

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Reasonableness of Benefits in Relation to Premiums	4-149.005
Actuarial Memorandum and Definitions	4-149.006
Annual Rate Filing Procedures	4-149.007

PURPOSE, EFFECT, AND SUBJECT AREA TO BE ADDRESSED: The attached amendments to Rule 4-149 accomplish the following:

- Update the definition of Loss Ratio*N – Simplify the definition of loss ratio*N to make the test more efficient and effective. The amendments do not change the loss ratio test, but only the mechanism of demonstrating compliance.
- Technical corrections
- Clarify that rates do not have to be reduced if the loss ratio tests are not met within a 15% margin
- Add some definitions to help clarify the rules
- Enhance annual rate certification filings
- Add provision to allow an updating of the original duration loss ratio table

SPECIFIC AUTHORITY: 624.308(1), 627.410(6)(b),(d),(e) FS.

LAW IMPLEMENTED: 627.410, 627.410(1),(2),(6), 627.410(6)(d), (e), 627.411(1)(e), 627.9175 FS.

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

TIME AND DATE: 9:30 a.m., May 8, 2002

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) No change.

(2) A premium schedule is not excessive if the following are true:

(a) For a new Policy Form, Group or Individual, the Anticipated Loss Ratio, as defined in Rule 4-149.006(3)(b)20., F.A.C., is not less than the ~~indicated~~ appropriate adjusted entry in the loss ratio tables, in subsection (4), below.

~~(b)1. For an individual forms, and group policy forms other than annually rated group policy forms approved on or after 2/1/94 or issued on or after 6/1/94, the Premium Schedule satisfies the following 1. through 3., below:~~

~~a.1. An Anticipated Loss Ratio test such that, the present value of projected claims is not less than the present value of expected claims over the entire future lifetime of the form, or equivalently, the present value of the future A/E ratio is not less than 1.0; The current Anticipated Loss Ratio is not less than the greater of the initial filed loss ratio and the weighted average of the Anticipated Loss Ratios * N, as defined in Rule 4-149.006(4)(b), where the weights are the present value of premiums over the entire future lifetime by policy year or issue year; and~~

~~b.2. The current Lifetime Loss Ratio, as defined in Rule 4-149.006(3)(b)24., F.A.C., is not less than the initial filed loss ratio for the form; and~~

~~2.3. A current rate schedule which is unable to demonstrate compliance with the above standards shall reduce rates, enhance benefits or do a combination of both to satisfy the standards, unless the past The Actual-to-Expected Claims Ratios, as defined in Rule 4-149.006(4)(a), F.A.C., for the Policy Form are, both in pattern and aggregate value, consistently at or in excess of .85.~~

(c) through (d) No change.

(3) through (4) No change.

(5) Group conversion insurance, other than long-term care and Medicare supplement insurance, issued on either a group or an individual basis, is exempt from the loss ratios required above. The loss ratio for group conversion insurance shall not be less than 120%. The insurer may charge the excess of the group conversion loss ratio over that required for group insurance on active lives to the experience for insurance on active lives. The premium to be charged for group conversion insurance subject to Section 627.6675, Florida Statutes, shall may not exceed the limits of Section 627.6675(3), Florida Statutes based on the standard risk rates as established in Part X of this Rule Chapter.

(6) No change.

(7) Anticipated loss ratios lower than those otherwise required by this Part shall not be permitted unless the insurer demonstrates that the proposed loss ratios are necessary due to unusual characteristics of the coverage to be provided, are in accordance with sound actuarial principles; will not result in

premium escalations that are not viable for the particular policyholder market at issue; do not result in unfair discrimination in sales practices; and are otherwise in substantial compliance with the requirements of this Part.

(8) No change.

(9) No change.

(10) Prohibitions. The Department has determined that certain rating activities are against the public policy of this state and are therefore prohibited because the activities may result in premium escalations which are not viable for the policyholder or in unfair discrimination in sales practices, an example of which is inappropriate risk selection criteria.

(a) For all long term care policy forms and other ~~p~~Policy ~~F~~Forms under which more than fifty percent (50%) of the policies/certificates are issued to persons age 65 or older, Attained Age Premium Structures, as defined in Rule 4-149.006(4)(c), F.A.C., are prohibited. Only premium structures which prefund the aging component of future claim costs are allowed.

(b) Select and Ultimate Premium Schedules, as defined in Rule 4-149.006(4)(~~p~~), F.A.C., are prohibited.

(c) Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve are prohibited.

~~(11) For each Individual Policy Form that has been actively offered for sale in the twelve (12) months immediately preceding October 1, 1993, a continuation decision must be provided to the Department on or before May 1, 1994. For existing Policy Forms that will continue to be made available for purchase and for all Policy Forms filed and approved after February 1, 1994, availability for purchase of the Policy Form shall not be discontinued at any future date without penalty. The penalty imposed is that a new Policy Form providing similar benefits cannot be filed for a period of five (5) years from the date of discontinuance, unless the Department determines that a shorter period is appropriate, as provided for in Section 627.410(6)(e), Florida Statutes.~~

Specific Authority 624.308(1), 627.410(6)(b),(d) FS. Law Implemented 627.410(6)(d),(e), 627.411(1)(e), 627.9175 FS. History—New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, _____.

4-149.006 Actuarial Memorandum and Definitions.

(1) through (2) No change.

(3) Descriptions.

(a) For new filings, for rate revisions, and for justification of existing rates, the assumptions presented shall be those that are appropriate at the time of the filing.

(b) The descriptions, by item number, of the terms listed above in subsection (2) follow:

1. through 19. No change.

20. Anticipated Loss Ratio: ~~The~~ This loss ratio is defined as the present value of future benefits divided by the present value of future annual premiums computed over the Entire Future Lifetime of the Policy Form.

a. The requested rate revisions shall use assumptions as to persistency and interest that used in the present values must be justified and consistent with those used for pricing.

b. Projections shall assume future premium schedule increases consistent with benefit projections and medical trend. ~~This section shall also include the Anticipated Loss Ratio and the Anticipated Loss Ratio*N for each policy year and the original, or subsequently approved, durational loss ratio table for the form.~~

(I) If the durational loss ratio table is proposed to be amended, the currently approval table and the proposed table shall be provided, together with an explanation of the reason for the change and a justification for the new table.

(II) If approved, the new table will be used in filings made subsequent to the one in which it is being proposed.

(III) A new table shall not be proposed unless the current table does not produce the least lifetime loss ratio standard for the form or the shape and pattern of the current table is determined to be in error.

21. through 22. No change.

23. Experience on the Form (Past and Future Anticipated): This section shall display the actual experience on the form and that expected for the future. Experience from inception (or the last three years for annually rated group coverages with no separation of experience data by issue year required) shall be displayed, although, with proper interest adjustment, the experience for calendar years more than five years in the past may be combined. For each calendar year and, where appropriate, each policy year or issue year, the following information shall be displayed:

- a. Year,
- b. Collected premium,
- c. Earned premium,
- d. Paid claims,
- e. Paid loss ratio (= (d)/(b)),
- f. Change in claim liability and reserve,
- g. Incurred claims (= (d) + (f)),
- h. Incurred loss ratio (= (g)/(c)),
- i. Expected incurred claims,
- j. Actual-to-expected claims ((g)/(i)).
- k. Active Life Reserves.

For future years, columns (c), (g), ~~and~~ (h), (i), and (j) shall be displayed. For periods where the actual claim runoff is complete, that data shall be displayed to replace (f). Past experience shall be presented on both an actual basis and a current constant premium rate basis.

24. Lifetime Loss Ratio: This is the loss ratio determined over the rating period for annually rated groups. For other forms, the loss ratio is derived by dividing A by B where:

a. A is the sum of the accumulated incurred claims from the original effective date of the Policy Form to the effective date of the revision, and the present value of future incurred claims over the Entire Future Lifetime of the Policy Form; and

b. B is the sum of the accumulated earned annual premiums from the original effective date of the Policy Form to the effective date of the revision, and the present value of future earned annual premiums over the Entire Future Lifetime of the Policy Form.

25. through 27. No change.

28. Actuarial Certification:

a. Certification by a qualified actuary that to the best of the actuary's knowledge and judgment;

(I) The entire rate filing is in compliance with the applicable laws of the State of Florida and with the rules of the Department of Insurance;

(II) and Complies with Actuarial Standard of Practice No. 8, "Regulatory Filings for Rates and Financial Projections for Health Plans," as adopted by the Actuarial Standards Board, January, 1989, which standard is hereby adopted and incorporated by reference;

(III) that The premiums charged in relationship to the benefits provided are not excessive, not inadequate, and not unfairly discriminatory reasonable in relation to the proposed premiums.

b. A copy of the standard may be obtained from the Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, Larson Building, Tallahassee, FL 32399-0328.

c. A qualified actuary is one who is member of the Society of Actuaries or the American Academy of Actuaries and who is qualified in the area of health insurance.

d. If the actuary is unable to provide such certification, a detailed explanation shall be provided.

(4) Definitions.

(a) Actual-to-Expected (A/E) Claims ratio: The expected claims are the product of the anticipated loss ratio and the earned premium, both on a policy year or issue year basis. The ratio of is actual incurred claims under the policy form divided by expected claims or equivalently, the actual or projected annual loss ratio divided by the original applicable durational loss ratio. Both the year-by-year pattern of these ratios and the inception-to-date total ratio shall be presented.

(b) Annually Rated Group Policies: Group policies, including major medical coverage, which meet all of the following criteria: Anticipated Loss Ratio*N: For each value of N, this is the anticipated loss ratio with the first (N-1) policy years removed and is read "the anticipated loss ratio star N". The present value calculations use pricing assumptions. These values shall be provided for each policy year for each new

policy filing. These shall be updated for each rate filing to reflect any change in the minimum lifetime loss ratio for the policy form:

1. The policies are funded on a 1 year basis to satisfy loss ratio requirements.

2. The policies are expected to be repriced annually based on trend and demographic changes.

3. Effects of underwriting, if any, are part of the composite assumptions.

4. Claims experience is not durational.

5. Aging is not pre-funded, as in a Medicare supplement or long term care policy.

(c) through (d) No change.

