9K-7.003(4)(c)1., F.A.C., below) and Nonprofit Environmental Organizations shall be required to provide a Match.

(b) Partnership Applications between two or more Local Governments shall be required to provide a Match unless all of the Local Governments are small Local Governments as defined in Rule 9K-7.003(4)(c)1., F.A.C., below.

(c) A minimum Match shall not be required under the following circumstances:

1. The Trust shall award a portion of the Florida Forever funds for Awards, for which no Match is required, for the benefit of small Local Governments, as follows: county governments with populations of 75,000 or fewer and municipal governments with populations of 10,000 or fewer.

2. The Trust shall award a portion of the Florida Forever funds for Awards, for which no Match is required, for the benefit of Nonprofit Environmental Organizations that have provided the Trust with Reasonable Assurance that they can develop and manage the Project Site in a qualified, competent and professional manner.

(5) Eligible Sources of Match. For any Match, Applicant may use funds generated by a Local Government, Nonprofit Environmental Organization, state or federal grants or loans, private cash donations, or the commitment by the owner(s) ~~Owner(s)~~ in advance of negotiations of the value of a bargain sale or donation of all or part of the purchase price of the Project Site. Applicants may not use funds from the Florida Forever Trust Fund for any part of any local Match. Real property owned by the Applicant or donated by a party other than the Applicant may be an eligible source for a Match, provided that any real property owned by the Applicant has been acquired, by the Applicant through a Voluntarily-Negotiated Transaction, within 24 months prior to or 18 months after the Application deadline. Further, any real property utilized by an Applicant as a Match must be included in the Application, shall be considered part of the Project Site and shall be subject to the same conditions that are placed on the remainder of the Project Site.

(6) Site Acquisition. The Acquisition of a Project Site shall take place under one of the following procedures:

(a) For a Project Site that consists of five or fewer ownerships to be jointly acquired with the Trust, the Recipient ~~may~~ can request that the Trust or the Recipient act as the party responsible for the Acquisition activities.

(b) For a Project Site that consists of six or more ownerships to be jointly acquired with the Trust, the Recipient ~~shall~~ will be required to act as the party responsible for the Acquisition activities.

(7) Site Management. Each Applicant is required to provide a Management Plan as outlined in this rule chapter. To ensure that future management funds will be available for the management of the site in perpetuity pursuant to Section 259.105, F.S., and Chapter 380, Part III, F.S., the Applicant shall be required to provide the Trust with Reasonable Assurance that they have the financial resources, background, qualifications and competence to manage the Project Site in perpetuity in a reasonable and professional manner. Where the Application or Partnership Application does not include at least one Local Government, the Trust shall: require the Recipient to post a performance or other bond in an amount sufficient to insure performance by the Recipient that the Project Site shall be reasonably and professionally managed in perpetuity; require the Recipient to establish an endowment or other fund in an amount sufficient to insure performance; require a guaranty or pledge by the Local Government, in whose jurisdiction the Project Site is located, which shall require the Local Government to take over the responsibility for management of the Project Site in the event the Nonprofit Environmental Organization is unable to; require the Local Government to be a named co-signer on the Grant Award Agreement; or require such other assurances as the governing board may deem necessary to adequately protect the public interest.

Specific Authority 380.507(11) FS. Law Implemented 120.55(1)(a)4., 259.105, 380.505-.515 FS. History--New 5-27-01, Amended.

9K-7.004 Submission of Application and Application Materials.

(1) Applications must be submitted by mail or delivery to the Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. To be timely submitted, Applications must be received on or before the published Application deadline.

(2) Deadlines for submitting Applications shall be announced in the Florida Administrative Weekly at least 75 calendar days prior to each deadline.

(3) Applications must be transmitted with an original signature cover letter on Applicant's letterhead, signed by the appropriate representative, official or administrator, binding the Applicant to fulfill the commitments made in the Application, ~~and identifying~~ and identifying the employee or representative that will act as the key contact between the Trust and the Applicant(s), and contain a statement, written by the Local Government having jurisdiction over the Project Site, that the proposed uses of the Project Site will be consistent with the Local Comprehensive Plan.

(4) Applicants must submit four (4) ~~six~~ complete sets of Application materials. One set shall contain original text and non-text items. The remaining three ~~five~~ sets shall contain legible copies of text and non-text items, unless otherwise specified in the Application form.

(5) Applications must be received on or before ~~after~~ the published Application deadline. Applications received after the published Application deadline shall be deemed late, and will not be considered by the Trust. unless an exception for good cause is made by the Executive Director of the Trust. Good cause shall be based on whether the Applicant made diligent effort to provide the Application on or before the published deadline, but due to the failure of the delivery service the Application was not timely received.

(6) To receive consideration by the Trust, all Applicants must submit a completed Application Form ~~FF-2FF-1~~ and provide the following information as exhibits to the Application:

(a) Copy of each Local Comprehensive Plan objective and policy cited or relied upon in the Application.

(b) All proposed text and map amendments to the Local Comprehensive Plan cited or relied upon in the Application as pertaining to the Project Site.

(c) United States Geological Survey 7 1/2 minute quadrangle map with the boundary of the Project Site clearly delineated.

(d) County Tax Appraiser's map clearly delineating the project site boundary ~~property boundaries~~, access points, names of the property owners, and parcel tax identification numbers, and ownership boundaries using an appropriate scale.

(e) Aerial photograph (1 inch = 2,000 feet or greater detail) with the Project Site boundary clearly delineated.

(f) Natural Communities map of an appropriate scale that depicts the Natural Communities on the Project Site, utilizing the Florida Natural Areas Inventory classification system and providing the approximate acreage of the various Natural Communities.

(g) Physical improvements map of an appropriate scale that clearly delineates all existing physical improvements, alterations, or disturbances occurring on the Project Site, and including all cleared areas, buildings, roads, fences, docks, power lines, billboards, borrow pits, manmade lakes and excavations, and known easements and rights-of-ways, and the approximate acreage of the foregoing.

(h) Future Land Use Map covering the Project Site and surrounding area that indicates future land use designations and which clearly delineates the Project Site boundaries.

(i) Resource conservation, open space, and outdoor recreation map that identifies the Project Site and surrounding lands in a ~~three~~ five-mile radius that are used for natural resource conservation and outdoor recreation and including all parks, preserves, wildlife management areas, greenways, trails, linkages and designated outdoor recreation areas.

(j) Map depicting any applicable 100-year floodplain, coastal high-hazard area, or wellfield protection zone with the boundary of the Project Site clearly delineated.

(k) Conceptual site plan that clearly delineates the project site boundary and shows the approximate location of all proposed site improvements.

(l) One set of labeled photographs of the Project Site which depict all on-site features on the Project Site and including Natural Communities, waterbodies, shorelines, plants, Habitat, unique biological or geological features, and historical or archaeological features. Each photograph submitted shall include a legend that identifies the photograph location and key features that the photograph is intended to depict.

(m) If applicable, evidence of status as a Nonprofit Environmental Organization as defined in Rule 9K-7.002(23), F.A.C.

(n) If the Applicant is a Nonprofit Environmental Organization which anticipates being designated as the management entity pursuant to subsection 9K-7.003(7), F.A.C., evidence that the Nonprofit Environmental Organization has the financial resources, background qualifications and competence existing to manage the Project Site in perpetuity or in cooperation with a Local Government.

(7) If applicable, an Acquisition Plan that lists the priority parcels and the general order of Acquisition.

(8) If applicable, a signed statement from the owner(s) of the top priority parcels referenced in subsection 9K-7.004(7), F.A.C., indicating their willingness to consider an offer to purchase their parcel(s).

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.508, 380.510 FS. History--New 5-27-01, Amended _____.

9K-7.005 Communications to the Governing Board.

After an Application has been submitted for funding under the conditions described herein, all communications to the Governing Board of the Trust regarding any Application under consideration shall be in writing and mailed or delivered to the Executive Director for distribution to all members of the Governing Board or be presented in writing or orally to the Governing Board at the ranking and selection meeting.

Specific Authority 380.507(11) FS. Law Implemented 380.508 FS. History--New 5-27-01, Repromulgated _____.

9K-7.006 Application Review Determination ~~of Application Completeness.~~

~~(1) Following closure of an Application submission period, Trust staff will review all Applications for completeness. A Notice of Completeness will be sent to Applicants by first class mail within 30 days following the Application deadline. The notice will state whether or not the Application was timely received and whether or not the Application was found to be complete.~~

(1)(2) Applications received by the Application deadline shall be reviewed and evaluated by Trust staff based on the materials submitted. Applicants will be notified of the timely receipt and status of their Application(s). A determination of

~~completeness will be based on the inclusion of all items listed in this rule chapter. Failure to timely provide the information required shall be deemed to be a request to withdraw the Application unless the Executive Director determines from a review of the Application that the Application meets the minimum requirements and intent of this rule chapter and is sufficiently complete and adequate for staff review.~~

~~(3) If an Application is found to be incomplete, the Applicant will be notified of the deficiency in the Notice of Completeness and provided an opportunity to complete the Application. Materials requested in the Notice of Completeness must be received by the Trust within 21 days following the date that the Notice of Completeness is mailed to the Applicant. Failure to timely provide the information required in the Notice of Completeness shall be deemed to be a request to withdraw the Application unless the Executive Director determines from a review of the Application that the Application meets the minimum requirements and intent of this rule chapter and is sufficiently complete and proper for staff review.~~

~~(2)(4) No additional information shall be accepted after the Application deadline stated in the Notice of Completeness, unless specifically requested by the Trust staff for clarification of information provided in the Application received by the published Application deadline purposes. Without exception Any any clarification information requested by the Trust must shall be received by the Trust no later than 48 hours 30 calendar days prior to the ranking and selection meeting, or it will not be considered by the Trust. Information that by the due diligence of the Applicant could not have been discovered and submitted with the Application will be considered new information. The Trust may accept new information subsequent to the Application deadline but all new information must be received by the Trust no later than seven calendar days prior to the ranking and selection meeting.~~

Specific Authority 380.507(11) FS. Law Implemented 380.508 FS. History—New 5-27-01, Amended _____.

9K-7.007 Project Evaluation Criteria.

The evaluation of ~~complete~~ Applications shall be based on the criteria set forth in this rule chapter and in Application Form ~~FF-2FF-1~~. Trust staff will be responsible for evaluating Applications and recommending point scores to the Governing Board. Trust staff shall utilize the information contained in the Application (including ~~all required~~ exhibits) and all information obtained during its review of the Application for scoring recommendations to the Governing Board. Personnel from other state agencies, regional planning councils, water management districts, and other public and private groups may assist the Trust staff in project evaluation as requested by Trust ~~staff~~ Staff on an application-by-application basis. Unless otherwise noted, an Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does

not apply to the proposed Project Site, the Applicant should state “No” in the response to the criterion. ~~Criteria that are missing or not answered will not be evaluated, will not be considered incomplete in the Notice of Completeness, and will not be awarded points.~~

(1) Furtherance of specified general standards ~~(up to 50 points)~~ (points may be awarded based on the following criteria):

(a) Designation of Parcels:

1. Partially Pre-acquired. A portion of the Project Site has been acquired by the Applicant through a voluntarily-negotiated transaction within 24 months prior to the Application deadline (5 points).

~~2.(a) Pre-acquired. The entire Project Site has been acquired by the Applicant through voluntarily-negotiated transaction within 24 months prior to the Application deadline (10 5 points).~~

(b) Phased Project. The proposed project is a continuation of a previous project that was selected for Trust ~~ECT~~ funding such that it constitutes a Phased Project (5 points).

(c) Providing a greater share of the Match. The Applicant is committed to ~~providing a greater percentage of the Match for an Award. Up to 25 points based on whether:~~

1. ~~the Applicant P~~provides a Match between 40 percent to 49 percent of the Project Costs (10 points); or

2. ~~the Applicant P~~provides a Match between 50 percent to 59 percent of the Project Costs (20 points); or

3. ~~the Applicant P~~provides a Match for 60 percent or more of the Project Costs (25 points).

(d) No prior funding. This is the Applicant’s first Application to the Trust ~~ECT~~, or the Applicant has previously submitted an Application but was not funded (5 points).

(e) Innovative Acquisition. The proposed project provides for alternatives to the Acquisition of fee interests in land, such as Acquisition of less than fee interest of the Project Site through conservation easements (5 points).

(f) Multiple benefits. The Acquisition of the Project Site furthers the purpose(s) of a recent (within the last 10 years) or proposed purchase of adjacent conservation or Outdoor Recreation lands by other federal, state, local, or nonprofit agencies. (5 points).

(2) Furtherance of Outdoor Recreation, natural and cultural resources ~~(up to 135 points)~~ (points may be awarded based on the following criteria):

(a) Providing Outdoor Recreation or open space. The Project Site provides for Outdoor Recreation or open space ~~Up to 35 points, based on whether the proposed project:~~

1. ~~P~~provides Outdoor Recreation areas or open space adjacent to other publicly-owned upland areas ~~or facilities~~, such as existing parks, museums, schools, libraries, affordable housing or transit stations. Recreational Trail Systems, or Greenways (5 points);

2. ~~P~~rovides two or more resource-based Outdoor Recreation facilities, such as a nature trail, picnic pavilion, fishing pier, wildlife observation platform area, canoe launch, boardwalk or camping area (5 points).

3. ~~P~~rovides two or more user-oriented Outdoor Recreation facilities, such as playgrounds, basketball courts, tennis courts, bocci ball courts, shuffleboard courts, volleyball courts or fitness trail swimming areas (5 points);

4. ~~P~~rovides access to a shoreline or beach and managed for recreation uses (5 points);

5. ~~the proposed project~~ ~~F~~urther Outdoor Recreation or open space within an Urban Area (points may be awarded based on the following criteria) (~~up to 15 points~~) based on whether the Project Site is located:

a. ~~W~~ithin an Urban Service Area (5 points);

b. ~~W~~ithin an Urban Service Area and is also within one-half mile of a built-up commercial, ~~industrial~~ or high density mixed-use Urban Area (5 points);

c. within an Urban Service Area and is also within a built-up commercial, ~~industrial~~, or high density mixed-use Urban Area (5 points).

(b) Providing Greenways and Recreational Trail Systems. The Project Site provides for new or enhanced Greenways ~~or~~ and land-based Recreational Trail Systems (points may be awarded based on the following criteria) ~~Up to 20 points, based on whether the proposed project:~~

1. ~~P~~rovides new or enhanced land-based nature, ~~waterway~~, bike or equestrian trails that are at least one-quarter mile in length (5 points);

2. ~~E~~nhances or connects existing local, regional or statewide land-based Recreational Trail Systems ~~by connecting, extending or closing gaps in existing Recreational Trail Systems or by providing trailhead or trailside facilities~~ (5 points);

3. ~~E~~nhances or connects existing local, regional or statewide network of ~~linked Greenways by connecting, extending or closing gaps in an existing network of linked Greenways~~ (5 points);

4. ~~F~~urther a locally-adopted Greenway or land-based Recreational Trail System plan (5 points).

(c) Providing educational opportunities. The Project Site provides for environmental or historical educational opportunities (points may be awarded based on the following criteria) ~~Up to 15 points, based on whether the proposed project:~~

1. ~~P~~rovides interpretive signs which educate visitors about the natural environment or unique history of the Project Site (5 points);

2. ~~P~~rovides at least 24 environmental or historical education classes or programs per year at the Project Site conducted by trained educators or resource professionals (5 points);

3. ~~I~~ncludes a staffed nature center or museum building which provides, ~~through adequate staffing~~, year-round educational classes or programming concerning the natural environment or unique history of the area (5 points).

(d) Protecting natural and biological resources. The Project Site protects natural and biological resources (points may be awarded based on the following criteria) ~~Up to 20 points, based on whether the Project Site:~~

1. ~~C~~onsists of predominantly Natural Communities that have not been impacted by human disturbance or alteration (5 points);

2. ~~C~~ontains one or more Natural Communities identified by the Florida Natural Areas Inventory as “imperiled” or “critically imperiled” (5 points);

3. ~~C~~ontains Habitat recognized as typically suitable for one or more Listed Animal Species (5 points);

4. ~~C~~ontains Habitat recognized as typically suitable for one or more Listed Animal Species and ~~said Habitat~~ is located in a Strategic Habitat Conservation Area, as identified by the Florida Fish and Wildlife Conservation Commission (5 points).

(e) Landscaping or restoration. The Project Site provides for new or enhanced landscaping or restoration (points may be awarded based on the following criteria) ~~Up to 15 points, based on the following criteria:~~

1. ~~D~~egraded or altered areas on the Project Site will be landscaped with native vegetation (5 points);

2. ~~D~~egraded or altered upland communities on the Project Site will be restored as a Natural Community (5 points);

3. ~~D~~egraded or altered wetland communities on the Project Site will be restored as a Natural Community (5 points).

(f) Water quality. The Project Site provides for the protection or enhancement of water quality (points may be awarded based on the following criteria) ~~Up to 15 points, based on the following criteria:~~

1. ~~T~~he proposed project will improve the quality of surface waters occurring on or adjacent or in close proximity to the Project Site by the elimination of existing pollution sources, removal of impervious surfaces, or other means (5 points);

2. ~~T~~he Project Site is adjacent to and will protect ~~an~~ Outstanding Florida Waters as designated by the Department of Environmental Protection (5 points);

3. ~~T~~he proposed Project Site will protect Class I waters as identified by the Department of Environmental Protection, or the Project Site is located within a locally-designated wellfield protection zone (5 points).

(g) Historical resources. The Project Site protects ~~provides~~ ~~new~~ or enhances historic resources (points may be awarded based on the following criteria) ~~Up to 15 points, based on whether the Project Site:~~

1. Contains, or is within one-quarter mile of, a site listed in the Florida Master Site File with the Division of Historical Resources (5 points);

2. Contains a resource that is listed on the Florida Master Site File and is also recognized by a local historic board or the Division of Historical Resources as being historically significant at the local, regional or state level (5 points);

3. Contains a resource that is listed on the National Register of Historic Places by the National Park Service (5 points).

(3) Furtherance of Community Planning (points may be awarded (up to 110 points), based on the following criteria):

(a) Local Comprehensive Plan. Acquisition of the Project Site will assist the Local Government in furthering the Local Comprehensive Plan directives. When used in this part, the term "furthered" means that proposed project(s) will assist the Local Government in realizing the objectives or policies of the Local Comprehensive Plan. For each criterion that is furthered by an objective or policy of the Local Government Plan, the objective or policy number is to be cited in the response to the criterion and a copy of the objective or policy, and any associated exhibits or documents, shall be included as an exhibit as provided in this rule chapter. If a copy of the entire objective or policy that is cited in response to a criterion is not included in the exhibit, that objective or policy will not be evaluated as to whether it furthers that criterion. If a criterion addresses specific resources or facilities, these must be present on the Project Site in order for points to be awarded.

If the Project Site is located entirely in one jurisdiction, the Local Comprehensive Plan of the jurisdiction shall be evaluated for scoring purposes. If the Project Site is located in two or more jurisdictions, the Local Comprehensive Plan of each jurisdiction shall be compared for compatibility and evaluated for scoring purposes and each jurisdiction's Local Comprehensive Plan must be furthered for points to be awarded.

Points may be awarded based on the following criteria:

Up to 50 points, based on the following criteria:

1. Provides acreage or outdoor recreational facilities necessary to maintain or improve adopted levels of service standards for recreation (5 points).

2. Ensures acquisition of natural areas or open space through public acquisition (5 points).

3. Provides new or enhanced public access to water bodies and saltwater beaches (5 points).

4. Provides for new or enhanced Greenways, or Recreational Trail Systems (5 points).

5. Ensures the preservation of Natural Communities or Listed Animal Species Habitat (5 points).

6. Provides for coordination between the Local Government(s) and other among federal, state and local agencies or non-profit organizations acquiring or managing natural areas or open space ~~for outdoor recreation~~ (5 points).

7. Provides for restoration or enhancement of degraded natural areas, such as restoration of Natural Communities, restoration of natural hydrology, or removal of non-native vegetation (5 points).

8. Ensures the protection or enhancement of surface or groundwater quality (5 points).

9. Ensures the preservation of historical, cultural or archaeological features on the Project Site (5 points).

10. Directs development to a locally designated urban infill, urban redevelopment or downtown revitalization area as defined in Section 163.3164, F.S. (5 points).

(b) Hazard Mitigation. The proposed project furthers hazard mitigation (points may be awarded based on the following criteria). Up to 15 points, based on whether the proposed project:

1. Provides recreational opportunities and open space areas that direct residential and commercial development away from a Coastal High Hazard Area or a 100-year flood plain (5 points).

2. Is located within an area identified in the Local County's adopted Government's Local Mitigation Strategy as a mitigation priority (5 points).

3. Provides recreational opportunities or open space areas opportunities within a state-designated "brownfield" area (5 points).

(c) Priority investment areas and special state-designated areas. The Project Site will provide new or enhanced Outdoor Recreation or open space within an identified priority investment area or other special state-designated area targeted for investment or redevelopment (points may be awarded based on the following criteria). Up to 45 points, based on whether the proposed project is:

1. Within an area designated as a "Front Porch Community" (5 points).

2. Within an area designated as an active "Florida Main Street Community" (5 points).

3. Within an area designated as an "Eastward Ho! Corridor" under Executive Order 94-54 (5 points).

4. Within an area designated as a current or previously designated "Waterfront Florida Community" (5 points).

5. Within an area defined as a "Low-Income Community" under Section Rule 9K-7.002, F.A.C. (5 points).

6. Within an area designated as a "Rural Area of Critical Economic Concern" (5 points).

7. Within the boundary of a locally designated urban infill, urban redevelopment or downtown revitalization area as defined in Section 163.3164, F.S. (5 points).

8. Within a designated "Area of Critical State Concern" under Section 380.05, F.S. (5 points).

9. Within an area subject to an adopted rate of growth ordinance. (5 points).

~~10.9.~~ Within or adjacent to a state or federally designated area, not identified elsewhere in the Application criteria, that is intended to protect or restore natural resources, such as the Aquatic Preserve, the National Estuarine Research Reserve National Estuary Program, the Marine Sanctuary, and the American Heritage River boundaries (5 points).

(4) The proposed project furthers and exemplifies "project excellence." Up to 10 points, based on whether the proposed project exhibits strong community-based support, possesses exemplary characteristics, ~~or~~ assists an otherwise disadvantaged community, or voluntarily helps resolve land use conflicts and issues in a manner that was not adequately addressed by the criteria established in this rule chapter.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 5-27-01, Amended _____.

9K-7.008 Ranking and Selection of Applications.

(1) Evaluation Report. After a period for review, not to exceed ~~90~~ 120 calendar days from the Application deadline, the Trust staff shall prepare a written evaluation report, based on information provided in the Application, to for consideration by the Governing Board. Staff shall also provide a copy of the evaluation report to the Applicant prior to the Governing Board meeting provided for in subsection 9K-7.008(2), F.A.C.

(2) The Governing Board shall meet for the purpose of ranking and selecting Applications for funding at a publicly noticed meeting for this purpose.

(a) The Governing Board shall consider each Application and ~~approve or modify~~ the scores point scoring totals assigned in the Trust staff evaluation report. The Board may modify staff recommended scores in order to settle unresolved issues arising from written objections from Applicant(s) to scores received in the evaluation report. Applicant objections to staff recommended scores must be submitted in writing to the Trust staff at least 48 hours prior to the Board ranking and selection meeting, in order to be considered. Decisions to modify point totals shall be based on review of Applications by the Governing Board, and public presentations to the Governing Board by Trust staff, Applicants and other members of the general public.

(b) All proposed amendments to the Local Comprehensive Plan that are included with the Application, ~~and submitted within the Application deadline established by the Trust,~~ will be considered in the staff evaluation preliminary Application scoring. Proposed amendments cited in the Application must be adopted by the Local Government prior to the date of the Governing Board ranking and selection meeting in order for points to be awarded in the final score.

(c) ~~After approval of the score of each Application. After a final determination of the scoring of each Application,~~ the Governing Board shall consider the scores point totals, and the

~~statutory~~ requirements of this rule chapter, and rank the Applications in descending order, with the highest ranking Application being given highest funding priority.

1. At least 75 percent of the funds available shall be matched by Local Governments on a dollar-for-dollar basis.

2. At least 30 percent of the total allocation shall be used within Metropolitan Statistical Areas and one-half of that amount shall be used within localities where the Project Site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas.

3. No less than five percent of the total allocation shall be used to acquire lands for Recreational Trail Systems, provided that in the event these funds are not needed for such projects, they will be available for other Trust projects.

(d) In the event of tied scores, the Trust shall rank the Applications by:

1. Scores received in the Community Planning Section set forth in subsection 9K-7.007(3), F.A.C. The Trust shall consider the point totals in this evaluation category, and rank the tied Applications in descending order, with highest ranking score in this section being given highest funding priority. In the event of further tied scores, the Trust shall rank the Applications by the criteria specified by paragraph 2. of this subsection.

2. Scores received in the Outdoor Recreation Section set forth in subsection 9K-7.007(2), F.A.C. The Trust shall consider the point totals in this evaluation category, and rank the tied Applications in descending order, with highest ranking score in this section being given highest funding priority. In the event of further tied scores, the Trust shall rank the Applications by the criteria specified by paragraph 3. of this subsection.

3. Scores received in the General Standards Section set forth in subsection 9K-7.007(1), F.A.C. The Trust shall consider the point totals in this evaluation category, and rank the tied Applications in descending order, with highest ranking score in this section being given highest funding priority order. In the event of further tied scores, the Trust shall rank the Applications by the criteria specified by paragraph 4. of this subsection.

4. The order in which Applications were received prior to the Application deadline.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 5-27-01, Amended _____.

9K-7.009 Project Approval Conceptual Approval of Projects.

(1) Following the ranking and selection of Applications described above but prior to ~~the conceptual approval meeting,~~ the Trust staff shall conduct site visits or other investigations. If such visits or investigations reveal undisclosed facts or erroneous evaluation conclusions, the Trust staff shall report

such findings to the Governing Board. The Trust shall impose conditions based on Applicant representations and findings from site visits and other investigations relevant to these findings. Applicants will be advised of the conditions prior to Trust approval and completion of Such conditions will be imposed on the Applicant by the Grant Contract Conceptual Approval Agreement at the conceptual approval meeting. Applicants will be advised of the conditions prior to the conceptual approval meeting. Any such conditions imposed on the Applicant must be met by the Applicant prior to receiving Project Plan approval. Further, the Trust shall have the right to alter the ranking of Applications based on the site visit or investigation findings.

(2) At the conclusion of the conceptual approval meeting, those projects selected will be considered to have received conceptual approval for funding. The Trust shall publish a Final Notice of Project Conceptual Approval and Funding in the Florida Administrative Weekly that shall list all Applications considered, whether the Application has received conceptual approval, and the amount of funding conceptually approved for each selected project.

(3) Any person with substantial interests that are or may be determined by the conceptual approval of funds for projects by the Trust may request an administrative proceeding pursuant to Section 120.57, F.S. within 21 days of publication of the Notice of Conceptual Approval.

(4) If for any reason funds awarded to an conceptually approved project become available prior to the ranking and selection meeting for the next Application cycle, those funds may be committed to other project(s) for the same series funding cycle based upon available funds.

(5) The established time frame for conceptual funding approval for funding shall be for a period not to exceed 12 months from the conceptual approval meeting. Approval Conceptual approval shall be evidenced by an fully executed Grant Contract Conceptual Approval Agreement between the Trust and the Recipient. When the established time frame has expired and an conceptually approved project has not received Project Plan approval, conceptual the project approval shall be terminated and Trust funds committed to the project shall then be committed to other approved Applications that are conceptually approved in subsequent funding cycles. The Trust may extend the Grant Contract Conceptual Approval Agreement beyond the established time frame if the Recipient demonstrates that significant progress is being made toward Project Plan approval or that extenuating circumstances warrant an extension of time. All requests for extensions shall be made in writing to the Executive Director, prior to the expiration of the established timeframe, fully explaining the reason for the delay and why the extension is necessary.

(6) The Pursuant to Section 380.510(3)(f), F.S., the time period of the Grant Contract Conceptual Approval Agreement and extensions shall not exceed a total of 24 months; unless,

however, the Trust extends an Award beyond 24 months when the Recipient demonstrates that significant progress is being made toward closing the project or that extenuating circumstances warrant an extension of time.

(7) The Trust may unilaterally terminate the Grant Contract Conceptual Approval Agreement prior to the established time frame, if it is determined by the Trust that no significant progress is being made toward the Acquisition of the Project Site or other circumstances are present which would, in all likelihood, preclude or prevent the successful Acquisition of the Project Site within the established time frame.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 5-27-01, Amended _____.

9K-7.010 Modification to the Project Boundary.

Modifications to the boundary of a Project Site selected for conceptual approval will be considered by the Trust on a case-by-case basis. Requests to modify the project boundary shall be submitted to the Trust within 12 months of the approval of the Grant Contract Conceptual Approval Agreement. Requests for boundary amendments received after said deadline shall not be considered unless an exception is granted by the Executive Director based upon the demonstration of good cause. Good cause shall be based on whether the boundary modification is necessary to the successful development and management of the Project Site. The following procedures are established to guide the submission and review of boundary modification requests.

(1) A written request for boundary modification must be submitted and contain the items listed below. The request must be transmitted with an original signature cover letter on the Recipient's letterhead, signed by the appropriate authorized representative named in the Grant Contract Conceptual Approval Agreement, and include a statement binding the Recipient to fulfill the commitments made in the request for boundary modification.

- (a) An explanation of how the proposed modification complies with the intent and purpose of the project as stated in the original Application;
- (b) An explanation of why the requested boundary change was not contained in the original Application;
- (c) An explanation of the effect on the overall project if the requested modification is not approved;
- (d) A written statement signed by the Recipient detailing any and all changes to the original Application which result from the boundary modification being proposed; and
- (e) An amended acquisition plan.

(2) Following receipt of a request for boundary modification, Trust staff shall conduct a preliminary review to determine if the information provided includes the required

items listed in this rule chapter. Trust staff shall notify the Recipient's key contact of any additional information or clarification that is needed to complete the review.

(3) Trust staff shall prepare a recommendation for consideration and approval by the Trust following the same review procedures used to evaluate the original Application. The report will contain the following:

(a) ~~Whether~~ whether the proposed boundary modification is consistent with the purpose and intent of the original Application;

(b) ~~Whether~~ whether the proposed boundary modification would facilitate the Acquisition of the overall Project Site;

(c) ~~Whether~~ whether the proposed boundary modification would change the final project score if it had been part of the original Application and whether the revised score would result in any change in the funding status of the project;

(d) ~~Whether~~ whether the Trust has funds available to cover the additional Project Costs and that the increase in the Trust Award would not exceed the Award limit contained in this rule chapter.

(4) Trust staff may conduct a site visit to verify representations made in the boundary modification request before final approval of the boundary change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 5-27-01, Amended.

9K-7.011 Preparation and Acceptance of the Management Plan.

(1) Prior to release of Florida Forever Funds for a project, the Recipients shall submit a Management Plan for approval by the Trust. Phased Projects or additions to Trust funded projects can be combined into existing Management Plans. The Management Plan, which is intended to explain how the Project Site will be managed to further the purposes of the project and meet the terms and conditions of the Grant Contract Conceptual Approval Agreement, shall include the following:

(a) An introduction containing the project name, location and other background information relevant to management.

(b) The stated purpose for acquiring the Project Site as proposed in the Application and a prioritized list of management objectives.

(c) The identification of known natural resources including natural communities, listed plant and animal species, soil types, surface and groundwater characteristics ~~and a plan to inventory all unknown resources~~.

(d) A detailed description of all proposed uses including existing and proposed physical ~~and access~~ improvements and the impact on natural resources.

(e) A detailed description of proposed restoration or enhancement activities, if any, including the objective of the effort and the techniques to be used.

(f) A scaled site plan drawing showing the project site boundary, existing and proposed physical improvements and any natural resource restoration or enhancement areas.

~~(g) A description of management needs and problems associated with implementing the Management Plan.~~

~~(g)(4)~~ The identification and protection of known cultural or historical resources and a commitment to conduct surveys prior to any ground disturbing activity, if applicable.

~~(h)(4)~~ A description of proposed educational displays and programs to be offered, if applicable.

~~(i)(4)~~ A description of how the management will be coordinated with other agencies and public lands, if applicable.

~~(k) Cost estimates based on categories established by the Land Management Uniform Accounting Council.~~

~~(j)(4)~~ A schedule for implementing the development and management activities of the Management Plan.

~~(k)(m)~~ Cost estimates and funding ~~Funding~~ sources to implement the Management Plan.

(2) If the Recipient is not the proposed managing entity, the Management Plan must include a signed agreement between the Recipient and the managing entity stating the managing entity's willingness to manage the site, the manner in which the site will be managed to further the purpose(s) of the project, and identification of the source of funding for management.

(3) The Trust shall approve the Management Plan upon confirmation that it is consistent with the purposes of the Application and the terms and conditions of the Grant Contract Conceptual Approval Agreement.

(4) Any revision or modification to the approved Management Plan will require review and approval by the Trust. The Recipient shall provide a written request for any Management Plan change including all appropriate supporting materials.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History—New 5-27-01, Amended.

9K-7.012 Title, Acquisition Procedures, Project Plans, Lease Agreements and Transfer of Title.

This rule chapter and Chapter 9K-8, F.A.C., shall govern in all matters of title, acquisition procedures, Project Plans, lease agreements and transfer of title for lands acquired with Florida Forever funds received under the Florida Forever Program.

Specific Authority 380.507(11) FS. Law Implemented 380.508, 380.510 FS. History—New 5-27-01, Repromulgated.

9K-7.013 Annual Stewardship Report Requirement.

(1) Each award to a Recipient shall include a condition that, after Acquisition of the Project Site, a stewardship report is required from the Recipient for a period lasting at least five years from completion of all site improvements and restoration activities identified in the approved Management Plan. The stewardship report is intended to verify that conditions imposed at the time the award was made are being followed

and to monitor the stewardship and use of the property. The stewardship report shall be due on January 30 of each year and include discussion of the following items for the year being reported:

- (a) ~~A~~ll work completed;
- (b) ~~A~~ll program activities conducted;
- (c) ~~D~~escription of how the project protects and maintains natural resources and the results of all monitoring reports;
- (d) ~~L~~isting of gross revenues for the year, such as all fees, concessions, sales and other revenues received;
- (e) ~~D~~escription of all easements, concessions and leases in effect for all or any portion of the year;
- (f) ~~D~~escription of all physical improvements and activities that are behind schedule and a listing of revised start and completion dates for each improvement and activity;
- (g) ~~L~~isting of all funding sources allocated or received for management activities;
- (h) ~~L~~isting of all development and management costs expended for the year; and
- (i) ~~L~~isting of all revisions needed to the approved Management Plan and including all appropriated supporting materials as attachments.

(2) The stewardship report requirement may be phased out as follows:

(a) To initiate the five year phase-out of the stewardship report requirement, the Recipient shall provide the following:

- 1. ~~W~~ritten statement of completion certifying that the project site was developed in accordance with the approved Management Plan;
- 2. ~~A~~s-built master site plan drawing;
- 3. ~~P~~hotographic record of all completed site improvements and restoration activities; and
- 4. ~~U~~ppdated Management Plan, if appropriate.

(b) Upon the Trust's acceptance of the Recipient's statement of completion, and timely submission of five consecutive stewardship reports that have met the requirements of this rule chapter, the Trust may suspend the stewardship report requirement if the Recipient has demonstrated that the terms and conditions of the Grant Award Agreement and the approved Management Plan made are being followed. After suspension of the stewardship report requirement, if the Trust finds that the terms and conditions of the Grant Award Agreement are not being followed, the stewardship report requirement shall be reimposed for an additional two years.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.510 FS. History--New 5-27-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janice Browning, Executive Director, Florida Communities Trust

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Executive Director, Florida Communities Trust

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

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Land Acquisition Procedures With Florida Forever Program 9K-8

RULE TITLES: RULE NOS.:

Definitions 9K-8.002

General Information 9K-8.003

Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title 9K-8.004

Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price 9K-8.007

Preparation and Acceptance of Project Plans 9K-8.011

PURPOSE, EFFECT AND SUMMARY: The purpose of this rule is to establish Florida Communities Trust land acquisition procedures using Florida Forever funds. The purpose of the program described in this rule chapter is to provide grants to Local Governments and Nonprofit Environmental Organizations for the acquisition of community-based projects, urban open spaces, natural resource conservation areas, parks, greenways, and outdoor recreation areas to implement Local Comprehensive Plans.

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: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515, 380.507(11), 380.508, 380.510 FS.

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

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

PLACE: Randall Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Janice Browning, Executive Director, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-2207, Suncom 292-2207, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: C. Erica White, Assistant General Counsel, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-0410

THE FULL TEXT OF THE PROPOSED RULES IS:

9K-8.002 Definitions.

The definitions set forth in Rule 9K-7.002, F.A.C., shall apply as used in this rule chapter and are incorporated herein by reference. Additionally, the following definitions shall apply as used in this rule chapter:

(1) through (9) No change.

(10) ~~“Florida Forever Funds” means proceeds from the Florida Forever Trust Fund created by Section 380.5115, F.S., and distributed to the Department pursuant to Section 295.105(3)(c), F.S., for the purpose of providing Acquisition grants through the Florida Communities Trust.~~

(11) through (20) renumbered (10) through (19) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History–New 5-27-01, Amended.

9K-8.003 General Information.

(1) through (2) No change.

(3) The Recipient shall designate an employee or officer who shall serve as the key contact for the exchange of information regarding the Acquisition activities and who shall be responsible for ensuring compliance with the provisions of all applicable statutes, the Grant Contract Conceptual Approval Agreement, rules of the Trust and any local land acquisition ordinances that may apply.