(e) Credible Data: If a policy form has 2000 or more policies inforce, then full (100%) credibility is given to the experience; if fewer than 500 policies are inforce, then zero (0%) credibility is given. Linear interpolation is used for inforce amounts between 500 and 2000. For group policy forms, the numbers in this definition refer to group certificates, not policies. A combination of Florida and nationwide data shall be used only if Florida-only data is not fully credible. When the nationwide experience is less than fully credible, the indicated rate increase from the experience will be weighted with medical trend, for products subject to medical trend, or zero for products not subject to medical trend, for the complement of the experience credibility factor. Specific alternate credibility standards for particular lines of business shall be submitted to the Department by affected insurers no later than 4/1/94. The Department shall consider such alternate standards and commence formal rulemaking no later than 6/1/94. Prior to and ending on the effective date of such rules, alternate credibility standards advanced by any insurer for a particular line of business shall be considered by the Department. In order for those alternate standards to be acceptable, the insurer must demonstrate that the standards are based on sound actuarial principles and that the resulting loss ratios are in substantial compliance with the requirements of rules 4-149.003 and 4-149.006. For policy forms with low expected claims frequency, such as accident and long term care, at least 1,000 claims over not to exceed the most recent 5-year period shall be assigned 100% credibility, 200 claims shall be assigned 0% credibility with claims between 200 and 1,000 being linearly interpolated.

(f) Durational Loss Ratio Table: The table of annual loss ratios where:

1. A loss ratio is the ratio of incurred claims divided by earned premium for each policy duration, by policy duration determined from the original actuarial memorandum when the form was first approved or subsequently filed and approved under this chapter;

2. The durational loss ratio table is proportionally adjusted to reflect changes to the loss ratio standard for the form due to changes in average annual premium pursuant to the provisions of Rule 4-149.005(4), F.A.C., at the time of the filing; and

3. The present value, based on original pricing assumptions, produces the lifetime loss ratio standard for the form.

(g) Earned Premium: The portion of the total premium paid by the insured attributable to the period of coverage elapsed. This includes all modal loadings, fees, or charges that are required to be paid by the insured. Premium shall be earned uniformly over the period for which coverage is provided. Sections 627.6043(2) and 627.6645(4), Florida Statutes, provide for the company to have a short rate table approved. If approved, the short rate table is used in lieu of uniform earning (pro-rata) for determining refunds upon cancellation and shall not be incorporated for rate filing purposes.

~~(h)(f) Entire Future Lifetime: This is the maximum period over which the policy would be in effect if not terminated by action of the insurer or the insured. For individual policies, the minimum acceptable period for calculation purposes is the number of years before fewer than 5% of the original policyholders remain in force. This period is determined using the anticipated termination rates for the form. For annually rated group policies, the Entire Future Lifetime is the rating period. Policy Forms which have had rate revisions prior to the effective date of this rule with a projection period shorter than the entire lifetime of the policy shall, for the purposes of computing loss ratios, continue to use the same number of years in the projection period for future rate revisions.~~

(i) Expected Claims: The actual earned premium, or for projected periods the projected premium, times the applicable policy durational loss ratio from the approved durational loss ratio table which was in effect at the time period covered by the premiums.

(g) through (i) renumbered (j) through (l) No change.

(m) Incurred Claims: Incurred claims are claims occurring within a fixed period, whether or not paid during the same period, under the terms of the policy form.

1. Claims include scheduled benefit payments, reimbursement benefit payments, or services provided by a provider or through a provider network for medical, dental, vision, disability, and similar health benefits.

2. Claims do not include state assessments, or any expense incurred by the company for the cost of adjusting and settling a claim, including the review, qualification, oversight, management or monitoring of a claim or incentives or compensation to providers for other than the providing of health care services.

3. A company may at its discretion include other costs that are demonstrated to reduce claims, such as a fraud intervention program or case management costs which are: Identified in

each filing, and are demonstrated to reduce claims costs and do not result in increasing the experience period loss ratio by more than 5%.

(j) through (n) renumbered (n) through (r) No change.

~~(s)(e)~~ Renewal Clauses:

1. through 2. No change.

3.a. Guaranteed Renewable means that renewal cannot be declined by the insurer for any reason other than fraud, misrepresentation, or failure to pay the premium when due or as defined by Section 627.6425 or 627.6571, Florida Statutes, but the insurer can revise rates on a class basis.

b. When an insurer discontinues offering a particular policy form for health insurance coverage offered in the individual market pursuant to Sections 627.6425(3)(a) or 627.6571(3)(a), Florida Statutes, the nonrenewal of coverage must occur on the policy anniversary, and the offer of new coverage pursuant to Sections 627.6425(3)(a)2. or 627.6571(3)(a)2., Florida Statutes, shall be considered a renewal of coverage and renewed on the original policy anniversary at the same class basis as the coverage being discontinued. If the forms do not have consistent class definitions, the class shall be determined based on the original application and underwriting status of the individual when the discontinued coverage was first issued.

4. through 5. No change.

~~(t)(p) Select and Ultimate Premium Schedule: This is any premium schedule which has premiums that vary based on the time elapsed since issuance of the policy. These do not include rate schedules that reduce over time due to temporary risk charges, nonrecurring fees, or reducing benefits.~~

~~(u)(e)~~ No change.

Specific Authority 624.308(1), 627.410(6)(b), (e) FS. Law Implemented 627.410(1), (2), (6), 627.411(1)(e) FS. History—New 7-1-85, Formerly 4-58.06, 4-58.006, Amended 4-18-94, 4-9-95, _____.

4-149.007 Annual Rate Filing Procedures.

(1) This rule applies to every insurer writing health insurance, defined as insurance of human beings against bodily injury, disablement, or death by accident or accidental means, or the expense thereof, or against disablement or expense resulting from sickness, and every insurance appertaining thereto but excluding workers' compensation coverages and noncancelable policies.

(2) Each insurer shall make an annual filing with the Department for each policy form or pooled block of forms no later than 12 months after the date of approval of its previous filing for the policy form, demonstrating the reasonableness of benefits in relation to premium rates.

~~(a) The first such filing for each policy form for each company shall be submitted on or after October 1, 1989, but in no event later than March 1, 1990, or 14 months after the date of its last rate filing approval date preceding October 1, 1989.~~

~~(b) Subsequent rate filings shall be submitted no later than 12 months after the previous filing approval date for each policy form.~~

~~(3) through (4) No change.~~

~~(5) Filing Preparation. Filings shall be prepared in accordance with Rule 4-149.003, F.A.C., and in accordance with either (a), ~~or~~ (b), or (c) below.~~

~~(a) For significant blocks of business (defined as 500 or more policies or certificates in force nationwide), filings shall be in accordance with either 1., 2., or 3., below:~~

~~(a)1. A rate filing shall be prepared under the direction of an actuary which contains documentation that the proposed benefits are reasonable in relation to the premium rates, pursuant to the applicable rating laws and rules adopted by the Department.~~

~~(b)1,2. If no rate change is proposed and the form is other than Medicare supplement, a filing shall be prepared which consists of a cover letter indicating the nature of the filing and a certification by an actuary that benefits are reasonable in relation to premiums currently charged in accordance with the applicable rating laws and rules adopted by the Department.~~

~~2. The Such certification shall is to be attached to the applicable standardized data letter, Form DI4-1507 as adopted in Rule 4-149.022, F.A.C.~~

~~3. The certification shall comply with Rule 4-149.006(3)(b)28., F.A.C.~~

~~(c) For noncredible blocks of business, the company may request a waiver of the requirement. Such request must be accompanied by a letter indicating the nature of the filing, the type of product and the reason for the request.~~

~~(b) For insignificant blocks of business (defined as desired by the company but no greater than 500 policies in force nationwide):~~

~~1. By any of the methods described in paragraph (a), above.~~

~~2. The Department may waive the requirement for a certification of reasonableness so long as the insurer's solvency is not affected.~~

~~(c) As used in this rule, "actuary" means an individual who is a member of the Society of Actuaries or the American Academy of Actuaries and who is qualified in the area of health insurance.~~

~~(6) Requests for Extension. If a filing is under preparation on the date it is required to be filed, the insurer may apply to the Department for an extension for up to an additional 30 days in which to submit the filing. The request for an extension shall be received by the Department in Tallahassee prior to the date the filing is due.~~

~~(7) Filing Date. A filing is considered to be made with the Department on the date the filing is received by the Department.~~

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History--New 5-14-92, Amended _____.

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE CHAPTER TITLE: Sparkler Registration
 RULE CHAPTER NO.: 4A-50

RULE TITLE: Registration Requirements
 RULE NO.: 4A-50.005

PURPOSE AND EFFECT: To adopt forms for use in conjunction with the registration of sparkler wholesalers, distributors, manufacturers, retailers, and seasonal retailers.

SUBJECT AREA TO BE ADDRESSED: Forms for registration of sparkler wholesalers, distributors, manufacturers, retailers, and seasonal retailers.

SPECIFIC AUTHORITY: 791.015(4) FS.

LAW IMPLEMENTED: 791.015(1)(2) FS.

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

TIME AND DATE: 9:00 a.m., May 6, 2002

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Terry Hawkins, Safety Program Manager, Licensing and Regulatory Section, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, (850)922-3171

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Millicent King, (850)413-3619.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

4A-50.005 Registration Requirements.

(1) through (10) No change.

(11) Registration forms.