(4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History–New 5-27-01, Amended.

9K-8.004 Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title.

(1) Section 259.105(3)(c), allocates proceeds deposited into the ~~Forever~~ Florida Forever Trust Fund to the Department to provide land Acquisition grants through the Florida Communities Trust pursuant to Chapter 380, Part III, F.S. Title to real property purchased with these funds may be vested in the Recipient or the Board of Trustees.

(2) At the time the Recipient executes the Grant Contract Conceptual Approval Agreement, the Recipient shall elect one of the following options; either

(a) through (b) No change.

(3) If the Recipient elects to hold title, then the following applies:

(a) The election is subject to approval by the Trust, such approval indicated when the Grant Contract Conceptual Approval Agreement governing the grant funds is executed between the Recipient and the Trust;

(b) No change.

(c) The Acquisition of a Project Site shall take place under one of the following procedures:

1. For a Project Site that consists of five or fewer ownerships to be acquired, the Recipient ~~may can~~ request that the Trust or the Recipient act as the party responsible for the Acquisition activities.

2. For a Project Site that consists of six or more ownerships to be acquired, the Recipient will be required to act as the party responsible for the Acquisition activities.

(d) through (4) No change.

Specific Authority 380.507(11) FS. Law Implemented 259.105, 380.501-.515 FS. History–New 5-27-01, Amended.

9K-8.007 Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price.

(1) through (4) No change.

(5) Determination of Maximum Approved Purchase Price.

(a) For purposes of calculating the Trust and the Recipient shares of the purchase price paid for real property, a Maximum Approved Purchase Price shall be determined. The Grant Contract Conceptual Approval Agreement will describe financial participation by the Trust and the Recipient on a percentage basis. The Trust considers that the maximum purchase price in which it will participate shall be the Maximum Approved Purchase Price. If the Recipient or its Agent negotiates a purchase price higher than the Maximum Approved Purchase Price, the Recipient shall pay all the purchase price amount over the Maximum Approved Purchase Price, in addition to the Match percentage share of the Maximum Approved Purchase Price.

(b) through c.3. No change.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Hobbycraft Programs
 RULE NO.: 33-508.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide procedures for the operation of hobbycraft programs for inmates.

SUMMARY: The proposed rule sets forth procedures for the operation and supervision of hobbycraft programs for inmates, sets forth criteria for participation in the program, describes approved hobbycraft activities, provides for suspension of program privileges, and describes the process for obtaining supplies and equipment.

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, 946.25 FS.

LAW IMPLEMENTED: 944.09, 946.25 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:

33-508.101 Hobbycraft Programs.

(1) Definitions.

(a) Chief of Security – refers to the highest ranking correctional officer at a facility who is responsible for overseeing and coordinating the security operations of the unit.

(b) Education Supervisor – refers to the staff member at an institution who is responsible for oversight of all inmate programs therein.

(c) Hobbycraft – refers to a program which allows inmates to create arts and crafts by hand.

(d) Inmate Wellness Program – refers to the physical and passive activities designed to facilitate changes in behavior to improve health and quality of life for the inmate population.

(e) Inmate Welfare Trust Fund – refers to the fund held by the department for the benefit and welfare of inmates as provided by s. 945.21502, F.S.

(f) Program Center – refers to the administrative office of the program manager for education and transition.

(g) Program Manager – refers to the staff member responsible for education and transition programs in a department service center area.

(h) Wellness Education Specialist – refers to the institutional staff member responsible for the administration of the institution’s inmate wellness program.

(i) Wellness Program Administrator – refers to the Office of Program Services staff member responsible for the overall administration of the department’s inmate wellness program.

(2) Specific Procedures.

(a) Hobbycraft clubs shall be established at all major institutions.

(b) The wellness education specialist shall report directly to the education supervisor at the institution.

(c) The wellness education specialist shall be responsible for hobbycraft operation, to include:

1. Coordinating and supervising the program and ensuring that direct staff supervision is provided during operating hours;

2. Maintaining a list of current participants and inmate sign-in sheets;

3. Maintaining a waiting list of approved requests to participate;

4. Maintaining a project work file on each inmate enrolled in the program, to include the following:

a. Inmate personal property lists,

b. Classification print-out which determined eligibility,

c. Sign-in sheets,

d. Copies of the inmate bank trust fund special withdrawals and hobbycraft supplies orders, and

e. Copies of invoices for supplies received;

5. Reviewing and approving all raw materials or supplies ordered in conjunction with the chief of security and the assistant warden for programs;

6. Coordinating the receipt of tools and equipment with the chief of security;

7. Maintaining an inventory of all items and tool control directly or in conjunction with security staff;

8. Arranging for the donation or disposal of hobbycraft items; and

9. Completing an Inmate Personal Property List, Form DC6-224, when a participating inmate receives hobbycraft supplies or materials. Form DC6-224 is incorporated by reference in Rule 33-602.201, F.A.C.

(d) The wellness education specialist is authorized to designate correctional officers assigned to the wellness program to conduct the duties described in paragraph (2)(c) above.

(3) Criteria For Placement In Program.

(a) Inmates in general population will be allowed to participate in any hobbycraft activity available at the institution.

(b) Participating inmates must have a clear disciplinary record for the prior four month period.

(c) Inmates must have a satisfactory or above-satisfactory job assignment rating for a period of four months. If an inmate is unable to work due to valid reasons, such as medical or mental health appointments, court appearances, or transfers not based on disciplinary reasons, he will be given credit for meeting eligibility criteria.

(d) Any inmate found guilty of a disciplinary infraction will be removed from hobbycraft and will not be eligible for placement in the program or on the waiting list until six months from the time his disciplinary obligation has been met.

(e) Inmates in close management or death row status shall be authorized to participate in the cell-based hobbycraft activity of drawing, to include sketch pads, crayons, water-based markers, chalk pastels, or charcoal.

(f) Inmates in the youthful offender extended day program must be in Phase III of that program in order to participate in hobbycraft activities.

(4) Entrance Requirements.

(a) Inmate participation in the hobbycraft club is considered a privilege.

(b) An inmate desiring to participate in the program must submit an Inmate Request, Form DC6-236, to the wellness education specialist. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(c) The wellness education specialist shall submit the name of the inmate to the classification supervisor.

(d) The classification supervisor shall provide the wellness education specialist with a computer printout for determination of the inmate's eligibility for participation in the hobbycraft club. This printout will contain the eligibility information described in subsection (3) of this rule.

(e) If approved by the wellness education specialist, the wellness education specialist shall place the inmate's name on the active participation list or on the waiting list, depending on locker space availability, and shall notify the inmate in writing of that action on Form DC6-236.

(f) If disapproved, the wellness education specialist shall notify the inmate in writing, via Form DC6-236, that the inmate has been disapproved and provide the reason why he has been disapproved.

(g) Notification for approval or disapproval in hobbycraft shall be given to the inmate within ten days of the decision.

(h) The name of the inmate placed on the waiting list or approved for participation will be submitted by the wellness education specialist to health services in order to verify that the inmate is medically suitable to participate.

(5) Hobbycraft Clubs/Activities Established At Various Institutions.

(a) Inmates [except those described in paragraph (3)(e)] shall be permitted to participate in the following activities, except as provided in paragraph (5)(b):

1. Sewing activities to include crocheting, knitting, needlepoint, macrame, quilting, doll-making, construction of doll-clothes, puppet-making, weaving, rug latching, hooking, and braiding.

2. Paper activities to include origami, kirigami, paper mache, and the construction of paper flowers/decorations and children's books.

3. Wood activities to include woodcarving, making toys or jewelry boxes, and popsicle/matchsticks/tooth pick projects.

4. Art activities to include drawing and sketching with pen/pencil, pastels, crayons, charcoal, water/oil paint; working with clay, creating sculpture, and calligraphy writing.

5. Horticulture to include the cultivation of bonsai plants and small flower-dishes.

6. Institutions which currently have ceramics, leatherwork, or woodcarving activities, shall be allowed to continue these activities. These institutions shall be authorized to support these activities with donated tools and equipment.

(b) Hobbycraft activities will be conducted in a location designated by the warden.

(c) Participation in hobbycraft activities will not substitute for or conflict with job or program assignments.

(d) An hourly schedule for the hobbycraft program activities shall be established and posted in the close management posting areas and the inmate bulletin boards at each institution.

(6) Suspension/Loss Of Hobbycraft Privileges.

(a) An inmate's hobbycraft privileges shall be subject to suspension or revocation due to concerns for the safety and security of the institution. This decision shall be made jointly with the warden and chief of security.

(b) An inmate's hobbycraft privileges shall be revoked due to:

1. Violation of department rules resulting in a finding of guilt at a disciplinary hearing.

2. Failure to actively participate in hobbycraft for at least fourteen days within a three month period determined by sign-in sheets, or

3. Determination that the inmate is operating tools or equipment in an unsafe manner, abusing the hobbycraft privilege, damaging tools or equipment, or misappropriating tools, equipment or supplies.

(c) An inmate's hobbycraft privileges shall be subject to temporary suspension for the following reasons.

1. The inmate is absent from the institution for more than six months for reasons beyond his control such as medical reasons or being out to court. In this case, the inmate will be removed from the program and placed on the top of the waiting list upon his return.

2. Inmates in hobbycraft who are transferred will be placed on the waiting list at the receiving institution. The wellness education specialist at the sending institution shall by e-mail notify the wellness education specialist at the receiving institution of the inmate's participation in hobbycraft.

(d) An inmate shall be allowed to appeal a decision to revoke or suspend hobbycraft privileges through the grievance process outlined in Chapter 33-103, F.A.C.

(7) Purchasing Supplies/Financial Responsibilities

(a) The inmate shall purchase materials, supplies, and kits utilized in the program. All inmates wishing to purchase materials or supplies must submit Form DC2-304, Special Withdrawal, and Form DC5-202, Hobbycraft Supplies Order Form, to the wellness education specialist. Form DC5-202 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of The General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is . Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C.

(b) The wellness education specialist, in coordination with the chief of security, shall review the inmate's request against catalogs and vendor manuals to verify the authenticity of the materials and assess any security implications.

(c) The wellness education specialist shall submit for processing the completed DC2-304 and DC5-202 to the Bureau of Finance and Accounting, Inmate Bank Section.

(d) All materials and supplies must be purchased from vendors approved by the wellness education specialist and sent directly through the U.S. Mail or other approved commercial shipping services.

(e) An inmate shall not receive materials or hobbycraft supplies from other inmates, visitors, volunteers, employees, or organizations.

(8) Service Center Responsibilities.

(a) Once the service center receives the completed DC2-304 and DC5-202, the inmate bank accounting staff shall review the inmate's account to see if the inmate has sufficient funds to cover the cost.

(b) If there are sufficient funds, the funds will be withdrawn out of the inmate's bank account and the inmate will receive a withdrawal notification receipt from inmate bank system noting that funds were deducted from the inmate's bank account.

(c) An inmate must have sufficient funds in his or her bank account to cover the cost of project materials and supplies in order to participate in the program.

(9) Possession/Storage of Hobbycraft Materials.

(a) All tools and equipment utilized in hobbycraft will be the property of the Department.

(b) An inmate shall only be allowed to possess hobbycraft materials or supplies in quantities or sizes that can be stored in his assigned hobbycraft locker in the hobbycraft area. Hobbycraft tools or materials shall not be stored elsewhere.

(c) No personal property other than hobbycraft materials or supplies shall be maintained in these lockers.

(d) Inmates shall not store supplies or products for other inmates in hobbycraft lockers or personal housing lockers

(10) Inventory/Searches.

(a) Tools will be maintained in accordance with current department tool and sensitive item control measures.

(b) The wellness education specialist shall maintain an Inmate Personal Property List, Form DC6-224, of the hobbycraft materials and supplies of each inmate participating in hobbycraft.

(c) Inmate hobbycraft lockers shall be subject to random search by wellness staff and security staff.

(11) Distribution of Completed Hobbycrafts. Inmates participating in hobbycraft will distribute completed hobbycraft projects either by mailing them to persons of their choice, excluding staff or relatives of staff, or by donating them to governmental agencies, schools or non-profit organizations. Completed hobbycraft projects may not be distributed to other inmate families or representatives.

(12) Toxic, Caustic or Flammable Materials.

(a) Toxic, caustic, or flammable materials will not be used by an inmate for any hobby craft program in any institution.

(b) All items used in the hobbycraft program will be maintained in accordance with current department tool and sensitive item control measures.

(13) Disposition.

(a) The Department will not be liable for lost, stolen, or damaged hobbycraft items.

(b) When an inmate is terminated from the program, his hobbycraft products will be disposed of in one of the following manners.

1. Completed items may be mailed home at the expense of the inmate;

2. Completed items may be donated to an agency or non-profit organization;

3. Materials and incomplete projects will be inventoried and boxed in accordance with Rule 33-602.201, F.A.C., and mailed out at the expense of the inmate.

4. The materials and incomplete projects may be donated to the department if the inmate is unable or unwilling to provide postage for mail-out.

5. Items may be discarded if determined by the wellness education specialist to be of no other use.

(c) Upon transfer to another institution, the materials will be inventoried and boxed in accordance with Rule 33-602.201, F.A.C., and either donated to the department or mailed home at the expense of the inmate.

Specific Authority 944.09, 946.25 FS. Law Implemented 944.09, 946.25 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Nimer
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2001

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
RULE CHAPTER NO.: 40D-1
RULE TITLE: Forms and Instructions
RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose of this amendment is to adopt the environmental resource permitting form entitled Statement of Proper Operation and Maintenance into the District Rules. The form will be incorporated by referenced into Rule 40D-1.659, Florida Administrative Code, in compliance with Section 120.55(1)(a)4., Florida Statutes.

SUMMARY: Forms which the District uses in dealings with the public must be formally adopted by rule, pursuant to Section 120.55(1)(a)4., Florida Statutes. The Statement of Proper Operation and Maintenance form is used to certify the periodic inspections of surface water management systems in accordance with District rules and permit conditions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rule 40D-1.659, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.216, 373.219, 373.229, 373.239, 373.413, 373.414, 373.416, 373.419, 373.421 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (19) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (13) No change.

(14) STATEMENT OF INSPECTION FOR PROPER OPERATION AND MAINTENANCE FORM NO. 04.10 R-023 (/02)

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.216, 373.219, 373.229, 373.239, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01, 11-29-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 27, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLES:	RULE NOS.:
How to Play FLORIDA LOTTO	53-28.001
FLORIDA LOTTO Drawings	53-28.002
FLORIDA LOTTO Prize Divisions	53-28.003
Determination of Prize Winners	53-28.035
FLORIDA LOTTO Odds of Winning	53-28.004
FLORIDA LOTTO Rules and Prohibitions	53-28.005
FLORIDA LOTTO Estimated Jackpot	53-28.006
FLORIDA LOTTO Payment Options	53-28.007

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update and clarify Chapter 53-28, FLORIDA LOTTO.

SUMMARY: The proposed rule amendments update Chapter 53-28 to reflect game changes made by emergency rule to FLORIDA LOTTO in October of 1999. The proposed rule amendments also add advance play provisions, streamline the drawing provisions in Rule 53-28.002, F.A.C. reflect an increase in the ticket cancellation period made by emergency rule in March of 2001, and clarify other provisions and features of the game.

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: 24.105(9)(a),(b),(c),(d),(e),(f), 24.115(1) FS.

LAW IMPLEMENTED: 24.105(9)(a),(b),(c),(d),(e),(f), 24.115(1), 24.116(1), 24.117(2), 24.124(1) 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: 9:00 a.m., April 23, 2002

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULES IS:

53-28.001 How to Play FLORIDA LOTTO.

(1) FLORIDA LOTTO is an on-line game in which pPlayers select six ~~(6)~~ numbers from a field of one ~~(1)~~ to fifty-three forty nine (49).

(2) Players may use a FLORIDA LOTTO play slip to make their selections. There are five panels on a play slip. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting six numbers from each panel played, or may mark the "Quick Pick" box for the terminal to randomly select one or more of the six numbers. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by an on-line retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player. Players can select their numbers by using a play slip, or may receive their numbers by using the Quick Pick feature.

(3) Players may play up to fifty-two consecutive FLORIDA LOTTO drawings by using the "advance play" feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel played. There are panels on a play slip. A player electing to use a play slip must select six (6) numbers from each panel played. Each panel played must contain six (6) number selections. Each panel played will cost one dollar (\$1.00).

~~(4) Players must use only blue or black ball point pen or pencil for making selections.~~

~~(5) Play slips must be processed by an on-line retailer in order to obtain a ticket.~~

~~(6) Retailers can enter numbers selected by a player manually.~~

Specific Authority ~~24.105(9)(a),(b),(h)~~ FS. Law Implemented ~~24.105(9)(a),(b),(h)~~ ~~24.115~~ FS. History--New 11-22-93, Amended

53-28.002 FLORIDA LOTTO Drawings.

(1) FLORIDA LOTTO drawings shall be conducted twice per week, on Wednesday and Saturday at least once per week.

(2) FLORIDA LOTTO drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing. The drawing machine used for each drawing shall be determined by random selection. An employee of the Lottery's Security Division shall select two (2) cards from a container holding a number of cards equivalent to the number of available drawing machines. Each card shall contain one (1) number which shall correspond to the number assigned to one (1) numbered drawing machine. The two (2) cards shall be drawn individually and handed individually to an accountant employed by an independent certified accounting firm. The machine corresponding to the number contained on the first card drawn shall be designated the primary drawing machine and the machine corresponding to the number contained on the second card drawn shall be designated the backup drawing machine. The backup drawing machine shall be used only when necessitated by equipment failure.

(3) The equipment (ball set and drawing machine) used in a FLORIDA LOTTO drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing. The ball set to be used in a drawing shall be determined by random selection. The Security employee shall select two (2) cards from a container holding a number of cards equivalent to the number of available ball sets. Each card shall contain one (1) number which shall correspond to the number assigned to one (1) numbered ball set. The two (2) cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The ball set corresponding to the number contained on the first card drawn shall be designated the primary ball set and the ball set corresponding to the number contained on the second card drawn shall be designated the backup ball set. The backup ball set shall be used only when necessitated by equipment failure. Each set contains forty nine (49) balls numbered one (1) through forty nine (49).

(4) ~~The equipment shall be configured so that six balls are drawn from one set of balls numbered one through fifty-three. The two (2) selected sets of balls are weighed and recorded. A set which does not fall within the manufacturer's weight tolerances for that set of balls shall be rejected and a replacement set selected using the procedures in (3) above.~~

(5) ~~Once the ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower. The primary set of balls is placed in the selected drawing machine and six (6) test drawings are conducted. If the balls fail the test twice, the backup set of balls is then placed in the drawing machine and six (6) test drawings are conducted on the backup set of balls. Failure shall mean that the same numbered ball is drawn four times in the six test drawings and two times in four additional test drawings. If both the primary and backup sets of balls fail the test drawings, a backup machine will be used with the backup ball sets and six (6) additional tests will be conducted. If the backup ball set fails the six (6) additional tests, another set of balls will be selected and procedures will be followed as set forth in paragraphs three (3) through five (5) until a ball set passes all required tests and procedures.~~

(6) ~~Six balls shall be drawn by vacuum action into the display devices. The numbers shown on the six balls, after certification by the Draw Manager and the Accountant, are the official winning numbers for the drawing. Once a set of balls has satisfactorily passed the required testing, the selected drawing machine is loaded by the Draw Manager, who randomly inserts the balls into the loading tubes.~~

(7) ~~In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in section (2). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity. The forty nine (49) balls in the loading tubes of the FLORIDA LOTTO machine are dropped into the mixing chamber and mixed by the action of an air blower.~~

(8) ~~The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers. Six (6) of the forty nine (49) balls are drawn by vacuum action into the six (6) display tubes. The numbers shown on the six (6) balls, after certification by the Draw Manager and the certified public accounting firm, are the official winning numbers for the drawing.~~

(9) ~~Each drawing is witnessed by an accountant employed by an independent certified public accounting firm who attests to the fairness of the drawing and the equipment used in the drawing.~~

(10) ~~Equipment used in each drawing is tested and inspected before and after each drawing and then secured. Ball sets used in each drawing are weighed and recorded before and after each drawing and then secured.~~

(11) ~~In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant referred to in subsection (9). In using such substitute procedures the Lottery shall strive to maintain the highest level of public confidence and integrity in FLORIDA LOTTO drawings.~~

(12) ~~The official winning numbers shall consist of those numbers selected in the official drawing conducted by the Lottery and certified by the designated Lottery Draw Manager and certified public accounting firm charged with witnessing the drawing. The official winning numbers shall be announced only after the numbers have been certified by the Draw Manager and certified public accounting firm to be the correct winning numbers. The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.~~

Specific Authority 24.105(9),~~(10)~~(d),(f) FS. Law Implemented 24.105(9),~~(10)~~(d),(f) FS. History—New 11-22-93, Amended _____.

53-28.003 FLORIDA LOTTO Prize Divisions.

(1) FLORIDA LOTTO is a pari-mutuel game. For each draw, ~~50~~ fifty percent (50%) of the gross revenue from the sale of FLORIDA LOTTO tickets in the corresponding FLORIDA LOTTO sales period sales in a FLORIDA LOTTO sales week shall be allocated as the winning pool for the payment of prizes as provided below the Jackpot, second prize, third prize and fourth prize. A player wins FLORIDA LOTTO by matching a single panel ("A", "B", "C", "D", or "E") of numbers in any order with three (3), four (4), five (5), or six (6) of the official winning FLORIDA LOTTO numbers selected from a field of one (1) through forty nine (49) for the draw date(s) for which the ticket was purchased.

(2) The Jackpot prize pool shall consist of ~~63.5~~ sixty seven percent (67%) of the winning pool for the drawing plus any Jackpot grand prize money carried forward from the previous draws. The Jackpot prize shall be divided equally among the number of players matching all six (6) official winning numbers. If there is ~~no~~ not a Jackpot winner in a drawing, the Jackpot pool shall be carried over and added to the Jackpot pool of the next FLORIDA LOTTO drawing.

(3) The second prize pool Second Prize shall consist of ~~12.3~~ five percent (5%) of the winning pool for the drawing. The second prize pool shall be divided equally among the number of players matching five (5) of the six (6) official winning numbers. If there is ~~no~~ not a winner in the second

prize category for a drawing, the second prize pool shall be carried over and added to the Jackpot ~~second~~ prize pool of the next FLORIDA LOTTO drawing.

(4) The third prize pool ~~Third Prize~~ shall consist of 10 ~~twelve~~ percent (12%) of the winning pool for the drawing. The third prize pool shall be divided equally among the ~~number of~~ players matching four (4) of the six (6) official winning numbers. If there is no winner in the third prize category for a drawing, the third prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(5) The fourth prize pool ~~Fourth Prize~~ shall consist of 14.2 ~~sixteen~~ percent (16%) of the winning pool for the drawing. The fourth prize pool shall be divided equally among the ~~number of~~ players matching three (3) of the six (6) official winning numbers. If there is no winner in the fourth prize category for a drawing, the fourth prize pool shall be carried over and added to the Jackpot prize pool of the next FLORIDA LOTTO drawing.

(6) Except for the Jackpot prize which will pay the exact amount, the second, third and fourth prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the fourth prize shall be no less than \$3.50. All rounding differences in the second, third and fourth prizes ~~shall~~ will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

Specific Authority 24.105(9)(40)(c), 24.115(1) FS. Law Implemented 24.105(9)(40)(c), 24.115(1) FS. History—New 11-22-93, Amended 7-31-95, 11-30-99, _____.

53-28.035 Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, or E) must match the official winning FLORIDA LOTTO numbers for the draw date for which the ticket was purchased. The prizes are set forth as follows:

- (1) Jackpot Prize: Six of six official winning numbers.
- (2) Second Prize: Five of six official winning numbers.
- (3) Third Prize: Four of six official winning numbers.
- (4) Fourth Prize: Three of six official winning numbers.

Specific Authority 24.105(9) FS. Law Implemented 24.105(9) FS. History—New _____.

(Substantial rewording of Rule 53-28.004 follows. See Florida Administrative Code for present text.)

53-28.004 FLORIDA LOTTO Odds of Winning.

The odds of winning the prizes described in Section 53-28.035, Florida Administrative Code are as follows:

- (1) Jackpot Prize – 1: 22,957,480.
- (2) Second Prize – 1: 81,409.50.
- (3) Third Prize – 1: 1,415.82.
- (4) Fourth Prize – 1: 70.79.

(5) The overall odds of winning a prize in a FLORIDA LOTTO drawing are 1: 67.36.

Specific Authority 24.105(9)(40) FS. Law Implemented 24.105(9)(40)(e) FS. History—New 11-22-93, Amended _____.

53-28.005 FLORIDA LOTTO Rules and Prohibitions.

(1) By purchasing a FLORIDA LOTTO ticket, ~~a the~~ player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(2) FLORIDA LOTTO prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011. The play slip is not a valid receipt.

(3) Tickets shall not be purchased by or sold to persons ~~minors~~ under the age of eighteen (18).

(4) Subject to a retailer's hours of operation and on-line system availability, FLORIDA LOTTO tickets are available for purchase between the hours of 6:00 a.m. and 10:40 p.m., Eastern Time (ET), on Wednesday and Saturday, and between the hours of 6:00 a.m. and midnight, ET, on Sunday, Monday, Tuesday, Thursday, and Friday. A FLORIDA LOTTO ticket can be cancelled by the retailer which sold the ticket within twenty (20) minutes after printing, except that no FLORIDA LOTTO ticket may be cancelled within ten (10) minutes of the scheduled FLORIDA LOTTO drawing relative to that ticket or after FLORIDA LOTTO sales are concluded each evening at midnight. No FLORIDA LOTTO ticket may be cancelled except through the optical mark reader.

(5) The scheduled time for the Wednesday and Saturday FLORIDA LOTTO drawings is approximately 11:00 p.m., ET. Ticket sales for a specific FLORIDA LOTTO drawing will close approximately twenty minutes prior to that drawing. A FLORIDA LOTTO ticket shall not be purchased any later than approximately ten (10) minutes prior to the FLORIDA LOTTO drawing.

(6) Retailer cancellations of FLORIDA LOTTO tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no FLORIDA LOTTO ticket shall be cancelled after game close for the related drawing. The two-hour cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FLORIDA LOTTO close of game. It is the responsibility of the player to determine the accuracy of selected panels of numbers on ticket(s). In the event that ticket(s) given to the player by the retailer contain selections which are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of the player by the "quick pick" method of number selection.

(7) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on tickets. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a ticket produced upon request of the player by the "quick pick" method of number selection.

Specific Authority 24.105(9)(j) ~~24.105(2)(a)2~~, FS. Law Implemented 24.105(9)(i), ~~24.105(2)(b)2~~, 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 11-22-93, Amended _____.

53-28.006 FLORIDA LOTTO Estimated Jackpot Pool.

~~For each drawing Each week~~ the Lottery will announce the estimated ~~deferred payment annuity~~ value of the Jackpot that can be won by a single player, based upon the estimated cash value of the Jackpot pool determined by projected and historical sales figures, current interest rates, and funds from rollovers, if any. ~~If the cash available in the Jackpot pool is insufficient to yield at least one million dollars over the designated annuity period for each winning ticket, the Lottery will pay the Jackpot winner or winners in cash. In the event the cash available in the Jackpot pool is insufficient to yield the announced estimated Jackpot value over the designated deferred payment period, the Lottery may add prize money rendered unclaimable by Section 24.115, Florida Statutes F.S., to the Jackpot pool to render it sufficient to yield the announced estimated Jackpot. Use of unclaimable prize money to increase the Jackpot pool for FLORIDA LOTTO shall only occur when the Lottery has determined in writing prior to the drawing that circumstances warrant the use of such funds to positively impact sales. Nothing in this rule shall be construed to prohibit a guaranteed Jackpot.~~

Specific Authority 24.105(9)(c) ~~24.115(4)~~ FS. Law Implemented 24.105(9)(4)(c)(e), 24.115(1)(f) FS. History—New 11-22-93, Amended 6-21-99, _____.

53-28.007 FLORIDA LOTTO Payment Options.

(1) ~~Effective for draw dates on and after October 24, 1998, P~~players can choose one ~~(1)~~ of two ~~(2)~~ payment options for receiving their portion of the FLORIDA LOTTO Jackpot prize. Payment options are "Cash Option" and "Annual Payment."

(2) Jackpot winners have sixty ~~(60)~~ days after the winning draw date to choose between the two payment options. Once the jackpot winner signs the Winner Claim Form and exercises the winner's chosen option, the election of that option shall be final. Winner Claim Form DOL-173-2, Revised 2/01 07/93, and Spanish Winner Claim Form DOL 173-S, Revised 2/01 Addendum B, Effective 10/21/98, are incorporated herein by reference and may be obtained from the Florida Lottery, Winner Validation, 250 Marriott Drive Capitol Complex, Tallahassee, Florida 32399-9939 4027. In order to select the

Cash Option, the Jackpot winner must claim his or her prize within sixty ~~(60)~~ days after the winning draw date, ~~otherwise,~~ If the Jackpot winner does not elect the Cash Option within sixty days after the winning draw date, the Annual Payment option will be applied, subject to the provisions of subsection 53-28.007(5), F.A.C.

(3) ~~A~~ Jackpot winner who chooses the Cash Option for payment will receive one lump sum cash payment of his or her portion of the amount in the Jackpot pool that is available immediately for investment, less applicable withholding taxes. ~~Cash Option prizes will be paid in one lump sum cash payment. The jackpot winner who chooses the Cash Option for payment will receive his or her portion of the amount in the jackpot pool that is available immediately for investment.~~

(4) ~~If a~~ Jackpot winner elects the Annual payment option, his or her portion of the amount in the Jackpot pool will be invested in U.S. Treasury securities covering a twenty-nine year period to provide an income stream to the winner of thirty equal annual installments, less applicable withholding taxes. The jackpot winner whose ticket, including an advance play ticket, was purchased prior to November 15, 1998, shall be paid in twenty (20) annual payments if:

- ~~(a) the~~ Jackpot winner elects the Annual Payment Option;
- ~~(b) the~~ Jackpot winner does not make an election within sixty (60) days after the winning draw date as provided in subsection (2); and

~~(c) the~~ cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in twenty (20) annual installments for each winning ticket.

(5) If the cash available in the Jackpot pool is insufficient to yield at least one million dollars over the designated deferred payment period for each winning ticket, the Lottery shall pay the Jackpot winner or winners in a single cash payment of their share of the amount in the Jackpot pool available immediately for investment, less applicable withholding taxes. The jackpot winner whose ticket, including an advance play ticket, was purchased on November 15, 1998, or thereafter shall be paid in thirty (30) annual payments if:

- ~~(a) the~~ Jackpot winner elects the Annual Payment Option;
- ~~(b) the~~ Jackpot winner does not make an election within sixty (60) days after the winning draw date as provided in subsection (2); and

~~(c) the~~ cash available in the Jackpot pool is sufficient to yield at least a total of one million dollars in thirty (30) annual installments for each winning ticket.

(6) Federal income taxes shall ~~will~~ be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(7) Any interest or earnings accrued on a FLORIDA LOTTO Florida Lotto Jackpot prize prior to the prize payment, under either the Cash Option or the Annual Payment Option, shall accrue to the State of Florida and not to the winner.

the primary drawing machine and the machine corresponding to the number contained on the second card drawn shall be designated the backup drawing machine. The backup drawing machine shall be used only when necessitated by equipment failure.

(3) The equipment (ball set and drawing machine) used in a FANTASY 5 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing. The ball set to be used in a drawing will be determined by random selection. The Security employee will select two (2) cards from a container holding a number of cards equivalent to the number of available ball sets. Each card will contain one (1) letter which will correspond to the letter assigned to one (1) lettered ball set. The two (2) cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The ball set corresponding to the letter contained on the first card drawn shall be designated the primary ball set and the ball set corresponding to the letter contained on the second card drawn shall be designated the backup ball set. The backup ball set shall be used only when necessitated by equipment failure. Each set contains twenty-six (26) balls numbered one (1) through twenty-six (26).

(4) The equipment shall be configured so that five balls are drawn from one set of balls numbered one through thirty-six. The two (2) selected sets of balls are weighed and the weights are recorded. A set which does not fall within the manufacturer's weight tolerances for that set of balls shall be rejected and a replacement set selected using the procedures in (3) above.

(5) Once a ball set has been selected and inspected, the selected drawing machine shall be loaded by the Draw Manager and the ball set mixed by the action of an air blower. The primary ball set is placed in the selected drawing machine and six (6) test drawings are conducted. If the balls fail the six (6) test drawings twice, the backup set of balls is then placed in the drawing machine and six (6) test drawings are conducted on the backup set of balls. Failure shall mean that the same numbered ball is drawn four times in the six test drawings and two times in four additional test drawings. If both the primary and backup sets of balls fail the test drawings, a backup machine will be used with the backup ball sets and six (6) additional tests will be conducted. If the backup ball set fails the six (6) additional tests, another set of balls will be selected and procedures will be followed as set forth in paragraphs three (3) through five (5) until a ball set passes all required tests and procedures.

(6) Five balls shall be drawn by vacuum action into the display devices. The numbers shown on the five balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing. Once a set of

balls has satisfactorily passed the required testing, the selected drawing machine is loaded by the Draw Manager, who randomly inserts the balls into the loading tubes.

(7) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in subsection (2). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity. The twenty-six (26) balls in the loading tubes of the FANTASY 5 machine are dropped into the mixing chamber and mixed by the action of an air blower.

(8) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers. Five (5) of the twenty-six (26) balls are drawn by vacuum action into a ball display device. Either display tubes or a display tray shall be used as the ball display device, dependent upon which draw machine is selected. The numbers shown on the five (5) balls, after certification by the Draw Manager and the certified public accounting firm, are the official winning numbers for the drawing.

(9) Each drawing is witnessed by an accountant employed by an independent certified public accounting firm who attests to the fairness of the drawing and the equipment used in the drawing.

(10) Equipment used in each drawing is tested and inspected before and after each drawing and then secured. Ball sets used in each drawing are weighed and recorded before and after each drawing and then secured.

(11) In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant referred to in subsection (9). In using such substitute procedures the Lottery shall strive to maintain the highest level of public confidence and integrity in FANTASY 5 drawings.

(12) The official winning numbers shall consist of those numbers selected in the official drawing conducted by the Lottery and certified by the designated Lottery Draw Manager and certified public accountant firm charged with witnessing the drawing. The official winning numbers shall be announced only after the numbers have been certified by the Draw Manager and certified public accounting firm to be the correct winning numbers. The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

Specific Authority ~~24.105(2)(a), 24.105(9)(4)(d),(f)~~ FS. Law Implemented ~~24.105(9)(4)(d),(f)~~ FS. History—New 11-22-93, Amended 6-21-99, 8-31-99, _____.

53-29.003 FANTASY 5 Prize Divisions.

(1) FANTASY 5 is a pari-mutuel game. For each draw, fifty percent (50%) of the gross revenue sales shall be allocated as the winning pool for the payment of the top prize Grand Prize, second prize and third prize. Free FANTASY 5 tickets issued as a fourth prize shall not be included in gross revenue calculations. A player wins FANTASY 5 by matching a single panel ("A", "B", "C", "D", or "E") of numbers in any order with three (3), four (4) or five (5) of the official winning FANTASY 5 numbers selected from a field of one (1) through twenty-six (26) numbers for the draw date(s) for which the ticket was purchased.

(2) The top prize pool Grand Prize shall consist of sixty-two percent (62%) ~~sixty percent (60%)~~ of the winning pool for the drawing plus any money carried forward from the previous draws. Prize money allocated to the top prize Grand Prize pool shall be divided equally among the players who match all five (5) official winning numbers. If there is no ~~not~~ a top prize Grand Prize winner in a drawing, the top prize Grand Prize pool shall roll down and be added to the second prize pool for that FANTASY 5 drawing be carried over and added to the Grand Prize pool of the next FANTASY 5 drawing.

(3) The second ~~Second~~ prize pool shall consist of ten percent (10%) of the winning pool for the drawing, plus any money rolled down from the top prize. The second prize pool shall be divided equally among the players matching four (4) of five (5) official winning numbers. If there is no ~~not~~ a winner in the second prize category for a drawing, the second prize pool shall be carried over and added to the top prize Grand Prize pool of the next FANTASY 5 drawing.

(4) The third ~~Third~~ prize pool shall consist of twenty-eight percent (28%) ~~thirty percent (30%)~~ of the winning pool for the drawing. The third prize pool shall be divided equally among the players matching three (3) of five (5) official winning numbers. If there is no ~~not~~ a winner in the third prize category for a drawing, the third prize pool is carried over and added to the top prize Grand Prize pool of the next FANTASY 5 drawing.

(5) A fourth prize shall consist of one free FANTASY 5 quick pick ticket (\$1.00 value), except as follows. A player who submits by mail a FANTASY 5 lottery ticket which entitles the claimant to a free FANTASY 5 quick pick ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket. Fourth prizes shall not utilize any portion of the winning pool for the drawing. A free FANTASY 5 quick pick ticket shall be for the next FANTASY 5 drawing after the ticket is validated. Except for the Grand Prize which will pay the exact amount, the second and third prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall be no less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

(6) Except for the top prize, which will pay the exact amount, cash prizes will be rounded down to the nearest fifty cents (\$.50); provided, however, that the third prize shall not be less than \$3.50. All rounding differences in the second and third prizes will be used to fund future prizes in Lottery games or for special Lottery prize promotions.

Specific Authority 24.105(9)(40)(c), 24.115(1) FS. Law Implemented 24.105(9)(40)(c), 24.115(1) FS. History—New 11-22-93, Amended 8-27-95, 11-30-99, _____.