(a) Each person, firm, copartnership, corporation, or other entity seeking to register as a seasonal retailer shall complete and file with the Regulatory and Licensing Section Form DI4-1233, entitled Certificate of Sparkler Registration – Seasonal Retailer, which is hereby adopted and incorporated by reference. Copies of Form DI4-1233 may be obtained from the Regulatory and Licensing Section, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(b) Each person, firm, copartnership, or corporation, or other entity seeking to register as a manufacturer, distributor, or wholesaler shall complete and file with the Regulatory and Licensing Section Form DI4-1234, entitled Certificate of Sparkler Registration Manufacturer, Distributor, and

Wholesaler, which is hereby adopted and incorporated by reference. Copies of Form DI4-1234 may be obtained from the Regulatory and Licensing Section, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(c) Each person, firm, copartnership, or corporation, or other entity seeking to register as a retailer shall complete and file with the Regulatory and Licensing Section Form DI4-xxxx, entitled, Certificate of Sparkler Registration-Retailer, which is hereby adopted and incorporated by reference. Copies of Form DI4-1233 may be obtained from the Regulatory and Licensing Section, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

Specific Authority 791.015(4) FS. Law Implemented 791.015(1)(2) FS. History-New _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:

RULE NOS.:

Standards

5F-2.001

Adoption of the General Code and

the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology (NIST) Handbook 44

5F-2.014

PURPOSE AND EFFECT: The purpose of Rule 5F-2.001, F.A.C., is to adopt the 2002 edition of the chemical and physical standards set forth in the American Society for Testing and Materials. These standards will be used for quality testing of regulated petroleum products. The effect will be that the Department will use the most recent nationally recognized standards for petroleum products developed by a consensus organization. The purpose of Rule 5F-2.014, F.A.C., is to adopt the 2002 edition of NIST Handbook 44 which contains specifications and testing criteria for liquid and vapor measuring devices. The effect will be the incorporation of the most recent specifications and testing criteria of measuring devices developed by a consensus organization.

SUBJECT AREA TO BE ADDRESSED: Proposed Rule 5F-2.001, F.A.C., will specify that the most recent Annual Book of ASTM Standards is the accepted standard for implementation of Chapter 525, F.S. Proposed Rule 5F-2.014, F.A.C., will specify that the 2002 version of NIST Handbook 44 is the accepted standard for implementation of Chapter 525, F.S.

SPECIFIC AUTHORITY: 525.037, 525.14, 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 525.01, 525.037, 525.07, 525.14, 525.16, 531.40 FS.

IF REQUESTED 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., Monday, May 6, 2002

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eric Hamilton, Bureau Chief, Bureau of Petroleum Inspection, 3125 Conner Blvd., Bldg. #1, Tallahassee, FL 32399-1650, phone: (850)488-9740

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions may be made by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in the American Society for Testing and Materials designation D 4814-01a ~~D 4814-00a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 4814-01a ~~D 4814-00a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(2) Kerosene (Kerosine). The following specifications apply to kerosene No. 1-K and No. 2-K sold or offered for sale in Florida.

(a) Standards. All kerosine No. 1-K and No. 2-K shall conform to the chemical and physical standards for kerosene No. 1-K and No. 2-K as set forth in the American Society for Testing and Materials designation D 3699-01 ~~D 3699-98~~, "Standard Specification for Kerosine."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 3699-01 ~~D 3699-98~~, "Standard Specification for Kerosine."

(3) Diesel Fuel Oils No. 1-D and No. 2-D. The following specifications apply to diesel fuel oils No. 1-D and No. 2-D sold or offered for sale in Florida.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in the American Society for Testing and Materials designation D 975-01a ~~D975-00~~ "Standard Specification for Diesel Fuel Oils." Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 975-01a ~~D-975-00~~, "Standard Specification for Diesel Fuel Oils."

(4) Fuel Oils No. 1 and No. 2. The following specifications apply to fuel oils No. 1 and No. 2 sold or offered for sale in Florida.

(a) Standards. All fuel oils No. 1 and No. 2 shall conform to the chemical and physical standards for fuel oils No. 1 and No. 2 as set forth in the American Society for Testing and Materials designation D 396-01 ~~D-396-98~~, "Standard Specification for Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by the American Society for Testing and Materials designation D 396-01 ~~D-396-98~~, "Standard Specification for Fuel Oils."

(6) Materials. The following materials are hereby incorporated by reference. Copies of these publications may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or <http://www.astm.org>.

(a) American Society for Testing and Materials D 4814-01a ~~D-4814-00a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel" (approved November 10, 2001 ~~December 10, 2000~~);

(b) American Society for Testing and Materials D 3699-01 ~~D-3699-98~~, "Standard Specification for Kerosine," (approved June 10, 2001 ~~April 1998~~);

(c) American Society for Testing and Materials D 975-01a ~~D-975-00~~, "Standard Specification for Diesel Fuel Oils" (approved June 10, 2001 ~~December 10, 2000~~);

(d) American Society for Testing and Materials D 396-01 ~~D-396-98~~, "Standard Specification for Fuel Oils" (approved June 10, 2001 ~~April 1998~~).

Specific Authority 525.037, 525.14 FS. Law Implemented 525.01, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01,_____.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices,

Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44.

The general code and the codes of liquid-measuring devices, liquefied petroleum gas and anhydrous ammonia liquid-measuring devices, hydrocarbon gas vapor-measuring devices, vehicle-tank meters, and vehicle tanks used as measures relating to specifications, tolerances, and other technical requirements for commercial weighing and measuring devices, contained in National Institute of Standards and Technology Handbook 44, 2002 ~~2001~~ Edition issued November 2001 ~~2000~~, published by U.S. Department of Commerce are hereby adopted by reference as rules of the Department of Agriculture and Consumer Services. Copies may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

Specific Authority 525.14, 531.40, 531.41(3) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01,_____.

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Definitions	12-25.031
Eligibility and Qualifications	12-25.033
Responsibility for Program Training, Certification Procedures, and Program Availability	12-25.035
Applying for Participation in the Program	12-25.037
Withdrawal from the Certified Audit Program	12-25.042
Development of Agreed Upon Procedures	12-25.047
Submission of the Certified Audit Report	12-25.048
Review of Certified Audit Reports	12-25.049

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12-25.031, F.A.C. (Definitions), is to revise the definition of the term "practitioner(s)" to include those individuals who have successfully completed a training course approved by the Department.

The purpose of the proposed amendments to Rule 12-25.033, F.A.C. (Eligibility and Qualifications) is to: (1) provide that a qualified practitioner will supervise the subject activities and will no longer be required to be physically on site where the activities are performed; and (2) require a qualified audit firm to receive a timely system review with an "Unqualified Opinion" dated prior to the Request to Participate in the Certified Audit program.

The purpose of the proposed amendments to Rule 12-25.035, F.A.C. (Responsibility for Program Training, Certification Procedures, and Program Availability), is to: (1) remove the limitation on the number of consecutive temporary

recertifications issued to a qualified practitioner; and (2) incorporate by reference changes to form DR-342000, Request to Participate in the Certified Audit Program.

The purpose of the proposed amendments to Rule 12-25.037, F.A.C. (Applying for Participation in the Program), is to: (1) provide that form DR-835, Power of Attorney, is incorporated by reference in Rule 12-6.0015, F.A.C.; (2) provide that the Department will notify the qualified practitioner when a Request to Participate in the certified Audit program is incomplete or requires clarification; (3) change the extension of time to resubmit a revised Request to Participate and/or supporting documentation from a 15-day period to a 30-day period; and (4) provide that the failure to register for, or file returns for, communications services tax is one of the grounds for Departmental denial of a Request to Participate.

The purpose of the proposed amendments to Rule 12-25.042, F.A.C. (Withdrawal from the Certified Audit Program), is to clarify that the Department will conduct an audit of a taxpayer for the same audit period and taxes addressed by the Agreed Upon Procedures when a Certified Audit report is not provided to the Department within 90 calendar days upon approval of the Agreed Upon Procedures.

The purpose of the proposed amendments to Rule 12-25.047, F.A.C. (Development of Agreed Upon Procedures), and Rule 12-25.048, F.A.C. (Submission of the Certified Audit Report), is to incorporate by reference the Statements on Standards for Attestation Engagements #10.

The purpose of the proposed amendments to Rule 12-25.049, F.A.C. (Review of Certified Audit Reports), is to provide that the criteria for selecting an approved certified audit report for review include: (1) reports that are protested by the taxpayer; (2) reports that are submitted by a qualified practitioner after a previous report that required changes or clarification; (3) reports for audits where the Agreed Upon Procedures for the report were not followed; and (4) reports that indicate an overpayment has been made.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to Rule Chapter 12-25, F.A.C., regarding the Department's administration of the Certified Audit Program.

SPECIFIC AUTHORITY: 213.06(1), 213.285(7) FS.

LAW IMPLEMENTED: Ch. 98-95, L.O.F., 213.285 FS.

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

TIME AND DATE: 9:30 a.m., May 7, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-25.031 Definitions.

(1) through (7) No change.

(8) "Practitioner(s)" means the individual(s) that are on the certified audit engagement team that are not qualified practitioners and who have successfully completed a training course approved by the Department prior to their performance of the subject activities, as described in Rule 12-25.033(1)(b), F.A.C.

(9) through (11) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History—New 8-23-99, Amended.

12-25.033 Eligibility and Qualifications.

(1)(a) No change.

(b) Any practitioner employed by the qualified audit firm who performs audit analysis, who makes auditing decisions on source documents, taxpayer data, or sales transactions, or who performs agreed-upon procedures, except for the gathering of information for the planning work discussed in Rule ~~rule~~ 12-25.047(1)(b)1., 2., 4., 5., 6., and 7., scheduling, or reconciling, must successfully complete a training course approved by the Department prior to his or her ~~their~~ initial performance of the subject activities. The Department will approve the training, including instructional curriculum and materials, and testing, administered and delivered by the contract provider, if the provider meets all the conditions contained in pages 20 through 23 of the contract required to be established by both parties pursuant to Section 213.285(1), F.S., and Section 4 of Chapter 98-95, Laws of Florida. This contract is adopted and incorporated by reference. However, the Department shall grant a waiver of this requirement for a specific certified audit in circumstances where a practitioner working on the subject audit can not complete his or her work due to a documented medical reason or; a documented family emergency, or the practitioner has left the employment of the firm. The training course will, at a minimum, teach the basics

of Florida Sales and Use tax law, and it will include a required examination. The Department will be the final authority on the content of the training course and the nature, number, and type of questions on the examination. "Successfully complete" means the participant has met all the requirements for the course and achieved a scaled score of 70 percent. Further, any practitioner performing the subject activities shall be supervised by a qualified practitioner. ~~The subject qualified practitioner will be physically on site where the activities are performed.~~

(c) through (d) No change.