53-29.035 Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket (A, B, C, D, or E) must match the official winning FANTASY 5 numbers for the draw date for which the ticket was purchased. The prizes are set forth as follows:

- (1) Top Prize: Five of five official winning numbers.
- (2) Second Prize: Four of five official winning numbers.
- (3) Third Prize: Three of five official winning numbers.
- (4) Fourth Prize: Two of five official winning numbers.

Specific Authority 24.105(9) FS. Law Implemented 24.105(9) FS. History—New _____.

(Substantial rewording of Rule 53-29.004 follows. See Florida Administrative Code for present text.)

53-29.004 FANTASY 5 Odds of Winning.

The odds of winning the prizes described above are as follows:

- (1) Top Prize – 1:376,992
- (2) Second Prize – 1:2,432.21
- (3) Third Prize – 1:81.07
- (4) Fourth Prize – 1:8.39
- (5) The overall odds of winning a prize in a FANTASY 5 drawing are 1:7.58.

Specific Authority 24.105(9)(40) FS. Law Implemented 24.105(9)(40)(e) FS. History—New 11-22-93, Amended _____.

53-29.005 FANTASY 5 Rules and Prohibitions.

(1) ~~By When~~ purchasing a ticket to play the FANTASY 5 ticket game, a the player agrees to comply with and abide by all rules and regulations of the Florida Lottery.

(2) FANTASY 5 prize payments shall be made in accordance with rules of the Florida Lottery governing procedures for awarding prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(3) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

(4) Subject to a retailer's hours of operation and on-line system availability, FANTASY 5 lottery tickets are available for purchase daily between the hours of 6:00 a.m. and midnight, Eastern Time (ET). A FANTASY 5 ticket can be cancelled by the retailer which sold the ticket within twenty (20) minutes after printing, except that no FANTASY 5 ticket shall be cancelled within ten (10) minutes of the scheduled

~~FANTASY 5 drawing relative to that ticket or after FANTASY 5 sales are concluded each evening at midnight. No FANTASY 5 ticket may be cancelled except through the optical mark reader.~~

(5) The scheduled time for the daily FANTASY 5 drawing is approximately 11:15 p.m., ET. Ticket sales for a specific FANTASY 5 drawing will close approximately thirty-five minutes prior to that drawing. Any ticket sold after the close of game will be printed with the next FANTASY 5 draw date. A FANTASY 5 ticket shall not be purchased for a specific drawing any later than ten (10) minutes prior to the drawing.

(6) Retailer cancellations of FANTASY 5 tickets can only be performed by the retailer who sold the ticket, using the selling terminal's optical mark reader, and within two hours after printing, except that no FANTASY 5 ticket can be cancelled after game close for the related drawing and no fourth prize (free FANTASY 5 quick pick ticket) can be cancelled at any time. The two-hour ticket cancellation period may be reduced due to the selling retailer's hours of business operation, the hours of on-line system availability, or the time of the related FANTASY 5 close of game. It is the responsibility of the player to determine the accuracy of selected panels of numbers on ticket(s). In the event that ticket(s) given to the player by the retailer contain selections which are not consistent with the player's selections, the player should immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel a ticket. A retailer is not required to cancel a ticket which is produced upon request of the player by the "quick pick" method of number selection.

(7) It is the responsibility of the player to determine the accuracy of selected panels of numbers and draw date(s) on a ticket. In the event that a ticket given to the player by the retailer contains selections that are not consistent with the player's selections, it shall be the responsibility of the player to immediately advise the retailer of that fact. In such event and upon request of the player within the time period specified herein, the retailer shall make a good faith effort to cancel the ticket. A retailer is not required to cancel a cancelable FANTASY 5 ticket produced upon request of the player by the quick pick method of number selection.

Specific Authority ~~24.105(9)(i) 24.105(2)(a)2,~~ FS. Law Implemented ~~24.105(9)(i) 24.105(2)(b)2,~~ 24.115(1), 24.116(1), 24.117(2), 24.124(1) FS. History—New 11-22-93, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLES: How to Play CASH 3
CASH 3 Drawings

RULE NOS.: 53-30.001
53-30.002

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update provisions relating to How to Play CASH 3 and CASH 3 Drawings.

SUMMARY: The proposed rule amendments add advance play provisions to Rule 53-30.001, F.A.C., and also clarify other provisions and features of the game. The proposed rule amendments also reflect in permanent form, changes made to Rule 53-30.002, F.A.C., by emergency rule in December of 2001.

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: 24.105(9)(a),(b),(c),(d),(f),(h),(j) FS.

LAW IMPLEMENTED: 24.105(9)(a),(b),(c),(d),(f),(h),(j) 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: 9:00 a.m., April 23, 2002
PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULES IS:

53-30.001 How to Play CASH 3.

(1) CASH 3 is an on-line ~~three (3)~~ digit game in which a player must select any three digit number from 000 to 999 inclusive. The digits may be the same or different; for example, 111, 122, and 123 are all valid selections.

(2) Players may choose play amounts of \$.50 or \$1.00 per number selection, per drawing, for a total of \$.50, \$1.00, \$1.50, \$3.00, or \$6.00, depending upon the play type selected and number of combinations covered. Each play costs \$.50, \$1.00, \$1.50, \$3.00 or \$6.00.

(3) Players may make their CASH 3 ticket selections by using a play slip to mark their selections or by telling the retailer their desired selections.

(a) There are five panels on a play slip. Players electing to use a play slip to make their CASH 3 selections must mark the play type, play amount and three numbers (or mark the "Quick Pick" box for the on-line terminal to randomly select one or

more of the three numbers) for each panel played. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by an on-line retailer in order to obtain a ticket.

(b) Players electing to make their CASH 3 ticket selections by telling the retailer may specify the play type, play amount, and their three desired number selections (or tell the retailer they desire to use the quick pick feature for the on-line terminal to randomly select one or more of the three numbers). The on-line terminal defaults to straight play and to a 50-cent play amount if the play type and play amount are not specified by the player in conjunction with the selection of the quick pick feature.

~~(4) A player who selects the combo play type and who elects to use the quick pick feature will not be able to select the total cost of the ticket. The total cost will be determined by whether the quick pick numbers selected by the on-line terminal comprise a 3-way combo or 6-way combo play type as described below. After the player has given the on-line retailer his or her selection(s) for processing, the on-line retailer will enter the player's selection(s) into the terminal. However, the player may elect to have the Lottery's on-line computer terminal randomly "quick pick" the player's selection(s). A player electing the "quick pick" feature to select a combination play as described above will not be able to select the total cost of the ticket. The terminal shall produce the player's CASH 3 ticket(s).~~

~~(5) A player who selects either the box play type or the straight/box play type and elects to use the quick pick feature will not be able to select the type of box play. The type of box play will be determined by whether the quick pick numbers selected by the on-line terminal comprise a 3-way or 6-way box combination as described below.~~

(6) Players may play future drawings within a seven-day period by using the "advance play" feature. To use the advance play feature, players may either mark the play slip or tell the retailer the advance play selections they desire. For purposes of this subsection (6), a seven-day period begins on the date of the next scheduled CASH 3 drawing and continues through the next six consecutive days. The advance play options are described more fully in paragraphs (a) and (b) below.

(a) Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings only. Players shall mark the desired number of consecutive drawings in the "Days" section of the play slip. The number of consecutive drawings marked will include the next available drawing and will apply to each panel played.

(b) Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one of the following advance play parameters:

1. Any single day in a seven-day period;
2. Any two non-consecutive days in a seven-day period;

3. Any two or more consecutive days in a seven-day period.

(c) Notwithstanding the provisions set forth in paragraphs (a) and (b) above, after the game closes for the current draw date, an advance play ticket for an entire seven-day play period cannot be purchased until the next day.

~~(7)(3) CASH 3 can be played and won as follows:~~

(a) "Straight" play. In a straight play, if a player's digits are drawn in the exact order as they were chosen by the player, the player wins \$250.00 for a 50-cent play or \$500 for a \$1.00 play.

1. A "3-way ~~combo combination~~" is a play in which the player has selected a number with two (2) identical digits. The ~~combo combination~~ involves three (3) straight play combinations; for example, a 122 ~~combo combination~~ covers the combinations 122, 212, and 221. A "3-way ~~combo combination~~" pays \$250 for a \$1.50 play (\$.50 per combination) or \$500 for a \$3.00 play (\$1.00 per combination).

2. A "6-way ~~combo combination~~" is a play in which the player has selected a number in which all three (3) digits are different. The ~~combo combination~~ involves six (6) straight play combinations; for example, a 123 ~~combo combination~~ covers the combinations 123, 132, 213, 231, 312, and 321. A "6-way ~~combo combination~~" pays \$250 for a \$3.00 play (\$.50 per combination) or \$500 for a \$6.00 play (\$1.00 per combination).

(b) "Box" play. A box play allows a player to win if the player's selections are drawn in any order.

1. A "3-way ~~box Box-3~~" is a play in which the player has selected a number with two (2) identical digits. Therefore, the play involves three (3) combinations; for example, a 122 box covers the combinations 122, 212, and 221, and pays a winner \$80.00 for a 50-cent play or \$160.00 for a \$1.00 play.

2. A "6-way ~~box Box-6~~" is a play in which the player has selected a number in which all three (3) digits are different. Therefore, the play involves six (6) combinations; for example, a 123 box covers the combinations 123, 132, 213, 231, 312, and 321, and pays a winner \$40.00 for a 50-cent play or \$80.00 for a \$1.00 play.

(c) "Straight and Box" play. A player may also choose a "straight and box" for \$1.00, which combines a 50-cent straight play and a 50-cent box play.

1. A "Straight and ~~3-way box Box-3~~" play pays a winner \$330.00 if a player's digits are drawn in the exact order as printed on the player's ticket, or \$80.00 if the player's digits are drawn in any other order.

2. A "Straight and ~~6-way box Box-6~~" play pays a winner \$290.00 if a player's digits are drawn in the exact order as printed on the ticket, or \$40.00 if the player's digits are drawn in any order.

(d) A "Front Pair" play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the first two (2) numbers drawn by the Lottery.

(e) A "Back Pair" play allows a player to select only two (2) digits and pays \$25.00 for a 50-cent play or \$50.00 for a \$1.00 play if the two (2) digits as printed on the ticket match, in exact order, the last two (2) numbers drawn by the Lottery.

~~(8)(5)~~ A liability limit of \$10 million is established for CASH 3. When the play of a particular three digit number for a drawing reaches the Lottery's CASH 3 liability limit of \$10 million, no further ticket sales for any type of play that would involve that three digit number will be allowed for that drawing. In addition, no Front Pair or Back Pair play that involves the first two or last two digits, respectively, of the three digit number will be allowed for that drawing.

Specific Authority 24.105(9), ~~(49)(a),(b),(c),(h),(j)~~ FS. Law Implemented 24.105(9), ~~(49)(a),(b),(c),(h),(j)~~—24.115(1) FS. History—New 11-22-93, Amended 9-12-01, _____.

53-30.002 CASH 3 Drawings.

(1) No change.

(2) CASH 3 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing. The three (3) drawing machines used for each CASH 3 drawing will be determined by random selection. An employee of the Lottery's Security Division will select three (3) cards from a container holding a number of cards equivalent to the number of available machines. Each card will contain one (1) number which will correspond to one (1) numbered drawing machine. The three (3) cards shall be drawn one (1) at a time and handed one at a time to an accountant employed by an independent certified public accounting firm. The first card drawn shall be designated "A". The second card drawn shall be designated "B". The third card drawn shall be designated "C". The machines corresponding to the numbers on the designated cards will be the three (3) drawing machines used for the CASH 3 drawing. The alternate drawing machine chosen for the PLAY 4 game shall be designated as the alternate drawing machine for CASH 3.

(3) The equipment (ball set(s) and drawing machine(s)) used in a CASH 3 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing. The ball sets to be used in the drawing will be determined by random selection. The Security employee will select three (3) cards from a container holding a number of cards equivalent to the number of available ball sets. Each card will contain one (1) number which will correspond to the number assigned to one (1) numbered ball set. The three (3) cards shall be drawn one (1) at a time and handed one at a time to an accountant employed by

~~an independent certified public accounting firm. The ball set corresponding to the number contained on the first card drawn shall be designated as ball set "A". The ball set corresponding to the number contained on the second card drawn shall be designated as ball set "B". The ball set corresponding to the number contained in the third card drawn shall be designated as ball set "C". The alternate ball set chosen for the PLAY 4 game shall be designated as ball set "ALT" (alternate). The alternate ball set will be used only when necessitated by equipment failure. Each ball set contains ten (10) balls numbered zero (0) through nine (9).~~

(4) The equipment shall be configured so that one ball is drawn from each of three units of balls numbered zero through nine. The four (4) selected sets of balls are weighed and recorded. A set which does not fall within the manufacturer's weight tolerances for that set of balls shall be rejected and a replacement set selected using the procedures in (3) above.

(5) Once the ball set(s) has been selected and inspected, the selected drawing machine(s) shall be loaded by the Draw Manager and the ball set(s) mixed by the action of an air blower. Ball set "A" is placed in drawing machine "A", ball set "B" in drawing machine "B", and ball set "C" in drawing machine "C". Six (6) test drawings are conducted for each ball set. If the balls fail the test twice, the alternate set of balls is placed in the drawing machine and six (6) test drawings are conducted on the alternate set of balls. Failure shall mean that the same numbered ball is drawn four times in the six test drawings and two times out of four additional test drawings. If more than one (1) ball set fails the test drawings, the Security employee shall select additional ball sets by following the procedures set forth in subparagraphs (3) through (5) until a ball set passes all required tests and procedures.

(6) Three balls shall be drawn by vacuum action, one each into three separate display devices. The numbers shown on the three balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing. Once three (3) sets of balls have satisfactorily passed the required testing, the three (3) selected drawing machines are loaded by the Draw Manager, who randomly loads the assigned set of balls into the loading tube on each designated machine.

(7) In the event a malfunction in the drawing procedures occurs, or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in subsection (2). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity. The ten (10) balls numbered zero (0) through nine (9) in the loading tube of each of the three CASH 3 machines are dropped into the mixing chamber and mixed by the action of an air blower.

~~(8) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers. One (1) of the ten (10) balls in each machine is drawn by vacuum action into the display tube of each of the three (3) machines, commencing with drawing machine "A" and followed in order by drawing machines "B" and "C". The numbers shown on the three (3) balls, in the order drawn, after certification by the Draw Manager and the certified public accounting firm, are the official winning numbers for that drawing.~~

~~(9) Each drawing is witnessed by an accountant employed by an independent certified public accounting firm who attests to the fairness of the drawing and the equipment used in the drawing.~~

~~(10) Equipment used in each drawing is tested and inspected before and after each drawing and then secured. Ball sets used in each drawing are weighed and recorded before and after each drawing.~~

~~(11) In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant referred to in subsection (9). In using such substitute procedures the Lottery shall strive to maintain the highest level of public confidence and integrity in CASH 3 drawings.~~

~~(12) The official winning numbers shall consist of those numbers selected in the official drawing conducted by the Lottery and certified by the designated Lottery Draw Manager and certified public accounting firm charged with witnessing the drawing. The official winning numbers shall be announced only after the numbers have been certified by the Draw Manager and certified public accounting firm to be the correct winning numbers. The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.~~

Specific Authority ~~24.105(9), (40)~~(d),(f) FS. Law Implemented ~~24.105(9), (40)~~(d),(f) FS. History—New 11-22-93, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLES: How to Play PLAY 4
PLAY 4 Drawings

RULE NOS.: 53-31.001
53-31.002

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update provisions relating to How to Play PLAY 4 and PLAY 4 Drawings.

SUMMARY: The proposed rule amendments add advance play provisions to Rule 53-31.001, F.A.C., and also clarify other provisions and features of the game. The proposed rule amendments also reflect in permanent form, changes made to Rule 53-31.002, F.A.C., by emergency rule in December of 2001.

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: 24.105(9)(a),(b),(c), (d),(f),(h),(j) FS.

LAW IMPLEMENTED: 24.105(9)(a),(b),(c),(d),(f),(h),(j) 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: 9:00 a.m., April 23, 2002

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULES IS:

53-31.001 How to Play PLAY 4.

(1) PLAY 4 is an on-line ~~four (4) digit~~ game in which a player must select any four (4) digit number from 0000 through 9999 inclusive. The digits may be the same or different; for example, 1111, 1212, and 1348 are all valid selections.

(2) ~~Players may choose play amounts of \$.50 or \$1.00 per play, per drawing. Each play costs either 50 cents or \$1.00.~~

(3) Players may make their PLAY 4 ticket selections by marking a play slip or by telling the retailer their desired selections.

(a) There are five panels on a play slip. Players electing to use a play slip to make their PLAY 4 ticket selections must mark the play type, play amount, and four numbers (or mark the "Quick Pick" box for the on-line terminal to randomly select one or more of the four numbers) for each panel played.

Players must use only blue or black ink or pencil for making selections. Play slips must be processed by an on-line retailer in order to obtain a ticket.

(b) Players electing to make their PLAY 4 ticket selections by telling the retailer may specify to the retailer the play type, play amount and their four desired number selections (or tell the retailer they desire to use the quick pick feature for the on-line terminal to randomly select one or more of the four numbers). The on-line terminal defaults to straight play and to a 50-cent play amount if the play type and play amount are not specified by the player in conjunction with the selection of the quick pick feature.

~~(4) A player who selects the box play type, as described below, and who elects to use the quick pick feature will not be able to select the type of box play. The type of box play will be determined by whether the quick pick numbers selected by the on-line terminal comprise a 4-way box, 6-way box, 12-way box, or 24-way box combination as described below. After the player has given the on-line retailer his or her selection(s) for processing, the on-line retailer will enter the player's selection(s) into the terminal. However, the player may elect to have the Lottery's on-line computer terminal randomly "quick pick" the player's selection(s). A player electing the "quick Pick" feature to select a combination play as described above will not be able to select the total cost of the ticket. The terminal shall produce the player's PLAY 4 ticket(s).~~

(5) Players may play future drawings within a seven-day period by using the "advance play" feature. To use the advance play feature, players may either mark the play slip or tell the retailer the advance play selections they desire. For purposes of this subsection (5), a seven-day period begins on the date of the next available PLAY 4 drawing and continues through the next six consecutive days. The advance play options are described more fully in paragraphs (a) and (b) below.

(a) Advance Play by Play Slip. Advance play selections made on a play slip are for consecutive drawings only. Players shall mark the number of consecutive drawings in the "Days" section of the play slip. The number of consecutive drawings marked will include the next available drawing and will apply to each panel played.

(b) Advance Play by Telling the Retailer. Players shall specify to the retailer their desired selections in one of the following advance play parameters:

1. Any single day in a seven-day period;
2. Any two non-consecutive days in a seven-day period;
3. Any two or more consecutive days in a seven-day period.

(c) Notwithstanding the provisions set forth in paragraphs (a) and (b) above, after the game closes for the current draw date, an advance play ticket for an entire seven-day play period cannot be purchased until the next day.