(e) ~~The In addition, The~~ qualified audit firm must have received a timely system review (on-site peer review) dated prior to the date of the Request to Participate and must have received an "Unqualified Opinion" on such system review (on-site peer review). Compliance with these requirements is based on the most recent system review (on-site peer review) received prior to the Request to Participate. If the qualified audit firm at the date of the Request to Participate has not received a system review (an on-site peer review) with an unqualified opinion, dated prior to the date of the Request to Participate, then the qualified audit firm is ineligible to participate in the certified audit program. The qualified audit firm can submit a new Request to Participate once the applicable requirements are met.

(2) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New 8-23-99, Amended.

12-25.035 Responsibility for Program Training, Certification Procedures, and Program Availability.

(1) through (3)(a) No change.

(b) The Department shall issue temporary recertification if a previously certified qualified practitioner fails to timely apply for and receive a recertification. These temporary recertifications shall expire 90 consecutive calendar days after the date of issuance. ~~No more than two consecutive temporary recertifications shall be issued to a qualified practitioner.~~

(4) No change.

(5) Continuing professional education is required for practitioners and qualified practitioners as part of the training required pursuant to the directives in s. 213.285(1)(a), F.S., and Section 4 of Chapter 98-95, L.O.F. These laws require the training to be developed and delivered by the FICPA and approved by the Department pursuant to the contract signed by the Department and the FICPA. The Department shall approve the continuing professional education program if it meets all the criteria established in the contract.

(a) Practitioners must complete a continuing professional education program which will not exceed eight hours every two years.

(b) A qualified practitioner must complete a continuing professional education program, approved by the Department for recertification, which will not exceed sixteen hours every two years.

(6) through (8) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New 8-23-99, Amended.

12-25.037 Applying for Participation in the Program.

(1) The following public use form is employed by the Department of Revenue in its dealings with the public, and is hereby incorporated in these rules by reference. Copies of this form are available by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32304; or 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331. When a qualified practitioner has a client who agrees to participate in the program, the qualified practitioner must complete a Request to Participate in the Certified Audit Program (form DR-342000), which includes a Power of Attorney (form DR-835, incorporated by reference in Rule 12-6.0015, F.A.C.), and submit the Request to Participate, including any required supporting information to the Department.

Form Number	Title	Effective Date
DR-342000	Request to Participate in the Certified Audit Program program (r. N. 8/99)	8/99

(2) through (3) No change.

(4)(a) If the Request to Participate in the Certified Audit ~~Program program~~ received by the Department is incomplete or requires clarification, ~~it will be returned to the qualified practitioner will be notified.~~ When the Department determines that a request is incomplete returns an incomplete Request and/or supporting documentation to a qualified practitioner, it will notify the qualified practitioner issue a letter, explaining how the Request and/or documentation must be revised, expanded, or clarified.

(b) The qualified practitioner will be given 30 calendar days from the date of notification the letter is issued by the Department to resubmit the revised Request to Participate and/or supporting documentation.

(c) No change.

(5) A qualified practitioner may submit a written request to the Department for a 30-day ~~15-day~~ extension of the 30-day time period discussed in subsection (4) of this rule. The Department will not accept more than two consecutive written requests for a 30-day ~~15-day~~ extension for the same Request to Participate.

(6) The Request to Participate is not, by definition, "proper and complete" if the Department requests clarification of submitted information or requests additional information. The Department will, within 10 ~~ten~~ working days of receiving a proper and complete Request to Participate in the Certified Audit program and application, issue written notification to the qualified practitioner:

(a) through (b) No change.

(7) Grounds for departmental denial of a Request to Participate include:

(a) through (b) No change.

(c) The taxpayer has failed to register for, or file the returns for, corporate income tax, intangible personal property tax, fuel taxes, documentary stamp tax, insurance premium tax, communications services tax, or gross receipts tax. The local option surtaxes and fees specific to the type of industry or location of the participating taxpayer will be included with the sales and use tax in the certified audit.

(d) through (f) No change.

(8) through (9) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New 8-23-99, Amended.

12-25.042 Withdrawal from the Certified Audit Program.

(1) No change.

(2) If the taxpayer withdraws from the Certified Audit program subsequent to the Department approval of the Agreed Upon Procedures or if a Certified Audit report is not provided to the Department within 90 calendar days upon approval; of the Agreed Upon Procedures, and the Department denies an extension of time, then the Department will conduct an audit of the taxpayer for the same audit period and taxes addressed by the Agreed Upon Procedures.

(3) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New 8-23-99, Amended.

12-25.047 Development of Agreed Upon Procedures.

(1)(a) Certified Audits conducted pursuant to the authority of s. 213.285, F.S., are attestation engagements that are conducted under Statements on Standards for Attestation Engagements, #10 #4 – Agreed Upon Procedures, which are adopted and incorporated by reference.

(b) No change.

(2) through (5) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New 8-23-99, Amended.

12-25.048 Submission of the Certified Audit Report.

(1) The certified audit report must meet all the requirements established by Statements on Standards for Attestation Engagements #10 #4.

(2) through (5) No change.

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New 8-23-99, Amended.

12-25.049 Review of Certified Audit Reports.

(1) through (2) No change.

(3) The criteria for selecting an approved certified audit report for review are ~~is~~:

(a) through (d) No change.

(e) The certified audit report is protested by the taxpayer.

(f) The certified audit report is subsequent to the Department's review of a previous certified audit report submitted by the Qualified Practitioner, in which changes or clarification were required.

(g) The Agreed Upon Procedures for the certified audit report were not followed.

(h) The certified audit report indicates an overpayment has been made.

(4) When a qualified practitioner completes a certified audit and the Department approves the certified audit report, the qualified audit firm must request that the certified audit engagement be included as a part of its ~~their~~ next system review (on-site peer review).

Specific Authority 213.06(1), 213.285(7) FS. Law Implemented Ch. 98-95, L.O.F., 213.285 FS. History--New 8-23-99, Amended.

DEPARTMENT OF REVENUE

Sales and Used Tax

RULE TITLES:	RULE NOS.:
Registration	12A-19.010
Tax Due at Time of Sale; Tax Returns and Regulations	12A-19.020
Communications Services Tax Direct Pay Permits	12A-19.030
Notification of Local Communication Services Tax Rate Changes and Permit Fee Elections	12A-19.050
Public Use Forms	12A-19.100

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-19.010, F.A.C. (Registration), Rule 12A-19.020, F.A.C. (Tax Due at Time of Sale; Tax Returns and Regulations), Rule 12A-19.030, F.A.C. (Communications Services Tax Direct Pay Permits), and Rule 12A-19.050, F.A.C. (Notification of Local Communication Services Tax Rate Changes and Permit Fee Elections), and the proposed creation of Rule 12A-19.100, F.A.C. (Public Use Forms), is to incorporate by reference in Rule 12A-19.100, F.A.C., forms

currently used by the Department in the administration of the communications services tax. In addition, the proposed rule amendments to Rule 12A-19.050, F.A.C., will provide guidance on how to obtain current communications service tax rates for each local taxing jurisdiction.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed incorporation by reference of forms used by the Department in the administration of the communications services tax and the proposed guidelines on how to obtain current communications service tax rates.

SPECIFIC AUTHORITY: 202.15, 202.16(2), 202.21, 202.26(3)(a), (c), (d), (e), (h), (i), 202.27(6), 202.28(1)(b)2. FS.

LAW IMPLEMENTED: 202.11(3), (4), (7), (9), (11), (12), (13), (14), (16), 202.12(1), (3), 202.13(2), 202.15, 202.16, 202.17(1), (3)(a), (4), (6), 202.19(1), (8), 202.20(2)(a), 202.21, 202.22(6), 202.27, 202.28(1), (2), 202.30, 202.33(2), 202.34(3), (4)(c), 202.35(1), 337.401(3)(c), (j) FS.

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

TIME AND DATE: 9:30 a.m., May 7, 2002

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida 32399-0100

Copies of the agenda for the rule development workshop may be obtained from Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least five (5) calendar days before such proceeding by contacting Jamie Phillips at (850)488-0717. If you are hearing or speech impaired, please contact the Department by using the Florida Relay System, which can be reached at (800)955-8770 (Voice) or (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jennifer Silvey, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4727

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-19.010 Registration.

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

2. Except as provided herein, a person registering with the Department for the communications services tax must notify the Department of the method(s) that will be employed to determine the local taxing jurisdiction in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method

Employed to Determine Taxing Jurisdiction (Communications Services Tax) (~~11/01, hereby~~ incorporated by reference in Rule 12A-19.100, F.A.C.). The following persons are not required to file form DR-700020 with respect to the activities listed:

a. through f. No change.

(d) through (3) No change.

~~(4) Form DR-1, Application to Collect and/or Report Tax in Florida, and form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction, are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168 A Blountstown Highway, Tallahassee, Florida 32399-0100; or 2) faxing the Distribution Center at (850)922-2208; or 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at (850)922-3676; or 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or 6) downloading the form from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

Specific Authority 202.26(3)(e),(h) FS. Law Implemented 202.11(3),(7),(9), (13),(14),(16), 202.12(1)(b), 202.15, 202.17(1),(3)(a),(4), 202.22(6)(a), 202.27(6) FS. History--New 1-31-02, Amended _____.

12A-19.020 Tax Due at Time of Sale; Tax Returns and Regulations.

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

(b) Except as provided herein, all communications services tax dealers must notify the Department of the method or methods the dealer will employ to determine local taxing jurisdictions in which service addresses are located. The notification to the Department shall be made using form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (incorporated by reference in Rule ~~12A-19.100~~ ~~12A-19.010~~, F.A.C.). If a communications services tax dealer that is required to notify the Department of the method to be used to determine local taxing jurisdictions fails to notify the Department that the dealer will use a method described in subparagraph (a)1., the dealer will be assigned an initial collection allowance of .25 percent. If a dealer is assigned a collection allowance of .25 percent due to failure to notify the Department of use of a method described in subparagraph (a)1., the dealer will be assigned a .75 percent collection allowance upon subsequently providing a completed form DR-700020. The dealer will be entitled to a refund or credit of the difference between the .25 percent collection allowance initially assigned and the .75 percent collection allowance during any period the dealer was using an eligible method and

claiming the lower allowance prior to notifying the Department. The following persons are not responsible for collecting and remitting local communications services taxes and are not required to file form DR-700020:

- a. through f. No change.
- (c) No change.

(3)(a) Form DR-700016, Florida Communications Services Tax Return (~~☞ 12/01, hereby~~ incorporated by reference in Rule 12A-19.100, F.A.C.), accompanied by the applicable payment, is due on the first day of the month subsequent to the sale of communications services. A return is required to be filed with the Department even when no tax is due with the return.

- (b) through (6) No change.

~~(7) Communications services tax returns are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

- (8) through (9) renumbered (7) through (8) No change.

Specific Authority 202.15, 202.26(3)(a) FS. Law Implemented 202.12(1), 202.15, 202.16, 202.19(1), 202.22(6), 202.27, 202.28(1),(2), 202.30(3), 202.33(2), 202.35(1) FS. History--New 1-31-02, Amended _____.

12A-19.030 Communications Services Tax Direct Pay Permits.

- (1) through (2) No change.

(3)(a) To request a Communications Services Tax Direct Pay Permit, a person must file form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax (~~☞ 07/01, hereby~~ incorporated by reference in Rule 12A-1.100, F.A.C.), with the Department, in the manner provided on the form.

(b) Each permit holder must hold a valid dealer's Communications Services Tax Certificate of Registration (form DR-700014) issued by the Department. Persons that are not registered with the Department for the communications services tax must file an Application to Collect and/or Report Tax in Florida (form DR-1) with the Department. If form DR-700030, Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax accompanies form DR-1, then form DR-700020, Notification of Method Employed to Determine Taxing Jurisdiction (incorporated by

reference in Rule 12A-19.100 ~~12A-19.040~~, F.A.C.), is only required to be filed if an applicant will be responsible for collecting and remitting local communications services taxes on sales of communications services.

~~(e) These forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168 A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

- (4) through (9) No change.

Specific Authority 202.26(3)(e),(i), 202.27(6) FS. Law Implemented 202.12(3), 202.16(4), 202.19(8), 202.27(6)(b), 202.30, 202.34(3) FS. History--New 1-31-02, Amended _____.

12A-19.050 Notification of Local Communications Services Tax Rate Changes and Permit Fee Elections.

(1) Any municipality or county that adopts, repeals, or changes a local communications services tax rate or changes a permit fee election must notify the Department as provided in this rule.

(a) Notification of local communications services tax rate changes and changes in permit fee elections must be made on form DR-700021, Local Communications Services Tax Notification of Tax Rate Change (~~☞ 12/01, hereby~~ incorporated by reference in Rule 12A-19.100, F.A.C.), and a copy of the applicable resolution or ordinance must be submitted with the notification.

- (b) through (c) No change.

~~(2) Form DR-700021, Local Communications Services Tax Notification of Tax Rate Change, is available without cost by one or more of the following methods: 1) writing the Florida Department of Revenue, Forms Distribution Center, 168 Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Forms Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

(3) through (4) renumbered (2) through (3) No change.

(4) In addition to the methods used by the Department to notify dealers of changes in the tax rate pursuant to ss. 202.20(2) and 202.21, F.S., the Department provides the tax rates for each local taxing jurisdiction by listing the rates on the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>) and on form DR-700016, Florida Communications Services Tax Return (incorporated by reference in Rule 12A-19.100, F.A.C.) The Department's Internet site and form DR-700016 are revised when the tax rate in any local taxing jurisdiction changes.

Specific Authority 202.21, 202.28(1)(b)2, FS. Law Implemented 202.20(2)(a), 202.21, 337.401(3)(c), (j) FS. History—New 1-31-02, Amended _____.

12A-19.100 Public Use Forms.

(1) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S. These forms are hereby incorporated by reference in this rule. Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168-A Blountstown Highway, Tallahassee, Florida 32399-0100; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) using a fax machine telephone handset to call the Department's automated FAX on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading the form from the Department's Internet site at the address shown inside the parentheses (<http://www.myflorida.com/dor/>). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

<u>Form Number</u>	<u>Title</u>	<u>Effective Date</u>
<u>(2) DR-700012</u>	<u>Application for Certification of Communications Services Database (N. 04/02)</u>	—
<u>(3) DR-700016</u>	<u>Florida Communications Services Tax Return (r. 01/02)</u>	—
<u>(4) DR-700020</u>	<u>Notification of Method Employed to Determine Taxing Jurisdiction (Communications Services Tax) (r. 11/01)</u>	—
<u>(5) DR-700021</u>	<u>Local Communications Services Tax Notification of Tax Rate Change (r. 12/01)</u>	—

<u>(6) DR-700022</u>	<u>Local Communications Services Tax Notification of Jurisdiction Change (N. 04/02)</u>	—
<u>(7) DR-700025</u>	<u>Objection to Communications Services Tax Electronic Database Service Address Assignment (N. 04/02)</u>	—
<u>(8) DR-700030</u>	<u>Application for Self-Accrual Authority/Direct Pay Permit Communications Services Tax (r. 07/01)</u>	—

Specific Authority 202.16(2), 202.26(3)(c),(d) FS. Law Implemented 202.11(4),(11),(12), 202.13(2), 202.16(2),(4), 202.17(6), 202.34(3),(4)(c) FS. History—New _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Agreements
 RULE NO.: 40C-3.035

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate by reference the water well permitting delegation agreement between St. Johns River Water Management District and the Florida Department of Health, Putnam County Health Department.

SUBJECT AREAS TO BE ADDRESSED: The subject area to be addressed is the permitting of the construction of water wells less than six inches in diameter by the Florida Department of Health, Putnam County Health Department.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (11) No change.

(12) An agreement between Florida Department of Health, Putnam County Health Department and St. Johns River Water Management District regarding water well permitting dated (effective date).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History–New 10-14-84, Amended 12- 5-85, Formerly 40C-3.035, 40C-3.0035. Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-6-01,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Individual Environmental
 RULE CHAPTER NO.: 40D-4

Resource Permits
 RULE TITLES: 40D-4

Formal Determination of Wetlands and
 Other Surface Waters
 RULE NOS.: 40D-4.042

Publications and Agreements Incorporated
 by Reference
 40D-4.091

PURPOSE AND EFFECT: The proposed amendment to Rule 40D-4.042, F.A.C., will change the delegation of authority for Formal Determination of Wetlands and Other Surface Waters from the Executive Director to the Regulation Department Directors. The proposed amendment to Basis of Review Section 3.2.2.2, will clarify that provisions relating to environmental impact assessment criteria and required mitigation for fish, wildlife, listed species, and their habitat do not apply to man-made ponds less than 1 acre in size that are constructed in uplands. Previously only livestock watering ponds were excluded from consideration under these criteria. The proposed amendment to Basis of Review Section 3.2.8, will incorporate language consistent with recent legislation declaring that adverse wetland impacts offset by mitigation within the same drainage basin will not result in unacceptable cumulative impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will amend subsection (5) of Rule 40D-4.042, F.A.C., and Sections 3.2.2.2 and 3.2.8, of the Basis of Review for Environmental Resource Permit Applications which Rule 40D-4.091, F.A.C., incorporates into the District’s rules by reference.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.149, 373.171, 373.421(2), 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.421(2), 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) through (4) No change.

(5) The Regulation Department Executive Directors are is delegated the authority to take final action on petitions for formal determinations under this section. A formal determination shall be issued only if the petitioner has satisfied all the requirements of this section.

(6) through (8) No change.

Specific Authority 373.044, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History–New 10-3-95, Amended 7-2-98, 2-14-00, 5-28-00, _____.

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) “Basis of Review for Environmental Resource Permit Applications” within the Southwest Florida Water Management District, February 27, 2002. This document is available from the District upon request.

(2) through (4) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02,_____.

**ENVIRONMENTAL RESOURCE PERMITTING
 INFORMATION MANUAL**

PART B – BASIS OF REVIEW

CHAPTER THREE – ENVIRONMENTAL

3.2.2 Fish, Wildlife, Listed Species and their Habitats.

3.2.2.2 Alterations to wholly owned livestock watering ponds that were constructed entirely in uplands and which are less than one acre in area and alterations to drainage ditches that were constructed in uplands will not be required to comply with the provisions of subsections 3.2.2 through 3.2.2.3, 3.2.3 through 3.2.3.7 and 3.2.5 through 3.3.8, unless those ponds or ditches provide significant habitat for threatened or endangered species. This means that, except in cases where those ponds or ditches provide significant habitat for threatened or endangered species, the only environmental criteria that will apply to those ponds or ditches are those included in subsections 3.2.2.4, and 3.2.4 through 3.2.4.5. This provision shall only apply to those ponds and ditches which were constructed before a permit was

required under Part IV, Chapter 373, F.S. or were constructed pursuant to a permit under Part IV, Chapter 373, F.S. This provision does not apply to ditches constructed to divert natural stream flow.

3.2.8 Cumulative Impacts.

Pursuant to paragraph 3.1.1(g), an applicant must provide reasonable assurance that a regulated activity will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the regulated activity for which a permit is sought. The impact on wetlands and other surface waters shall be reviewed by evaluating the impacts to water quality as set forth in subsection 3.1.1(c), and by evaluating the impacts to functions identified in subsection 3.2.2. If an applicant proposes to mitigate any adverse impacts within the same drainage basin as the impacts, and if the mitigation fully offsets these impacts, then the District will consider the regulated activity to have no unacceptable cumulative impacts upon wetlands and other surface waters, and the condition for issuance in paragraph 3.1.1(g), will be satisfied. The drainage basins within the District are identified on Appendix 6.

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

- (a) through (b) No change.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE TITLES:	RULE NOS.:
Insurance, Safety Requirements and Standards	41-2.006
Coordinating Board Structure and Duties	41-2.012
Purchasing of Transportation Outside the Coordinated System	41-2.017

PURPOSE AND EFFECT: The purpose of the amendments to Rule 41-2.006, F.A.C., is to update and revisit the standards for the health, safety, and welfare of the public utilizing transportation service under Chapter 472, F.S. The Board proposes to clarify the rule text in Rule 41-2.012, F.A.C., with regard to the nature of the membership of local coordinating boards. The Board also proposes to promulgate a new rule, numbered Rule 41-2.017, F.A.C., which will establish a procedure for agencies to follow when purchasing transportation services outside the coordinated system.