(6)(3) PLAY 4 can be played and won as follows:

(a) "Straight" play. In a straight play, if a player's digits are drawn in the exact order as they were chosen by the player, the player wins \$2,500 for a 50-cent play or \$5,000 for a \$1.00 play.

(b) "Box" play. A "box" play allows a player to win if the player's selections are drawn in any order.

1. A "4-way box" is a play in which the player has selected a number with three (3) identical digits. Therefore, the play involves four (4) combinations; for example, a 1112 box covers the combinations 1112, 1121, 1211 and 2111, and pays a winner \$599 for a 50-cent play or \$1,198 for a \$1.00 play.

2. A "6-way box" is a play in which the player has selected a number with pairs of two (2) unique digits numbers. Therefore, the play involves six (6) combinations; for example, a 1122 box covers the combinations 1122, 1212, 1221, 2112, 2121, and 2211, and pays a winner \$400 for a 50-cent play or \$800 for a \$1.00 play.

3. A "12-way box" is a play in which the player has selected a number with two (2) identical digits. Therefore, the play involves twelve (12) combinations; for example, a 1123 box covers the combinations 1123, 1132, 1213, 1231, 1312, 1321, 2113, 2131, 2311, 3112, 3121, and 3211, and pays a winner \$200 for a 50-cent play or \$400.00 for a \$1.00 play.

4. A "24-way box" is a play in which the player has selected a number with four (4) unique digits. Therefore, the play involves twenty-four (24) combinations; for example, a 1234 box covers the combinations 1234, 1243, 1324, 1342, 1423, 1432, 2134, 2143, 2314, 2341, 2413, 2431, 3124, 3142, 3214, 3241, 3412, 3421, 4123, 4132, 4213, 4231, 4312, and 4321, and pays a winner \$100 for a 50-cent play or \$200 for a \$1.00 play.

~~(7)(5)~~ A liability limit of \$5 million is established for PLAY 4. When the play of a particular four digit number for a drawing reaches the Lottery's PLAY 4 liability limit of \$5 million, no further ticket sales for any type of play that would involve that four digit number will be allowed for that drawing.

Specific Authority 24.105(9)(10)(a),(b),(c),(h),(j) FS. Law Implemented 24.105(9)(10)(a),(b),(c),(h),(j), 24.115 FS. History—New 11-22-93, Amended 9-12-01, _____.

53-31.002 PLAY 4 Drawings.

(1) No change.

(2) PLAY 4 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm ("Accountant") who shall certify to the integrity, security, and fairness of each drawing. The four (4) drawing machines used for each PLAY 4 drawing will be determined by random selection. An employee of the Lottery's Security Division will select five (5) cards from a container holding a number of cards equivalent to the number of available machines. Each card will contain one (1) number which will correspond to one (1) numbered drawing machine. The five (5) cards shall be drawn individually and handed individually to an accountant employed by an independent

certified public accounting firm. The first card drawn shall be designated "D". The second card drawn shall be designated "E". The third card drawn shall be designated "F". The fourth card drawn shall be designated "G". The machines corresponding to the numbers on the designated cards will be the four (4) drawing machines used for the PLAY 4 drawing. The fifth envelope drawn shall be designated "ALT" (alternate). The alternate machine shall be used only when necessitated by equipment failure. The alternate machine will be used as the alternate machine for CASH 3.

(3) The equipment (ball set(s) and drawing machine(s)) used in a PLAY 4 drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing. The ball sets to be used in the drawing will be determined by random selection. The Security employee will select five (5) cards from a container holding a number of cards equivalent to the number of available ball sets. Each card will contain one (1) number which will correspond to the number assigned to one (1) numbered ball set. The five (5) cards shall be drawn one (1) at a time and handed individually to an accountant employed by an independent certified public accounting firm. The ball set corresponding to the number contained on the first card drawn shall be designated as ball set "D". The ball set corresponding to the number contained on the second card drawn shall be designated as ball set "E". The ball set corresponding to the number contained on the third card drawn shall be designated as ball set "F". The ball set corresponding to the number contained on the fourth card drawn shall be designated as ball set "G". The ball set corresponding to the number contained on the fifth card drawn shall be designated as ball set "ALT" (alternate). This alternate ball set will be used as the alternate ball set in the CASH 3 drawing. The alternate ball set shall be used only when necessitated by equipment failure. Each ball set contains ten (10) balls numbered zero (0) through nine (9).

(4) The equipment shall be configured so that one ball is drawn from each of four units of balls numbered zero through nine. The five (5) selected sets of balls are weighed and the weights are recorded. A set which does not fall within the manufacturer's weight tolerances for that set of balls shall be rejected and a replacement set selected using the procedures in (3) above.

(5) Once the ball set(s) has been selected and inspected, the selected drawing machine(s) shall be loaded by the Draw Manager, and the ball set(s) mixed by the action of an air blower. Ball set "D" is placed in drawing machine "D", ball set "E" in drawing machine "E", ball set "F" in drawing machine "F" and ball set "G" in drawing machine "G". Six (6) test drawings are conducted for each ball set. If a ball set fails the tests twice, the alternate set of balls is placed in the drawing machine and six (6) test drawings are conducted on the alternate set of balls. Failure shall mean that the same

numbered ball is drawn four times in the six test drawings and two times out of four additional test drawings. If more than one (1) ball set fails the test drawings, the Security employee shall select additional ball sets by following the procedures set forth in subparagraphs (3) through (5) until a ball set passes all required tests and procedures.

(6) Four balls shall be drawn by vacuum action, one each into four separate display devices. The numbers shown on the four balls, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing. Once four (4) sets of balls have satisfactorily passed the required testing, the four (4) selected drawing machines are loaded by the Draw Manager, who randomly loads the assigned set of balls into the loading tube on each designated machine.

(7) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in subsection (2). In using such substitute procedures the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity. The ten (10) balls numbered zero (0) through nine (9) in the loading tube of each of the four (4) PLAY 4 machines are dropped into the mixing chamber and mixed by the action of an air blower.

(8) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers. One (1) of the ten (10) balls in each machine is drawn by vacuum action into the display tube of each of the four (4) machines, commencing with drawing machine "D" and followed in order by drawing machines "E", "F" and "G". The numbers shown on the four (4) balls, in the order drawn, after certification by the Draw Manager and the certified public accounting firm, are the official winning numbers for that drawing.

(9) Each drawing is witnessed by an accountant employed by an independent certified public accounting firm who attests to the fairness of the drawing and the equipment used in the drawing.

(10) Equipment used in each drawing is tested and inspected before each drawing. Ball sets used in each drawing are weighed and the weights are recorded before and after each drawing.

(11) In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant referred to in subsection (9). In using such substitute procedures the Lottery shall strive to maintain the highest level of public confidence and integrity in PLAY 4 drawings.

~~(12) The official winning numbers shall consist of those numbers selected in the official drawing conducted by the Lottery and certified by the designated Lottery Draw Manager and certified public accounting firm charged with witnessing the drawing. The official winning numbers shall be announced only after the numbers have been certified by the Draw Manager and certified public accounting firm to be the correct winning numbers. The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.~~

Specific Authority 24.105(9)(d),(f) FS. Law Implemented 24.105(9)(d),(f) FS. History—New 11-22-93, Amended _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLES: How to Play MEGA MONEY
MEGA MONEY Drawings

RULE NOS.: 53-32.001
53-32.002

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update and clarify provisions regarding How to Play MEGA MONEY and MEGA MONEY Drawings.

SUMMARY: The proposed rule amendments add advance play provisions to Rule 53-32.001, F.A.C., and also clarify other provisions and features of the game. The proposed rule amendments also streamline the drawing provisions in Rule 53-32.002, F.A.C.

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: 24.105(9)(a),(b),(d),(f),(h) FS.

LAW IMPLEMENTED: 24.105(9)(a),(b),(d),(f),(h) 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: 9:00 a.m., April 23, 2002

PLACE: Department of the Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011, (850)487-7724

THE FULL TEXT OF THE PROPOSED RULES IS:

53-32.001 How to Play MEGA MONEY.

(1) MEGA MONEY is an on-line game in which pPlayers select four numbers from a field of one through thirty-two and one Mega Ball number from a separate field of one through thirty-two.

(2) Players may use a MEGA MONEY play slip to make their selections. There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$1.00 per drawing. Players may mark their desired numbers on the play slip by selecting five numbers (four in the upper play area and one in the lower play area) from each panel played, or may mark the “Quick Pick” box for the terminal to randomly select any or all of the five numbers from either or both play areas. Players must use only blue or black ink or pencil for making selections. Play slips must be processed by an on-line retailer in order to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player. Each panel played must contain five number selections: four in the upper play area and one in the lower play area. Each panel played will cost one dollar per draw.

(3) Players may play up to ten consecutive MEGA MONEY drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the Advance Play section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive advance drawings selected shall apply to each panel played. Player must use only blue or black ballpoint pen or pencil for making selections.

(4) Play slips must be processed by an on-line retailer in order to obtain a ticket.

(5) Players can select their numbers by using a play slip, or may mark the “quick pick” box and the computer will randomly select any or all of the numbers from either or both play areas.

(6) Retailers can manually enter numbers selected by a player.

Specific Authority 24.105(9)(a),(b),(h) FS. Law Implemented 24.105(9)(a),(b),(h) FS. History—New 2-20-00, Amended _____

53-32.002 MEGA MONEY Drawings.

(1) No change.

(2) MEGA MONEY drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm (“Accountant”) who shall certify to the integrity, security, and fairness of each drawing. The drawing machine used for each drawing shall be

determined by random selection. An employee of the Lottery's Security Division (the "Draw Manager") shall select two cards from a number of cards equal to the number of available drawing machines. Each card shall contain one number which shall correspond to the number assigned to one numbered drawing machine. The two cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The machine corresponding to the number contained on the first card drawn shall be designated the primary drawing machine and the machine corresponding to the number contained on the second card drawn shall be designated the backup drawing machine. The backup drawing machine shall be used only when necessitated by equipment failure.

(3) The equipment (one ball set and one drawing machine) used in a MEGA MONEY drawing shall be determined by random selection and shall be inspected by an employee of the Florida Lottery's Security Division ("Draw Manager") and the Accountant before and after each drawing. The ball set to be used in a drawing will be determined by random selection. The Draw Manager will select two cards from a number of cards equal to the number of available ball sets. Each card will contain one number which will correspond to the number assigned to one numbered ball set. The two cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The ball set corresponding to the number contained on the first card drawn shall be designated the primary ball set and the ball set corresponding to the number contained on the second card drawn shall be designated the backup ball set. The backup ball set shall be used only when there is question as to the reliability of the primary ball set. Each set contains sixty-four balls comprised of one set of balls numbered one through thirty-two and the MEGABALL set numbered one through thirty-two.

(4) Each ball set contains sixty-four balls comprised of two subsets of thirty-two balls each. Balls in each subset are numbered one through thirty-two. Each MEGA MONEY drawing machine contains two separate mixing chambers and two ball display devices. The primary ball set is weighed and the weight is recorded. A primary ball set which does not fall within the manufacturer's weight tolerances shall be rejected and the backup ball set is weighed using the procedures herein.

(5) Once a set of balls has been selected and inspected, the selected MEGA MONEY drawing machine shall be loaded by the Draw Manager by placing each subset of thirty-two balls into its mixing chamber. The two subsets of balls shall be mixed by the action of an air blower. The primary ball set is placed in the primary drawing machine and six test drawings are conducted, using the following testing criteria. If the same numbered ball is drawn four times in the six test drawings, four additional test drawings are conducted. If the same numbered ball is drawn two times in the four additional test drawings, the primary ball set is rejected. The backup ball set is weighed, and

if it falls within the manufacturer's weight tolerance, is placed in the primary drawing machine and tested using the testing criteria. If both the primary and backup ball sets fail the test drawings, the backup drawing machine will be used with the backup ball set and additional tests will be conducted. If the backup ball set fails the additional tests, another ball set will be selected and procedures will be followed as set forth in subsections (3), (4), and (5) until a ball set passes all required tests and procedures.

(6) Four balls from one subset of thirty-two balls and one MEGABALL from the other subset of thirty-two balls are drawn by vacuum action into their respective display device. The numbers shown on the four balls and the number shown on the MEGABALL, after certification by the Draw Manager and the Accountant, shall be the official winning numbers for the drawing. Once a ball set has satisfactorily passed the required testing, the selected drawing machine is loaded by the Draw Manager, who randomly inserts the balls into the loading tubes.

(7) In the event a malfunction in the drawing procedures occurs or the drawing equipment malfunctions, the Florida Lottery shall use such substitute procedures as are fair and effective to perform the drawing. Such substitute procedures shall be determined in consultation with the Accountant referred to in subsection (2). In using such substitute procedures, the Florida Lottery shall strive to maintain the highest level of public confidence, security and integrity. The two units of thirty-two balls each, located in the loading tubes of the MEGA MONEY machine are dropped into their respective mixing chambers and mixed by the action of an air blower.

(8) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official winning numbers. Four balls from the first unit of thirty-two balls and one MEGABALL from the second unit of thirty-two balls are drawn by vacuum action into the display tubes. The numbers shown on the four balls from the first unit and the number shown on the one MEGABALL from the second unit are the official winning numbers for the drawing after certification by the Lottery Draw Manager and the accountant employed by the independent certified public accounting firm.

(9) Each drawing is witnessed by an accountant employed by an independent certified public accounting firm who certifies that all drawing procedures have been followed.

(10) Equipment used in each drawing is tested and inspected before and after each drawing and then secured. Ball sets used in each drawing are weighed and recorded before and after each drawing and then secured.

(11) In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant

referred to in subsection (9). In using such substitute procedures, the Lottery shall strive to maintain the highest level of public confidence and integrity in MEGA MONEY drawings.

(12) The Lottery shall not be responsible for incorrect circulation, publication or broadcast of the official winning numbers.

Specific Authority 24.105(9)(10)(d),(f) FS. Law Implemented 24.105(9)(10)(d),(f) FS. History--New 2-20-00, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane D. Schmidt, Office of the General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth H. Hart, Jr. General Counsel

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 4, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE TITLE: Medicaid Contracts for Prepaid Health Plans RULE NO.: 59G-8.100

PURPOSE AND EFFECT: The purpose of this rule is to amend subsection (17) of Rule 59G-8.100, Florida Administrative Code, related to reimbursement for prepaid health plans. The proposed rule implements the provisions specified in Section 409.9124, Florida Statutes, requiring the Agency to adopt by rule a methodology for reimbursing managed care plans under contract with the Agency to provide services to Medicaid eligible subscribers.

SUMMARY: The proposed rule and the attachment incorporated by reference herein, delineate the payment methodology to be used by the Agency in calculating the monthly capitation payment paid by the Agency to the managed care organization per member for each of the various eligibility categories, by age group, for all covered services required by each member during the month. The methodology proposed is based on the recommendations prepared by the consulting firm of Milliman & Roberts.

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

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

SPECIFIC AUTHORITY: 409.919, 409.9124 FS.

LAW IMPLEMENTED: 409.9124(1) FS.

Written comments or suggestions on the proposed rule may be submitted to the Bureau of Managed Care within 21 days of the date of this notice for inclusion in the record of the proceeding.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 1:00 p.m., April 22, 2002

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room E, 2727 Mahan Drive, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the hearing, please advise the Agency at least 5 calendar days before the hearing by contacting: Jane Ross, (850)922-6830.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elfie Stamm, Bureau of Managed Health Care, 2727 Mahan Drive, Building 1, Mail Stop 26, Tallahassee, Florida 32308, phone (850)922-6830

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.100 Medicaid Contracts for Prepaid Health Plans.

(1) through (16) No change.

(17) Payment Methodology for Covered Services. Capitation payment rates are calculated annually by the agency department based on historical fee-for-service expenditures adjusted forward to the contract period. The agency shall not pay more for a defined scope of services to a defined number of enrollees under a capitation arrangement than the projected cost of providing those same services on a fee-for-service basis. The payment methodology, entitled "Agency for Health Care Administration, Payment Methodology for Participating Medicaid Managed Health Care Plans" is incorporated herein by reference. A copy of the referenced document may be obtained by writing to the Chief of the Bureau of Managed Health Care, 2727 Mahan Drive, Building 1, Mailstop 26, Tallahassee, Florida 32308.

(18) through (24) No change.

Specific Authority ~~409.026(1),(2),(6)~~, 409.919, 409.9124 FS. Law implemented 409.9124(1), FS. History--New 3-9-81, Amended 7-9-84, Formerly 10E-7.524, Amended 4-5-89, Formerly 10C-7.0524, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elfie Stamm

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda Medows, MD, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES:	RULE NOS.:
Unexcused Absences	61-20.004
Fees	61-20.504
Special Assessment	61-20.505
Continuing Education Provider Approval	61-20.5081
Continuing Education Course Approval	61-20.5082
Prelicensure Education Provider Approval	61-20.510

PURPOSE AND EFFECT: The Board reviewed rules 61-20.504, 61-20.5081, 61-20.5082 and 61-20.510 and determined changes were necessary to update the rule's text. The Board also deemed it necessary to promulgate new Rules 61-20.004 and 61-20.505, F.A.C., pursuant to Sections 455.207(3) and 455.219(2), F.S.

SUMMARY: The proposed amendments in Rules 61-20.504, 61-20.5081, 61-20.5082 and 61-20.510 is to update certain fees and to clarify and delete specific language regarding approved forms. Rule 61-20.004, F.A.C., is being promulgated by the Board to address unexcused absences from regularly scheduled meetings by council members and Rule 61-20.505 is being promulgated to implement Section 455.219(2), F.S.

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

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

SPECIFIC AUTHORITY: 455.207(3), 455.219, 468.4315, 468.433 FS.

LAW IMPLEMENTED: 455.207(3), 455.2171, 455.2179, 455.219(2),(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.4337, 468.435 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61-20.004 Unexcused Absences.

(1) No council member may be absent from three (3) consecutive regularly scheduled council meetings unless those absences are excused. Reasons for granting excused absences shall be, but are not limited to the following:

(a) Illness of injury of the council member;

(b) Illness, injury or death of a member of the council member's family;

(c) Court order, subpoena, or business with a court which has the sole prerogative of setting the date of such business;

(d) Unavoidable travel delays or cancellations;

(e) Any conflict or extraordinary circumstance or event approved by the council Chair of the individual action on behalf of the Chair;

(2) An otherwise excused absence is not excused if the council member fails to notify the council office of the impending absence prior to the regularly scheduled meeting at which the absence will occur unless the failure to notify the council office is the result of circumstances surrounding the reason for the absence which the council excuses after the absence has occurred.

(3) An absence for any other reason than those stated in sections (1) or (2) constitutes an unexcused absence for the purpose of declaring a vacancy on the council after three (3) consecutive unexcused absences. The council member shall be notified, in writing, after two (2) consecutive unexcused absences that their unexcused absence at the next regularly scheduled meeting shall terminate their membership on the council.