SUBJECT AREA TO BE ADDRESSED: Insurance, safety requirements and standards, coordinating board structure and duties, and procedure for agencies to follow when purchasing transportation services outside the coordinated system.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 287.0585, 427.011(11), 427.013, 427.0155, 427.0157, 768.28 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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jo Ann Hutchinson, Executive Director, Commission for Transportation Disadvantaged, Mail Station 49, 605 Suwannee Street, Tallahassee, Florida 32399-0450

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-01R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Permits	62-4
RULE TITLES:	RULE NOS.:
Scope of Part I	62-4.001
Definitions	62-4.020
General Prohibition	62-4.030
Exemptions	62-4.040
Procedures to Obtain Permits and Other Authorizations	62-4.050
Permit Processing	62-4.055
Consultation	62-4.060
Standards of Issuing or Denying Permits; Issuance; Denial	62-4.070
Modification of Permit Conditions	62-4.080
Financial Responsibility	62-4.110
Transfer of Permits	62-4.120
Permit Conditions	62-4.160
Scope of Part II	62-4.200
Construction Permits	62-4.210
Antidegradation Permitting Requirements; Outstanding Florida Waters; Outstanding National Resource Waters; Equitable Abatement	62-4.242
Mixing Zones: Surface Waters	62-4.244
Scope of Part III	62-4.510
Definition	62-4.520
Procedures	62-4.530
General Conditions for All General Permits	62-4.540

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The proposed rule will amend one or more sections of Chapter 62-4 of the Florida Administrative Code to implement a new environmental resource permit program under Part IV of Chapter 373 of the Florida Statutes within the geographic limits of the Northwest Florida Water Management District. This rulemaking is needed because, under s. 373.4145, F.S., the ERP program under Part IV of Chapter 373, F.S., within the panhandle is limited to the dredge and fill and stormwater permit programs under Chapters 62-25 and 62-312 of the Florida Administrative Code, until July 1, 2003. Therefore, a need exists to have in place the new ERP rules to replace the existing dredge and fill and stormwater rules on July 1, 2003.

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

CONTACT: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400; (850)921-9901; facsimile (850)488-6579; or e-mail: jeanese.mccree@dep.state.fl.us

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-02R

RULE CHAPTER TITLE: PERMITS RULE CHAPTER NO.: 62-25

RULE TITLES: SCOPE RULE NOS.: 62-25.001

DEFINITIONS 62-25.020

DESIGN AND PERFORMANCE STANDARDS 62-25.025

LEGAL OPERATION/MAINTENANCE

Entity Requirements 62-25.027

EXEMPTIONS 62-25.030

STORMWATER GENERAL PERMITS 62-25.035

CONSTRUCTION PERMIT REQUIREMENTS FOR NEW

Stormwater Discharge Facilities 62-25.040

PERMIT REQUIREMENTS FOR WETLANDS

Stormwater Discharge Facilities 62-25.042

DELEGATION 62-25.050

RELATIONSHIP TO OTHER PERMITTING

Requirements 62-25.060

GENERAL PROVISIONS 62-25.080

GENERAL PERMIT FOR NEW STORMWATER

Discharge Facilities 62-25.801

STORMWATER 62-25.900

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The proposed rule will amend or repeal one or more sections of Chapter 62-25 of the Florida Administrative Code to implement a new environmental resource permit (ERP) program under Part IV of Chapter 373 of the Florida Statutes within the geographic limits of the Northwest Florida

Water Management District. This rulemaking is needed because the ERP program in the Panhandle is limited to the dredge and fill and stormwater permit programs under Chapters 62-25 and 62-312 of the Florida Administrative Code, which will expire July 1, 2003. Therefore, the new ERP rules needed to be in place on that date.

This rulemaking is expected to involve replacing chapter 62-25 of the Florida Administrative Code, with new stormwater criteria modeled after those used the other water management districts that implement an ERP program.

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

CONTACT: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400; (850)921-9901; facsimile (850)488-6579; or e-mail: jeanese.mccree@dep.state.fl.us

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-03R

RULE CHAPTER TITLE: ENVIRONMENTAL RESOURCE PERMITTING RULE CHAPTER NO.: 62-113

RULE TITLES: PURPOSE RULE NOS.: 62-113.100

DELEGATIONS OF AUTHORITY BY SECRETARY 62-113.200

PURPOSE, EFFECT AND SUBJECT AREA TO BE

ADDRESSED: The proposed rule will amend one or more

sections of Chapter 62-113 of the Florida Administrative Code

to adopt by reference a new Operating Agreement between the

Northwest Florida Water Management District (NFWFMD)

and the Department. This Agreement will specify divisions of

responsibility between the Department and the NFWFMD in

implementing a new environmental resource permit (ERP)

program under part IV of Chapter 373 of the Florida Statutes

within the geographic limits of the NFWFMD. This

rulemaking is needed because the ERP program in the

Panhandle, which currently is limited to the dredge and fill and

stormwater permit programs under Chapters 62-25 and 62-312

of the Florida Administrative Code, will expire on July 1,

2003. Therefore, new ERP rules needed to be in place on that

date.

The full text of this notice is published on the Internet at the

Department of Environmental Protection's home page at

<http://www.dep.state.fl.us/> under the link or button titled

"Official Notices."

CONTACT: Jeanese McCree, Florida Department of

Environmental Protection, Bureau of Submerged Lands and

Environmental Resources, 2600 Blair Stone Road, MS 2500,

Tallahassee, FL 32399-2400; (850)921-9901; facsimile

(850)488-6579; or e-mail: jeanese.mccree@dep.state.fl.us

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-04R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Dredge and Fill Activities 62-312

RULE TITLES: RULE NOS.:

Scope of Part I 62-312.010

Definitions 62-312.020

Jurisdiction 62-312.030

Jurisdictional Declaratory Statements 62-312.040

Jurisdictional Intent 62-312.045

Exemptions 62-312.050

Procedures to Obtain a Permit 62-312.060

Additional Requirements and Procedures
for Concurrent Review of
Related Applications 62-312.065

Short Form Applications for Certain
Dredging or Filling 62-312.070

Standards for Issuance or Denial of a Permit 62-312.080

Duration of Permits 62-312.082

Periodic Review of Permits 62-312.085

Emergency Classification and Procedures
Modification of Permits 62-312.090

62-312.100

Scope of Part II 62-312.200

Procedures to Obtain a Long-Term Permit 62-312.210

Standards for Issuance or Denial of a
Long-Term Permit 62-312.220

62-312.300

Intent 62-312.310

Definitions 62-312.310

Incorporation of Mitigation into the Permit
Application Process 62-312.320

Mitigation Proposals 62-312.330

Evaluation of Mitigation Proposals 62-312.340

Determination of Success for
Mitigation Projects 62-312.350

62-312.360

Pre-Construction Mitigation 62-312.370

Restrictions on Property Use 62-312.380

Release from Responsibility 62-312.390

Financial Responsibility 62-312.390

Intent 62-312.400

General Criteria 62-312.410

Permitting Requirements for Piers 62-312.420

Permitting Requirements for Marinas 62-312.430

Permitting Requirements for
Shoreline Stabilization 62-312.440

Mitigation 62-312.450

Special Consideration 62-312.460

Scope of Part V 62-312.800

General Permit to U.S. Forest Service for
Minor Works Within National Forests
in Florida 62-312.801

General Permit for Installation or
Maintenance of Boat Ramps 62-312.803

General Permit for Riprap 62-312.804

General Permit for Headwalls and
Culverts Associated with a Stormwater
Discharge Facility 62-312.805

General Permit to the Florida Department
of Transportation for Minor Works Within
FDOT Rights-of-Way or Easements 62-312.806

General Permit for the Construction of
Artificial Reefs 62-312.807

General Permit for Certain Piers and
Associated Structures 62-312.808

General Permit to the Florida Department
of Transportation for Minor
Bridge Construction 62-312.809

General Permit to Perform Prospecting
Activities for Phosphate Minerals 62-312.810

General Permit for Temporary Dragline
Crossings of Waterways 62-312.811

General Permit for Low Water Crossings 62-312.812

General Permit for the Installation of Fences 62-312.813

General Permit to Florida Game and Fresh
Water Fish Commission, U.S. Forest
Service, and County and Municipal
Governments for the Construction of
Freshwater Fish Attractors 62-312.814

General Permit for Ski Jumps and
Slalom Courses 62-312.815

General Permit for the Construction or
Maintenance of Culverted Driveway or
Roadway Crossings and Bridges of
Artificial Waterways 62-312.816

General Permit for the Construction of
Aerial Pipeline Crossings of
Certain Waters. 62-312.817

General Permit for Subaqueous Utility
Crossings of Artificial Waterways 62-312.818

General Permit for the Limited Dredging
of Sediment for Aquatic Plant
Management Purposes 62-312.819

General Permit for the Construction and
Maintenance of Electric Power Lines
by Electric Utilities 62-312.822

Wetland Resource Forms 62-312.900

PURPOSE, EFFECT AND SUBJECT AREA TO BE
ADDRESSED: The proposed rule will amend or repeal one or
more sections of Chapter 62-312 of the Florida Administrative
Code to implement a new environmental resource permit
(ERP) program under Part IV of Chapter 373 of the Florida
Statutes within the geographic limits of the Northwest Florida
Water Management District. This rulemaking is needed
because the ERP program, which currently in the Panhandle is
limited to the dredge and fill and stormwater permit programs
under Chapters 62-25 and 62-312 of the Florida Administrative
Code, will expire July 1, 2003. Therefore, new ERP rules need
to be in place on that date.

The new rules are expected to be based on existing ERP rules currently in place in the St. Johns River and Suwannee River Water management Districts. This rulemaking may also include the adoption of an associated “Applicant’s Handbook/Basis of Review” similar to what exists in the other water management districts.

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

CONTACT: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400; (850)921-9901; facsimile (850)488-6579; or e-mail: jeanese.mccree@dep.state.fl.us

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-05R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource Permitting	62-330
RULE TITLES:	RULE NOS.:
Purpose and Intent	62-330.100
Rules Adopted by Reference	62-330.200

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The proposed rule will amend one or more sections of Chapter 62-330 of the Florida Administrative Code to implement a new environmental resource permit (ERP) program under Part IV of Chapter 373 of the Florida Statutes within the geographic limits of the Northwest Florida Water Management District. This rulemaking is needed because the ERP program, which currently in the panhandle is limited to the dredge and fill and stormwater permit programs under Chapters 62-25 and 62-312 of the Florida Administrative Code, will expire July 1, 2003. Therefore, new ERP rules need to be in place on that date.

The proposed rules will be based on existing ERP rules that are currently in effect in the other water management districts. This rulemaking may also include the adoption of an associated “Applicant’s Handbook/Basis of Review” similar to what exists in the other water management districts and may adopt by reference some of the rules of the Northwest Florida Water Management District.

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

CONTACT: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400; (850)921-9901; facsimile (850)488-6579; or e-mail: jeanese.mccree@dep.state.fl.us

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-06R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource Permitting	62-341
RULE TITLES:	RULE NOS.:
Definitions	62-341.021
Policy and Purpose	62-341.201
General Conditions for All Noticed	
General Permits	62-341.215
General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks	62-341.417
General Permit for Certain Piers and Associated Structures	62-341.427
General Permit for Installation of Riprap	62-341.431
General Permit for the Installation of Fences	62-341.437
General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings, and Bridges of Artificial Waterways	62-341.439
General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation	62-341.443
General Permit to the Florida Department of Transportation, Counties, and Municipalities for Minor Activities Within Existing Rights-of-Way or Easements	62-341.447
General Permit for Installation, Maintenance, Repair, and Removal of Underground Cable, Conduit, or Pipeline	62-341.453
General Permit for the Construction of Aerial Pipeline, Cable, and Conduit Crossings of Certain Waters	62-341.455
General Permit for Subaqueous Utility Crossings of Artificial Waterways	62-341.457
General Permit for the Construction and Operation of Culverts and Associated Water Control Structures in Mosquito Control Impoundments by Governmental Mosquito Control Agencies	62-341.463
General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies	62-341.467
General Permit for Minor Activities	62-341.475
General Permit to Water Management Districts to Conduct Minor Activities	62-341.483
General Permit to Water Management Districts for Environmental Restoration or Enhancement	62-341.485

General Permit to Water Management Districts to Change Operating Schedules for District Water Control Structures	62-341.487
General Permit to the U.S. Forest Service for Minor Works within National Forests	62-341.495
General Permit for the Construction of Artificial Reefs	62-341.600
General Permit for Clam and Oyster Culture on Sovereignty Submerged Lands Aquaculture Leases	62-341.601
General Permit for Installation and Maintenance of Intake and Discharge Pipes Associated with Marine Bivalve Facilities	62-341.602
General Permit for Non-nursery Cultivation and Wild Collection of Aquatic Plants	62-341.603
General Permit to Perform Prospecting Activities for Phosphate Minerals	62-341.610
General Permit for Temporary Dragline Crossings of Waterways	62-341.611
General Permit for Low Water Crossings	62-341.612
General Permit for the Construction and Maintenance of Electric Power Lines by Electric Utilities	62-341.620
General Permit for Relocation of Aerial Electric and Communication Lines Associated with Road Improvement Projects	62-341.621

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The proposed rule will amend one or more sections of Chapter 62-341 of the Florida Administrative Code to implement a new environmental resource permit (ERP) program under Part IV of Chapter 373 of the Florida Statutes within the geographic limits of the Northwest Florida Water Management District (hereinafter referred to as “the Panhandle”). This rulemaking is needed because, under section 373.4145, the ERP program under part IV of chapter 373 within the Panhandle is limited to the dredge and fill and stormwater permit programs under Chapters 62-25 and 62-312 of the Florida Administrative Code until July 1, 2003. Therefore, a need exists to have in place the new ERP rules to replace the existing dredge and fill and stormwater rules on July 1, 2003.

It is envisioned that most or all of the ERP noticed general permits currently in effect in the other water management districts will be adopted for use under the ERP program in the Panhandle. It is possible one or more new noticed general permits will be adopted for use and that one or more of the existing noticed general permits in Chapter 62-341 will need to be amended to reflect conditions or activities that are unique to the Panhandle.

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

CONTACT: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400; (850)921-9901; facsimile (850)488-6579; or e-mail: jeanese.mccree@dep.state.fl.us

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-07R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Environmental Resource Permitting	62-343
RULE TITLES:	RULE NOS.:
Policy and Purpose	62-343.010
General Provisions	62-343.020
Transferability of Definitions	62-343.030
Formal Determinations of the Landward Extent of Wetlands and Surface Waters	62-343.040
Permits Required	62-343.050
Conceptual Approval Permits	62-343.060
Procedures to Obtain a Permit	62-343.070
Additional Requirements and Procedures for Concurrent Review of Related Applications	62-343.075
Applications Processed by District and Division Offices of the Department	62-343.080
Processing of Notices and Applications	62-343.090
Modification of Permits	62-343.100
Duration of Permits	62-343.110
Permit Extensions	62-343.120
Transfer of Ownership or Permit	62-343.130
Suspension and Revocation	62-343.140

PART II FORMS

Environmental Resource Permit Forms	62-343.900
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PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: The proposed rule will amend or repeal one or more sections of Chapter 62-343 of the Florida Administrative Code to implement a new environmental resource permit (ERP) program under Part IV of Chapter 373 of the Florida Statutes within the geographic limits of the Northwest Florida Water Management District. This rulemaking is needed because the ERP program, which currently in the panhandle is limited to the dredge and fill and stormwater permit programs under Chapters 62-25 and 62-312 of the Florida Administrative Code, will expire July 1, 2003. Therefore, new ERP rules to be in place on that date.

This rulemaking will be based on the existing ERP rule procedures currently in place in the other water management districts, and may also include the adoption of an associated “Applicant’s Handbook/Basis of Review” similar to what exists in the other water management districts. These rules will be amended as needed to reflect conditions and activities unique to the panhandle.

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

CONTACT: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400; (850)921-9901; facsimile (850)488-6579; or e-mail: jeanese.mccree@dep.state.fl.us

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Advertising and Soliciting by Dentists

RULE NO.: 64B5-4.002

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text in subsection (3).

SUBJECT AREA TO BE ADDRESSED: Advertising and soliciting by dentists.

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B5-4.002 Advertising and Soliciting by Dentists.
- (1) through (2) No change.
- (3) No dentist shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive, or misleading in form or content. Additionally, no dentist shall disseminate or cause the dissemination of any advertisement or advertising which:
 - (a) through (f) No change.
 - (g) Is intended or is likely to appeal primarily to a layperson's fears.
 - (4) through (6) No change.

Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History--New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended 5-20-01, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Definitions	64B5-14.001
Prohibitions	64B5-14.002
Training, Education, Certification, and Requirements for Issuance of Permit	64B5-14.003
Additional Requirements	64B5-14.004
Application for Permit	64B5-14.005
Reporting Adverse Occurrences	64B5-14.006
Inspection of Facilities	64B5-14.007
Conscious Sedation	64B5-14.009

PURPOSE AND EFFECT: The purpose of the rule amendments is to include enteral forms of sedation within the requirements imposed by these rules.

SUBJECT AREA TO BE ADDRESSED: Definitions, prohibitions, training, education, certification, and requirements for issuance of permits, additional requirements, application for permit, reporting adverse occurrences, inspection of facilities and conscious sedation.

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 120.60(8), 466.017 FS.

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

TIME AND DATE: 9:00 a.m., or shortly thereafter on May 3, 2002

PLACE: The Crowne Plaza, 5555 Hazeltine National Drive, Orlando Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B5-14.001 Definitions.
- (1) Anesthesia – No change.
- (2) General anesthesia – A controlled state of unconsciousness, produced by a pharmacologic agent, accompanied by a partial or complete loss of protective reflexes, including inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command. This modality includes administration of medications via parenteral routes; that is: intravenous, intramuscular, subcutaneous, submucosal, or inhalation, as well as enteral routes, that is oral, rectal, or transmucosal.

(3) Deep Sedation – A controlled state of depressed consciousness accompanied by partial loss of protective reflexes, including either or both the inability to continually maintain an airway independently or to respond appropriately to physical stimulation or verbal command, produced by pharmacologic or non-pharmacologic method or combination thereof. Deep sedation includes administration of medications via parenteral routes; that is intravenous, intra muscular, subcutaneous, submucosal, or inhalation, as well as enteral routes, that is oral, rectal or transmucosal.

(4) Conscious Parenteral-conscious sedation – A depressed level of consciousness produced by the ~~parenteral~~ administration of pharmacologic substances, that retains the patient's ability to independently and continuously maintain an airway and respond appropriately to physical stimulation and ~~or~~ verbal command. This modality includes administration of medications via all parenteral routes: that is, intravenous, intramuscular, subcutaneous, submucosal, or inhalation, as well as enteral routes; that is oral, rectal, or transmucosal. The drugs, and techniques used should carry a margin of safety wide enough to render unintended loss of consciousness unlikely.

(5) through (8) No change.

(9) Office team approach – A methodology employed by a dentist in the administration of general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, and pediatric sedation whereby the dentist uses one or more qualified assistants/dental hygienists who, working under the direct supervision of the dentist, assist the dentist, and assist in emergency care of the patient.

(10) Anxiolysis – The preoperative use of medication to relieve anxiety before or during a dental procedure which does not produce a depressed level of consciousness and maintains the patient's ability to continually maintain an airway independently or to respond appropriately to physical stimulation and verbal command. The requirements contained in these rules are not applicable to the use of medication for the purpose of providing anxiolysis but not intended to induce sedation.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History–New 1-31-80, Amended 4-7-86, Formerly 21G-14.01, Amended 12-31-86, 6-1-87, 9-1-87, 2-1-93, Formerly 21G-14.001, Amended 12-20-93, Formerly 61F5-14.001, Amended 8-8-96, Formerly 59Q-14.001, Amended.