Specific Authority 455.207(3) FS. Law Implemented 455.207(3) FS. History—New

61-20.504 Fees.

The following fees are adopted by the Council:

- (1) through (2) No change.
- (3) Examination fee;

When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$100.00 payable to the department. When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, ~~\$61.00~~ ~~\$50.00~~ payable to the Department plus \$39.00 payable to the testing service.

(4) Re-examination fee;

When the examination is not conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, \$100.00 payable to the department.

When the examination is conducted by a professional testing service pursuant to Section 455.2171, Florida Statutes, ~~\$61.00~~ ~~\$50.00~~ payable to the Department plus \$39.00 payable to the testing service.

(5) through (6) No change.

(7) Renewal fees. The renewal fee will be waived for a licensee who pays the initial License fee within a 90-day period prior to the end of the biennial period.

(a) No change.

(b) The biennial renewal fee for a licensee renewing as inactive ~~\$100.00~~ ~~\$10.00~~.

(8) through (16) No change.

Specific Authority 468.4315 FS. Law Implemented 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435 FS. History–New 5-4-97, Amended 5-10-98, 9-9-98, 2-11-99, 3-13-00, 11-2-00, 1-3-01, _____.

61-20.505 Special Assessment.

(1) Each Community Association Manager licensee licensed on or before January 1, 2002, whether active or inactive, shall pay a special assessment fee of \$200.00, to the Department. Payment of the fee must be received by the Department no later than 5:00 P.M. on September 30, 2002.

(2) The special assessment fee applies to all licensees including those whose licenses have been suspended and/or placed on probation by the Department.

(3) Failure to pay the special assessment fee as required above shall constitute grounds for disciplinary action. Licensees who fail to pay the special assessment fee as required above shall be charged with violating Section 468.436(1)(b)2., F.S.

Specific Authority 455.219(2) FS. Law Implemented 455.219(2) FS. History–New _____.

61-20.5081 Continuing Education Provider Approval.

(1) No change.

~~(2) Entities or individuals who wish to become approved providers of continuing professional education shall make application to the Council, on forms prepared by the Department BPR form 33-011, entitled, “COMMUNITY ASSOCIATION MANAGER’S CONTINUING EDUCATION PROVIDER APPROVAL APPLICATION”, incorporated herein by reference and effective 11-1-00, which copies may be obtained from the Council.~~

~~(2)(3) No change.~~

~~(3)(4) Continuing education provider status shall be valid from the date of approval until May 31 of every odd numbered year. Providers may renew their provider status within 90 days of May 31 of the odd numbered year. Those seeking renewal of provider status must reapply on BPR form 33-011, referenced in Subsection (2) above, to the Council and submit the appropriate renewal fee pursuant to Rule 61-20.504(14), F.A.C. Providers who fail to renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for continuing education. Renewal of provider status shall be for a two year period until May 31 of the next odd numbered year. Providers who are to expire June 30, 2002 shall have a new expiration date of May 31, 2003.~~

(5) through (10) renumbered (4) through (9) No change.

Specific Authority 468.4315(2),(3) FS. Law Implemented 455.2179, 468.4337 FS. History–New 5-14-98, Amended 3-13-00, 2-5-01, 3-19-01, _____.

61-20.5082 Continuing Education Course Approval.

(1) Continuing education courses shall be valid for purposes of the continuing education requirement only if such courses have been approved by the Council. The Council shall approve a course as a continuing education course for the purpose of this rule when the following requirements are met:

(a) Written application for course approval shall be received by the Council prior to the date the course is offered, ~~on BPR form 33-013, entitled “COMMUNITY ASSOCIATION MANAGER’S CONTINUING EDUCATION COURSE APPROVAL APPLICATION,” incorporated herein by reference and effective 11-1-00, which copies may be obtained from the Council.~~

(b) through (d) No change.

(2) through (4) No change.

Specific Authority 468.4315(2), 468.433 FS. Law Implemented 468.433, 468.4337 FS. History–New 3-13-00, Amended 2-5-01, 3-19-01, _____.

61-20.510 Prelicensure Education Provider Approval.

(1) No change.

~~(2) Entities or individuals who wish to become approved providers of prelicensure education shall make application to the Council, on a form prepared by the Department BPR form 33-012, entitled “COMMUNITY ASSOCIATION MANAGER’S PRELICENSURE EDUCATION PROVIDER APPROVAL APPLICATION”, incorporated herein by reference and effective 1-3-01, which copies may be obtained from the Council.~~

~~(3) Each provider application shall contain the following information; and shall be accompanied by the following documentation and other information as required by BPR form 33-012, referenced above.~~

(a) through (d) No change.

~~(3)(4) Prelicensure education provider status shall be valid from the date of approval until May 31 of every even numbered year. Those seeking renewal of provider status must reapply on BPR form 33-012, referenced in Subsection (2) above, to the Council and submit the appropriate renewal fee pursuant to Rule 61-20.504(16), F.A.C. Providers who fail to renew their provider status on a timely basis in accordance with this rule shall not offer or advertise a course as an approved course for prelicensure education.~~

(5) through (9) renumbered (4) through (8) No change.

Specific Authority 468.4315(2), 468.433(2)(d) FS. Law Implemented 468.433(2)(d) FS. History–New 1-3-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Regulatory Council of Community Association Managers
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Regulatory Council of Community Association Managers
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 15, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 22, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLES: RULE NOS.:

Board Approval of Continuing Education Providers 61G10-18.002
 Approval of Continuing Education Courses 61G10-18.006

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

SUMMARY: Rule 61G10-18.002, F.A.C., sets forth the requirements for becoming a continuing education provider and explains how and where an applicant can apply for approval. Rule 61G10-18.006, F.A.C., sets forth the requirements for approval of continuing education courses to be offered by approved providers.

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

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

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

LAW IMPLEMENTED: 455.2179, 481.313 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Leon Biegalski, Executive Director, Florida Board of Landscape Architecture, 1940 North Monroe Street, Northwood Centre, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61G10-18.002 Board Approval of Continuing Education Providers.

(1) To demonstrate the education and/or experience necessary to instruct landscape architects in the conduct of their practice for continuing education credit, an applicant for continuing education provider status must be either a vendor of equipment material or software used in the practice of landscape architecture, an accredited educational institution, a commercial educator, a governmental agency, a state or national professional association whose primary purpose is to

promote the knowledge, skills and abilities associated with the practice of landscape architecture, or a landscape architect with a Florida license to practice landscape architecture who is not under disciplinary restrictions pursuant to any order of the Board. In addition, the applicant must demonstrate particular education, experience or skill which sets the applicant apart from the landscape architects who the applicant proposes to instruct.

(2) through (a) No change.

~~(b) A description of the type of courses the provider expects to conduct for credit;~~

~~(c) An outline and course materials for each course;~~

~~(b)(4) Type of organization applying: Accredited University, College or Community College, Private School, Professional Organization, Association or Independent Entity; The particular qualifications of the prospective provider to conduct the proposed courses, which qualifications set the applicant apart from the landscape architects the applicant proposes to instruct;~~

~~(e) The name, address and telephone number of both a prospective instructor and alternate instructor as well as the qualifications that set the instructor and alternate instructor apart from the landscape architects the applicant proposes to instruct;~~

~~(c)(f) A sample copy certificate of completion which the provider shall supply to all licensees who successfully complete courses given by the provider. The certificate of completion shall indicate on its face area, for the course to be conducted by the applicant which certificate shall state the provider name, the provider number, course title, and the course number, licensee name, licensee license number, date course was completed, total number of hours successfully completed in each subject covered during the continuing education course; assigned to the provider by the Board office for that course; and~~

~~(d)(g) A non refundable application fee of \$250.~~

(3) No change.

Specific Authority 455.2124, 455.2179, 481.306, 481.313 FS. Law Implemented 455.2179, 481.313, 553.841 FS. History—New 9-19-01, Amended _____.

61G10-18.006 Approval of Continuing Education Courses.

(1) through (2) No change.

(3) The application shall be submitted no later than 60 days prior to the next scheduled Board meeting at which the application is to be considered for approval so that it is received four (4) months prior to the date on which the course is first to be conducted. It shall include:

(a) A description of the subject or subjects to be covered;

(b) An outline of the course which includes the subjects, topics, and subtopics to be presented;

(c) through (5)(e) No change.

~~(f) Laws and rules related to the practice of Landscape Architecture.~~

(6) through (9) No change.

Specific Authority 481.306, 481.325(2), 455.2179 FS. Law Implemented 455.2179 FS. History--New 9-19-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Landscape Architecture

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 18, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 8, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Grounds for Disciplinary Proceedings
Disciplinary Guidelines; Range of Penalties;

RULE NOS.: 61G15-19.001

Aggravating and Mitigating Circumstances
Confidentiality of Investigations

61G15-19.004
61G15-19.008

PURPOSE AND EFFECT: The purpose of amending this rule chapter is to add additional grounds for disciplinary proceedings for professional engineers performing building code inspector or plans examiner duties, amend the disciplinary guidelines to include violations relating to building code inspection or plans examinations, and provide for conditions allowing disclosure of the existence of an active investigation prior to the finding of probable cause.

SUMMARY: Rule 61G15-19.001, F.A.C., has been amended to set forth grounds for disciplining professional engineers engaging in the performance of building code inspector or plans examiner duties. Rule 61G15-19.004, F.A.C., has been amended to establish penalty ranges for violations arising from engineers performing building code inspections, plans examinations or special inspections. Rule 61G15-19.008, F.A.C., has been created to provide grounds for disclosure of the existence of active investigations prior to a finding of probable cause in cases of negligence or misconduct involving threshold buildings.

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

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

SPECIFIC AUTHORITY: 455.225, 455.227, 471.008, 471.031, 471.033, 471.038(6) FS.

LAW IMPLEMENTED: 455.225, 455.227, 471.025(1), 471.031, 471.033, 471.038(6) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-19.001 Grounds for Disciplinary Proceedings.

(1) through (6) No change.

(7) A professional engineer who performs building code inspector or plans examiner duties in accordance with Section 471.045, Florida Statutes, or Sections 468.603(6),(7), Florida Statutes, shall be subject to disciplinary action for commission of the following:

(a) Violating or failing to comply with any provision of Chapter 471, Florida Statutes, or the rules of the Board of Professional Engineers;

(b) Having been convicted of a crime in any jurisdiction which directly relates to the practice of building code inspection or plans examination;

(c) Making or filing a false report or record, inducing another to file a false report or record, failing to file a report or record required by state or local law, impeding or obstructing such filing, or inducing another person to impede or obstruct such filing.

(8) A professional engineer shall not be negligent in the practice of engineering while performing duties as a special inspector. Negligence is herein defined as the failure by a professional engineer to utilize due care in performing in an engineering capacity or failing to have due regard for acceptable standards of engineering and special inspection principles. Failure to comply with the procedures set forth in the Responsibility Rules for Professional Engineers Providing Threshold Building Inspection, as adopted by the Board of Professional Engineers, shall be considered non-compliance with this section unless the deviation or departures therefrom are justified by the specific circumstances of the project in question and the sound professional judgment of the engineer.

Specific Authority 471.033(2) FS. Law Implemented 471.025(1), 471.033(1)(f),(g),(2) FS. History--New 1-8-80, Amended 6-23-80, 3-23-81, 6-4-85, Formerly 21H-19.01, Amended 5-14-86, 4-23-87, 11-8-88, 1-11-89, 7-3-90, 11-9-92, Formerly 21H-19.001, Amended 11-27-94, _____.

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

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

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
<u>(t) Conviction of crime related to building code inspection or plans examination (61G15-19.001(7)(a))</u>	<u>Misdemeanor: reprimand & one (1) year probation</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation</u> <u>revocation</u>
<u>(u) False reporting (61G15-19.001(7)(c))</u>	<u>Felony: and \$500 fine One (1) year suspension, two (2) year probation and \$1,000 fine</u>	<u>Revocation and \$5,000 fine</u>
<u>(v) Negligence as a Special Inspector (61G15-19.001(8))</u>	<u>Reprimand, two (2) year probation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine five (5) year suspension and ten (10) year probation, or revocation</u>

(3) No change.

Specific Authority 455.227, 471.008, 471.031, 471.033 FS. Law Implemented 455.227, 471.031, 471.033 FS. History—New 1-7-87, Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01, _____.

61G15-19.008 Confidentiality of Investigations.

(1) In accordance with Section 455.225, investigation records are confidential until an investigation ceases to be active. An investigation ceases to be active when the case is dismissed prior to a finding of probable cause and the board has not exercised its option to pursue the case, or ten (10) days after the Board makes a determination regarding probable cause. However, in accordance with Section 471.038(6), Florida Statutes, in response to an inquiry about the licensure status of an individual, the management corporation shall disclose the existence of an active investigation if the nature of the violation under investigation involves the potential for substantial physical or financial harm to the public.

(2) The following violations have been deemed to involve the potential for substantial physical or financial harm to the public:

Negligence, as defined in Rule 61G15-19.001(4), or misconduct, as defined in Rule 61G15-19.001(6), Florida Administrative Code, involving threshold buildings as defined in Section 553.71(7), Florida Statutes.

Specific Authority 471.038(6) FS. Law Implemented 471.038(6) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 21, 2002 and January 18, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Experience
Foreign Degrees

RULE NOS.: 61G15-20.002
61G15-20.007

PURPOSE AND EFFECT: The purpose is to amend subsection 61G15-20.002(2), F.A.C., to reduce the number of references from 5 to 3 all of whom must be professional engineers. In addition, paragraphs 61G15-20.007(2)(d) & (e), F.A.C., are amended to combine required credit hours in engineering science and engineering design into one category for course eligibility.

SUMMARY: The Board has determined that combining credit hour requirements in the areas of engineering science and engineering design to one category brings Florida requirements more in line with the national standard. Further, the Board has determined to reduce the number of verifications of required experience from 5 to 3 to simplify the application process while requiring all verifiers to be professional engineers.

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: 471.013(1)(a), 471.008 FS.

LAW IMPLEMENTED: 471.005(6), 471.013, 471.015 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Natalie Lowe, Administrator, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303-5267

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-20.002 Experience.

(1) No change.

(2) In order to verify an applicant's experience record, the Board will require evidence of employment from employers or supervisors who are employed in the engineering profession or are professional engineers, who shall set forth the quality and character of the applicant's duties and responsibilities. In addition to the employer verification, an applicant must list ~~three~~ ~~five~~ personal references who are professional engineers. ~~Two of the personal references must be professional engineers, the other three shall be employed in the engineering profession.~~ Should the Board find the information submitted by the applicant is insufficient or incomplete, the Board may require the applicant to supply additional references or evidence regarding the applicant's experience and background or both so that an intelligent decision may be made on whether admittance to the examination is allowable.

The Board will accept as equivalent to one year's experience a masters degree in engineering from a college or university approved pursuant to Section 471.013, Florida Statutes. The Board will also accept as equivalent to one year's experience a doctorate in engineering from a college or university approved pursuant to Section 471.013, Florida Statutes.

Specific Authority 471.013(1)(a) FS. Law Implemented 471.005(6), 471.013(1)(a) FS. History—New 1-8-80, Amended 3-11-80, 6-23-80, 7-7-83, 9-13-84, Formerly 21H-20.01, Amended 8-18-87, 12-4-91, Formerly 21H-20.002, Amended 12-26-94.

61G15-20.007 Foreign Degrees.

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

(d) ~~48~~ ~~32~~ college credit hours of engineering science and engineering design. Courses in this area have their roots in mathematics and basic sciences but carry knowledge further toward creative application. Examples of traditional engineering science courses are mechanics, thermodynamics, electrical and electronic circuits, materials science, transport phenomena, and computer science (other than computer programming skills). Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation. In order to promote breadth, at least one engineering course outside the major disciplinary area is required.

~~(e) 16 college credit hours of engineering design. Courses in engineering design stress the establishment of objectives and criteria, synthesis, analysis, construction, testing, and evaluation.~~

~~(e)(f)~~ In addition, evidence of attainment of appropriate laboratory experience, computer based skills with engineering applications, competency in English, knowledge of probability and statistics and understanding of the ethical, social, economic and safety considerations of engineering practice must be presented.

(3) through (7) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2002

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Continuing Education Requirement

RULE NO.: 64B1-7.0015

PURPOSE AND EFFECT: To amend the existing rule to address statutory continuing education requirements for medical errors continuing education and to address the continuing education requirements for renewal of license.

SUMMARY: Amending an existing rule to require continuing education in medical errors, allow continuing education credit for attending Board of Acupuncture meetings and to provide for requirements for continuing education on initial renewal of license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs was 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.

SPECIFIC AUTHORITY: 456.013, 456.033, 456.036, 457.104, 457.108, 457.1085 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 457.107, 457.108, 457.1085, 457.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-7.0015 Continuing Education Requirement.

(1) No change.

(2) As a condition of initial licensure or renewal of license, each licensee shall complete a 2-hour course relating to the prevention of medical errors. The 2-hour course shall count

toward the total number of continuing education hours required for the profession. The course shall be approved by the Board and include a study of root-cause analysis, error reduction and prevention, and patient safety.

(3)(2) Credit hours are not retroactive or cumulative. All credit hours must be earned within the biennium for which they are claimed.

(4) Notwithstanding the provisions of this rule, the continuing education requirements shall not apply to a licensee within the biennium in which the license was initially awarded, but shall apply to such licensee in each biennium thereafter.

(5) Continuing education credit up to a maximum of 2 hours will be awarded for each hour of attendance at a Board meeting or Board committee meeting. Only one credit will be granted for each hour of attendance. The continuing education credit obtained by attending a Board meeting or Board committee meeting may be used to satisfy the requirement for continuing education in Florida Laws and Rules.

(6)(3) The Board and/or the Department will audit a number of licensees who are selected at random as is necessary to assure that the continuing education requirements are met. Each licensee shall retain such receipts, vouchers or certificates as may be necessary to document completion of the continuing education requirements for a period of 2 years following the biennium for which they are applied. Failure to document compliance with the continuing education requirements, or furnishing false or misleading information regarding compliance shall be grounds for disciplinary action under Rule 64B1-9.001, F.A.C.

Specific Authority 456.013, 456.033, 456.036, 457.104, 457.107, 457.108, 457.1085 FS. Law Implemented 456.013, 456.033, 456.036, 457.107, 457.108, 457.1085, 457.109 FS. History—New 3-18-97, Formerly 59M-7.0015, Amended 4-25-00, 4-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN C06, Tallahassee, Florida 32399-3256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Eaton, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2001

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The Board proposes an amendment to an existing rule concerning disciplinary guidelines.

RULE NO.: 64B1-9.001

SUMMARY: The proposed amendments to the disciplinary guidelines for the Board of Acupuncture to give guidance to the licensee as to the penalty for practicing acupuncture injection therapy without proper notice to the Board and without proper training.

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

Any person who desires 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: 456.079, 457.104 FS.

LAW IMPLEMENTED: 456.072, 456.079, 457.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Acupuncture, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.001 Disciplinary Guidelines.

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

(cc) Practicing acupuncture injection therapy without first providing notice to the Board of intent to practice acupuncture injection therapy and proof of successful completion of the required course of study. For the purpose of this rule the required course of study for the practice of acupuncture injection therapy shall not be a home study course and the required course shall at a minimum require 60 hours of training in the following areas:

1. History and development of acupuncture injection therapy;
2. Differential diagnosis;
3. Definitions, concepts, and pathophysiology;
4. The nature, function, channels entered, and contraindications of herbal, homeopathic, and nutritional injectables;
5. Diseases amenable to treatment with acupuncture injection therapy and the injectables appropriate to treat them;
6. Identification of appropriate points for treatment, including palpatory diagnosis;
7. A review of anatomy and referral zones;
8. Universal precautions including management of blood borne pathogens and biohazardous waste;
9. Procedures for injections, including preparing the injectables, contraindications and precautions;

10. 10 hours of clinical practice on a patient or patients; and

11. Administration techniques and equipment needed. The usual recommended penalty shall be revocation and a fine of \$1,000.00.

(2) through (4) No change.

Specific Authority 456.079(1), 457.104 FS. Law Implemented 456.072, 456.079(2), 457.109 FS. History--New 12-8-86, Amended 8-6-89, Formerly 21AA-9.001, 61F1-9.001, Amended 11-21-95, Formerly 59M-9.001, Amended 8-3-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN C06, Tallahassee, Florida 32399-3256

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Eaton, Executive Director, Board of Acupuncture, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, BIN C06, Tallahassee, Florida 32399-3256

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 9, 2001 and December 7, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2001

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Supervisor RULE NO.: 64B3-5.002

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

SUMMARY: The rule corrects text to communicate its intent to require the appropriate education as well as the experience for licensure as a supervisor. The Board also clarifies that sciences are included in the total hours and describes how supervisors may add categories.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.815, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

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

(c) A baccalaureate degree, with eight semester hours each of academic biological and chemical science included in for a total of 24 semester hours of academic science and/or medical laboratory technology, and five years of pertinent clinical laboratory experience in the categories for which licensure is sought, two years of which shall be post baccalaureate, including a minimum of one year in each category for which licensure is sought.

(d) through (g) No change.

(i) Be licensed in a specialty as a technologist, meet the education and experience requirements under paragraph 64B3-5.002(1)(a), (b) or (c), F.A.C., and completes 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s), accumulated over no longer than five years prior to application for licensure. Course content must include the guidelines set forth in subsection 64B3-3.003(7), F.A.C. This continuing education may not be used to satisfy biennial renewal requirements.

(2) ~~Examinations Required for~~ Adding Categories to an Active Supervisor's License. Licensed supervisors may add a category or categories by passing a technologist level examination and by providing proof of one year's experience for each category to be added.

~~(a) To add a new category in which the supervisor has not been licensed by examination at the technologist level to an active supervisor's license, an examination in the category must be passed.~~

~~(b) If the applicant was licensed by examination at the technologist level in a category and currently qualifies for supervisor licensure by education and experience, a supervisor application is required but an examination in the category is not required. If licensed as a technologist in more than one category, new categories will be added to an active supervisor's license only in the categories for which pertinent clinical laboratory experience has been verified. Categories for which pertinent clinical laboratory experience has not been verified will not be added to an active supervisor's license.~~

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, _____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Application for Examination and Licensure RULE NO.: 64B12-9.0015

PURPOSE AND EFFECT: The Board proposes to update the existing rule text with regards to application for examination and licensure.

SUMMARY: The Board amended an existing rule setting forth the requirements for application for licensure, providing for application procedures and the requirements for completion of a two-hour course on Florida laws and rules.

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

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

SPECIFIC AUTHORITY: 456.013, 456.017, 456.072(2), (5), 484.005, 484.007, 484.014(2) FS.

LAW IMPLEMENTED: 456.013, 456.017, 455.213(1), 456.072(2), (5), 484.007, 484.014(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.0015 Application for Examination and Licensure.

(1) Any person seeking licensure as an optician shall submit to the Board a completed application to take the examination on form ~~DH-MQA 1065, 3/02 DPR-DO-002~~ provided by the Department. The application shall be accompanied with the application fee specified in Rule 64B12-11.002, F.A.C., which is non-refundable, and the examination fee specified in Rule 64B12-11.003, F.A.C., which shall be refunded if the applicant is denied examination or does not timely complete application.

(2) A completed application with appropriate fees shall be received in the Board office at least 60 days prior to the examination.

(3) Any application which is not accompanied with the appropriate fees shall not be accepted for review and shall be returned to the applicant.

(4) Any application which does not provide all information required by the application forms shall be not be considered by the Board until it has been completed. Any

applicant who fails to complete the application within 12 6 months of its receipt in the Board office shall be required to apply as an initial applicant.

(5) Upon certifying applicants for the licensure examination, the Board shall also certify applicants for licensure, contingent and effective upon the following:

(a) ~~S~~successful completion of required examinations

(b) Successful completion of a two-hour laws and rules course by a Board approved continuing education provider, to be effective March 1, 2003.

(c) Successful completion of a two-hour continuing education course relating to the prevention of medical errors. The course must be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety.

(d) ~~and No~~ discovery of disqualifying factors prior to licensure, and

(e) ~~Successful examination candidates must pay~~ Payment of the initial licensure fee and obtain licensure within one year of notification of successful passage of the examination.

If the successful candidate does not obtain licensure within one year of notification of successful passage of the examination, the candidate shall appear before the Board to verify their competence in the practice of opticianry.

(6) Should the applicant be unable to sit for the examination due to illness, death of a family member, or similar circumstances beyond the applicant's control, then the examination fee shall be applied to the next examination for which the applicant can sit.

(7) A licensee whose license has been revoked may reapply for licensure. Such applicant shall satisfy all current requirements and qualifications required by an initial applicant including examination and shall pay all outstanding administrative fines and penalties before reapplying for licensure. The applicant shall follow the same application procedures as initial applicants for licensure.

Specific Authority ~~456.013, 456.017, 456.072(2), (5), 484.005, 484.007, 484.014(2) FS. Law Implemented 456.013, 456.017, 455.213(1), 456.072(2), (5), 484.007, 484.014(2) FS. History—New 3-30-89, Amended 3-29-92, 2-18-93, Formerly 21P-9.0015, Amended 5-2-94, Formerly 61G13-9.0015, 59U-9.0015, Amended 1-4-98, _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Examination Review Procedure

RULE NO.: 64B12-9.003

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

SUMMARY: The Board has decided to repeal this rule as the Department of Health's rules govern examinations and the procedures for the same.

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

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

SPECIFIC AUTHORITY: 456.017(2) FS.

LAW IMPLEMENTED: 456.017(2) FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-9.003 Examination Review Procedure.

Specific Authority 456.017(2) FS. Law Implemented 456.017(2) FS. History—New 12-6-79, Formerly 21P-9.03, Amended 4-22-90, Formerly 21P-9.003, 61G13-9.003, 59U-9.003, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 2, 2001

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Delinquent License

RULE NO.: 64B12-12.009

PURPOSE AND EFFECT: The Board proposes to add a new rule with regards to delinquent license.

SUMMARY: The Board set forth in this new rule the requirements to change license status from delinquent status to active or inactive status.

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

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

SPECIFIC AUTHORITY: 456.036, 484.008 FS.

LAW IMPLEMENTED: 456.036, 484.008 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-12.009 Delinquent License.

(1) The failure of any licensee to elect active or inactive status before the license expires shall cause the license to become delinquent.

(2) The delinquent licensee must affirmatively apply for active or inactive status during the biennium in which the license becomes delinquent. The failure by the delinquent licensee to cause the license to become active or inactive before the expiration of the biennium in which the license became delinquent shall render the license null and void without further action by the board or the Department.

(3) The delinquent licensee who applies for active or inactive license status shall:

(a) Submit to the Board a written request for either active status or inactive status.

(b) If active is requested, demonstrate compliance with the continuing education requirements set forth in Rule 64B12-15.001, F.A.C.

(c) Pay to the Board the delinquent fee as set forth in Rule 64B12-11.0095, F.A.C.,

(d) Pay to the Board either the active status or inactive status renewal fee, and

(e) If applicable, pay to the Board the change of status fee as set forth in Rule 64B12-11.0105, F.A.C.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Apprenticeship Requirements and Training Program
RULE NO.: 64B12-16.003

PURPOSE AND EFFECT: The Board proposes to update the existing rule text setting forth the apprenticeship requirements and training program.

SUMMARY: The Board determined that the apprenticeship training program requirements would be more effective if a primary sponsor completed the apprentice training verification.

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

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

SPECIFIC AUTHORITY: 484.005 FS.
LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:
64B12-16.003 Apprenticeship Requirements and Training Program.

(1) All apprenticeship training must be conducted by the sponsor(s) with whom the apprentice is currently registered with the Agency. Credits shall be granted to apprentices if the training is properly documented according to this rule. An apprentice shall not receive credit for any training received from a person other than the properly registered sponsor(s).

(2) An apprentice shall have no more than two sponsors at any given time. If an apprentice has two sponsors, one sponsor shall be primary sponsor responsible for the secondary sponsor and the apprentice. The primary sponsor shall be responsible for the completion, filing, signature and

verification of the Apprenticeship Sponsor Attestation Apprentice/Sponsor Semiannual/Final Report Form (DPR/DO/021/Rev. 3-1-95 DH-MQA 1063, 1/02) and the Termination Form (DPR/DO/020/Rev. 3-1-95), which will be effective on February 21, 1996, which is hereby adopted and incorporated by reference, and is both of which are available from the Board office at Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. The secondary sponsor may work with the apprentice in a store or office other than the primary store or office as long as the apprentice works under the apprenticeship requirements and training program.
(3) through (6) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History-New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Termination of Apprenticeship
RULE NO.: 64B12-16.004

PURPOSE AND EFFECT: The Board proposes to update the existing rule text with regards to termination of apprenticeship.

SUMMARY: The Board determined that an amendment to the rule was necessary to require the sponsor notify the Department when no longer providing training to an apprentice.

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

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

SPECIFIC AUTHORITY: 484.005, 484.007(1) FS.
LAW IMPLEMENTED: 484.007(1)(d)4. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.004 Termination of Apprenticeship.

(1) If an apprentice terminates apprenticeship with a sponsor or the sponsor is no longer providing training to an apprentice, the sponsor apprentice shall submit to so notify the Department within 30 days from the date of the termination, a completed Apprenticeship Sponsor Attestation Form, as set forth in Rule 64B12-16.003(2), F.A.C. on Form AHCA/OP/001/Rev. 5-97, "Termination Form," effective 7-10-97, which is hereby adopted and incorporated by reference and can be obtained from the Board office at address set forth in Rule 64B12-8.006(1), F.A.C.

(2) The apprentice shall file a final report with the Board which contains the information required by Rule 64B12-16.008(4), within 30 days of termination.

(2)(3) Failure to comply with the requirements of this rule shall subject the apprentice to discipline or denial of licensure and the sponsor to discipline.

Specific Authority 484.005, 484.007(1) FS. Law Implemented 484.007(1)(d)4. FS. History-New 10-12-80, Formerly 21P-16.04, Amended 3-5-87, 3-30-89, Formerly 21P-16.004, 61G13-16.004, Amended 7-10-97, Formerly 59U-16.004, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Termination of Sponsor RULE NO.: 64B12-16.006

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

SUMMARY: The Board has decided to repeal this rule for termination of sponsor setting out the sponsor requirements in Rule 64B12-16.004, F.A.C.

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

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

SPECIFIC AUTHORITY: 484.005, 484.007(1) FS.

LAW IMPLEMENTED: 484.007(1)(d)4. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.006 Termination of Sponsor.

(1) If for any reason the sponsor is no longer providing training to an apprentice, the sponsor shall so notify the Department, within 30 days from the date of the termination, on the "Termination Form," as provided in Rule 62B12-16.004(1), F.A.C.

(2) Upon termination of sponsorship, the sponsor shall file a final report with the Board stating that training in each subject area has been received by the apprentice.

(3) Failure to comply with the requirements of this rule shall subject the sponsor to discipline.

Specific Authority 484.005, 484.007(1) FS. Law Implemented 484.007(1)(d)4. FS. History-New 10-12-80, Formerly 21P-16.06, Amended 3-5-87, 3-30-89, 9-30-92, Formerly 21P-16.006, 61G13-16.006, Amended 7-10-97, Formerly 59U-16.006, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Enforcement RULE NO.: 64B12-16.008

PURPOSE AND EFFECT: The Board proposes to update the existing rule text setting forth the requirements for the apprentice and sponsor during the apprenticeship.

SUMMARY: The Board determined that an amendment to the rule was required to insure information for apprentice training is timely supplied to the Board and Department.

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

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

SPECIFIC AUTHORITY: 484.005, 484.007(1) FS.

LAW IMPLEMENTED: 484.007(1)(d)4. FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.008 Enforcement.

(1) Apprentices and sponsors shall comply with the provisions of this chapter, the rules of the Department and the Board, and Chapters 456 and 484, F.S.

(2) Failure to adhere to these standards is a violation of Chapters 456.072 and 484.014, F.S., and shall subject either the apprentice or the sponsor, or both, to disciplinary action.

~~(3)(a) For apprentices registered prior to November 1, 1996, sponsors and apprentices must file a complete report with the Board each twelve (12) months ending October 30 during which an apprentice has been supervised, which states that the training in each subject pursuant to Rule 64B12-16.003(6) has been provided in the preceding twelve (12) months. Reports must be received in the board office no later than 30 days after the reporting period ends. Failure to timely file a report will result in no credit being granted for the reporting period.~~

~~(b) For apprentices registered after November 1, 1996, sponsors and apprentices must file a complete report with the Board each twelve (12) month period ending on the anniversary of the date on which the apprentice became registered with the Department, during which an apprentice has been supervised, which states that the training in each subject pursuant to Rule 64B12-16.003(6), F.A.C., has been provided in the preceding twelve (12) months. Reports must be received in the board office no later than 30 days after the reporting period ends. Failure to timely file a report will result in no credit being granted for the reporting period.~~

(3)(4) The sponsor and the apprentice shall supply to the Board all information requested which reasonably relates to the apprenticeship program and the Board's duty to properly monitor the program for compliance with program standards.

After six months of failure to submit the completed Apprenticeship Sponsor Attestation Form reports, credits will not be counted.

~~(4)(5) If an Apprenticeship Sponsor Attestation Form a report~~ is not in compliance with this Chapter, the rules of the Department and the Board and Chapters 456 and 484, F.S., the Board shall deny credit for hours of apprenticeship claimed and/or the Board, the Apprentice Review Committee or Board staff shall initiate a complaint against the licensee who appears to be in violation.

Specific Authority 484.005, 484.007(1) FS. Law Implemented 484.007(1)(d)4. FS. History--New 10-12-80, Formerly 21P-16.08, Amended 3-5-87, 5-13-90, 9-30-92, Formerly 21P-16.008, Amended 5-2-94, Formerly 61G13-16.008, Amended 2-21-96, 4-10-97, Formerly 59U-16.008, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2002

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: School Health Services Program RULE CHAPTER NO.: 64F-6

RULE TITLES: Non-public Schools RULE NOS.: 64F-6.007

Supplemental School Health Services 64F-6.008

PURPOSE AND EFFECT: The purpose is to repeal rules that repeat provisions of a statute and are, therefore, redundant.

SUMMARY: Rule 64F-6.007, F.A.C., outlines responsibilities and requirements for county health departments to notify non-public schools of their eligibility to participate in the school health services program. Rule 64F-6.007, F.A.C., is redundant and unnecessary, because this language is already in s. 381.0056(6), F.S. Rule 64F-6.008, F.A.C., also repeats provisions of a statute, 381.0057(7), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There are no regulatory costs.

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: 381.0056, (formerly s. 402.32 FS.), 381.0057 FS. (formerly s. 402.321 FS.)

LAW IMPLEMENTED: 381.0056(5)(r),(6) (formerly s. 402.32(5)(r),(6) FS.), 381.0057 FS. (formerly s. 402.321 FS.)

IF REQUESTED WITHIN 21 DAYS 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 23, 2002
PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, FL
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, telephone (850)245-4444, Ext. 2965

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-6.007 Non-public Schools.

Specific Authority 402.32(8) FS. Law Implemented 402.32(5)(r),(6) FS. History--New 3-10-85, Formerly 10D-84.20, Amended 4-6-94, 4-25-96, Formerly 10D-84.020, Repealed.

64F-6.008 Supplemental School Health Services.

Specific Authority 402.321(7) FS. Law Implemented 402.321 FS. History--New 4-6-94, Amended 4-25-96, Formerly 10D-84.021, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Director, Family Health Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

Table with 2 columns: RULE NOS. and RULE TITLES. Includes entries for 1S-1.001 (Numbering System), 1S-1.002 (Style and Form for Filing Rules; Certification Accompanying Materials), and 1S-1.003 (Florida Administrative Weekly (FAW)).

NOTICE OF CHANGE

Notice is hereby given that the hearing date for the above proposed rules published in the March 1, 2002, Vol. 28, No. 9, issue of the Florida Administrative Weekly has been rescheduled as follows:

TIME AND DATE: 10:00 a.m. - 12:00 Noon, April 16, 2002
PLACE: The Ralph D. Turlington Florida Education Center, Room 1721/1725, 325 West Gaines Street, Tallahassee, FL 32301

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.029
RULE TITLE: Eligibility for Late Registration by Overseas Voters

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.029, F.A.C., published in the Florida Administrative Weekly, Pages 735-737, Vol. 28, No. 7, on February 15, 2002, has been changed to reflect comments received from the Joint Administrative Procedures Committee. Changes were made to Rule 1S-2.029, F.A.C., so that it now reads:

1S-2.029 Eligibility for Late Registration by Overseas Voters.

(3) An individual who has been discharged or separated from the uniformed services must:

(a) Provide one of the following pieces of documentation:

1. Certificate of Release or discharge from Active Duty (DD form 214, eff. 2/00), which is hereby incorporated by reference and available from the Department of Defense; or

2. Military Permanent Change of Station Orders to home of record while awaiting a DD Form 214.

(b) In addition to the information provided in (a), an individual who has been discharged or separated from the uniformed services must complete the following form oath and this form must indicate that the individual was discharged or separated during the period the books were closed for the election:

Oath of Individual Separated or Discharged from the Uniformed Services

Under penalty of perjury, I, _____, hereby swear or affirm that I was discharged or separated from the (branch of service) on (date).

Name of applicant: _____

Address of applicant: _____

Branch of Service: _____

Date of Discharge or Separation: _____

Pursuant to s. 837.06, F.S., any person who knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duties is guilty of a misdemeanor of the second degree.

Signature of applicant voter: _____

Address of voter: _____

Sworn to and subscribed before me this ____ day of _____, 20__.

Signature of Supervisor of Elections or deputy supervisor: _____

(4) An individual who has been employed in the Merchant Marine must provide documentation showing evidence of being employed in the Merchant Marine and must complete the form oath as provided in (6).