64B5-14.002 Prohibitions.

(1) No change.

(2) Conscious Parenteral-conscious sedation. Beginning November 1, 1986, no dentists licensed in this State, including those authorized to administer ~~parenteral~~ conscious sedation subsequent to January 31, 1982, shall administer ~~parenteral~~ conscious sedation in the practice of dentistry until they have obtained a permit as required by the provisions of this rule chapter.

(3) through (6) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History–New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.02, 21G-14.002, Amended 12-20-93, Formerly 61F5-14.002, Amended 8-8-96, Formerly 59Q-14.002, Amended.

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

(1) General Anesthesia Permit.

(a) A permit shall be issued to an actively licensed dentist authorizing the use of general anesthesia or deep sedation at a specified practice location or locations on an outpatient basis for dental patients provided the dentist:

1. through 5. No change.

(b) through (c) No change.

(d) A dentist permitted to administer general anesthesia or deep sedation under this rule may administer ~~parenteral~~ conscious sedation and nitrous-oxide inhalation conscious sedation.

(e) No change.

(2) ~~Parenteral~~ Conscious Sedation Permit.

(a) A permit shall be issued to a dentist authorizing the use of ~~parenteral~~ conscious sedation at a specified practice location or locations on an outpatient basis for dental patients provided such dentist:

1. Has received formal training in the use of ~~parenteral~~ conscious sedation; and

2. Is certified by the institution where the training was received to be competent in the administration of ~~parenteral~~ conscious sedation; and

3. Is competent to handle all emergencies relating to ~~parenteral~~ conscious sedation.

(b) through (c) No change.

(d) A dentist utilizing ~~parenteral~~ conscious sedation shall maintain a properly equipped facility for the administration of ~~parenteral~~ conscious sedation, staffed with supervised assistant/dental hygienist personnel, capable of reasonably handling procedures, problems, and emergencies incident thereto. The facility must have the equipment capability of delivering positive pressure oxygen ventilation. Administration of ~~parenteral~~ conscious sedation requires at least two individuals: a dentist, and an auxiliary trained in basic cardiac life support. It shall be incumbent upon the operating dentist to insure that the patient is appropriately monitored.

(e) A dentist utilizing ~~parenteral~~ conscious sedation and his assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one man CPR, two man CPR, infant resuscitation, and obstructed airway with a periodic update not to exceed two years. Starting with the licensure biennium commencing on March of 2000, a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their

cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing ~~parenteral~~ conscious sedation must be currently trained in ACLS (Advanced Cardiac Life Support) or ATLS (Advanced Trauma Life Support).

(f) Dentists permitted to administer ~~parenteral~~ conscious sedation may administer nitrous-oxide inhalation conscious sedation.

(g) Dentists permitted to administer ~~parenteral~~ conscious sedation may administer pediatric conscious sedation in compliance with Rule 64B5-14.010, F.A.C.

(3) Pediatric Conscious Sedation Permit.

(a) A permit shall be issued to a dentist authorizing the use of pediatric conscious sedation at a specified practice location or locations on an outpatient basis for dental patients provided such dentist:

1. through 3. No change.

(b) through (c) No change.

(d) Dentists permitted to administer ~~parenteral~~ conscious sedation may administer pediatric conscious sedation.

(4) Nitrous-Oxide Inhalation Analgesia.

(a) A dentist may employ or use nitrous-oxide inhalation analgesia on an outpatient basis for dental patients provided such dentist:

1. through 3. No change.

(b) through (c) No change.

(d) Nitrous oxide may not be used in combination with oral sedative drugs to achieve a depressed level of consciousness unless the administering dentist holds a ~~parenteral~~ conscious sedation permit issued in accordance with subsection 64B5-14.003(2), F.A.C., or a pediatric conscious sedation permit issued in accordance with subsection 64B5-14.010, F.A.C.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01,_____.

64B5-14.004 Additional Requirements.

(1) Office Team – A dentist licensed by the Board and practicing dentistry in Florida and who is permitted by these rules to induce and administer general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, pediatric conscious sedation or nitrous-oxide inhalation analgesia may employ the office team approach.

(2) Dental Assistants, Dental Hygienists – Dental assistants and dental hygienists may monitor nitrous-oxide inhalation analgesia under the direct supervision of a dentist who is permitted by rule to use general anesthesia, ~~parenteral~~ conscious sedation, pediatric conscious sedation, or nitrous-oxide inhalation analgesia, while rendering dental services allowed by Chapter 466, Florida Statutes, and under the following conditions:

(a) through (b) No change.

(3) through (4) No change.

(5) A dentist utilizing ~~parenteral~~ conscious sedation in the dental office may induce only one patient at a time. A second patient shall not be induced until the first patient is awake, alert, conscious, spontaneously breathing, has stable vital signs, is ambulatory with assistance, is under the care of a responsible adult, and that portion of the procedure requiring the participation of the dentist is complete. In an office setting where two or more permit holders are present simultaneously, each may sedate one patient provided that the office has the necessary staff and equipment, as set forth in paragraph 64B5-14.003(2)(d), F.A.C., for each sedated patient.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 2-13-86, Formerly 21G-14.04, Amended 12-31-86, 12-28-92, Formerly 21G-14.004, Amended 12-20-93, Formerly 61F5-14.004, Amended 8-8-96, Formerly 59Q-14.004, Amended_____.

64B5-14.005 Application for Permit.

(1) No dentist shall administer, supervise or permit another health care practitioner, as defined in subsection 456.001, F.S., to perform the administration of general anesthesia, deep sedation, ~~parenteral~~ conscious sedation or pediatric conscious sedation in a dental office for dental patients, unless such dentist possesses a permit issued by the Board. A permit is required even when another health care practitioner, as defined in subsection 456.001, F.S., administers general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, or pediatric conscious sedation in a dental office for a dental patient. The dentist holding such a permit shall be subject to review and such permit must be renewed biennially. Nothing herein shall be read to authorize the administration of any anesthesia by a health care practitioner who is permitted to administer anesthesia pursuant to their own professional license. All dentists in a practice who perform the administration of general anesthesia, deep sedation, ~~parenteral~~ conscious sedation or pediatric conscious sedation shall each possess an individual permit.

(2) through (3) No change.

(4) An application for a ~~parenteral~~ conscious sedation permit must include the application fee specified in Rule 64B5-15.017, F.A.C, which is non-refundable; the permit fee specified in Rule 64B5-15.018, F.A.C., which may be refunded if the application is denied without inspection of the applicant’s facilities; evidence indicating compliance with all the provisions of this chapter; and identification of the location or locations at which the licensee desires to be authorized to use or employ ~~parenteral~~ conscious sedation.

(5) through (6) No change.

(7) The holder of any general anesthesia, ~~parenteral~~ conscious sedation, or pediatric conscious sedation permit is authorized to practice pursuant to such permit only at the location or locations previously reported to the Board office.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00,_____.

64B5-14.006 Reporting Adverse Occurrences.

(1) Any dentist practicing in the State of Florida must notify the Board in writing by registered mail, postmarked within 48 hours of any mortality or other incident occurring in the dentist’s outpatient facilities. A complete written report shall be filed with the Board within 30 days of the mortality or other incident. Incidents which shall be reported are those which result in temporary or permanent physical or mental injury requiring hospital emergency room treatment and/or hospitalization of a patient during, or as a direct result of the use of general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, pediatric conscious sedation, oral sedation, nitrous oxide, or local anesthesia during or related to a dental procedure. The report shall include at minimum, responses to the following:

- (a) through (e) No change.
 - 1. through 3. No change.
- (f) No change.
- (2) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 2-12-86, Amended 3-27-90, Formerly 21G-14.006, Amended 12-20-93, Formerly 61F5-14.006, Amended 8-8-96, Formerly 59Q-14.006, Amended_____.

64B5-14.007 Inspection of Facilities.

(1) The Chairman of the Board or the Board by majority vote shall appoint consultants who are Florida licensed dentists to inspect facilities where general anesthesia, deep sedation, ~~parenteral~~ conscious sedation, or pediatric conscious sedation is performed. Consultants shall receive instruction in inspection procedures from the Board prior to initiating an inspection.

(2) Any dentist who has applied for or received a general anesthesia permit, ~~parenteral~~ conscious sedation permit, or pediatric conscious sedation permit shall be subject to announced or unannounced on-site inspection and evaluation by an inspection consultant. This inspection and evaluation shall be required prior to issuance of an anesthesia permit. However, if the Agency cannot complete the required inspection prior to licensure, such inspection shall be waived until such time that it can be completed following licensure.

- (3) No change.

(4) Any applicant who receives a failing grade as a result of the on-site inspection shall be denied a permit for general anesthesia and ~~parenteral~~ conscious sedation.

(5) Any permit holder who fails the inspection shall be so notified by the anesthesia inspection consultant and shall be given a written statement at the time of inspection which specifies the deficiencies which resulted in a failing grade. The inspection consultant shall give the permit holder 20 days from

the date of inspection to correct any documented deficiencies. Upon notification by the permit holder to the inspection consultant that the deficiencies have been corrected, the inspector shall reinspect to insure that the deficiencies have been corrected. If the deficiencies have been corrected, a passing grade shall be assigned. No permit holder who has received a failing grade shall be permitted 20 days to correct deficiencies unless he voluntarily agrees in writing that no general anesthesia or deep sedation or ~~parenteral~~ conscious sedation will be performed until such deficiencies have been corrected and such corrections are verified by the anesthesia inspection consultant and a passing grade has been assigned.

- (6) through (7) No change.

(8) The holder of any general anesthesia, ~~parenteral~~ conscious sedation, or pediatric conscious sedation permit shall inform the Board office in writing of any change in authorized locations for the use of such permits prior to accomplishing such changes. Written notice shall be required prior to the addition of any location or the closure of any previously identified location.

- (9) No change.

Specific Authority 466.017(3) FS. Law Implemented 120.60(8), 466.017(3) FS. History—New 10-24-88, Amended 3-27-90, 11-8-90, 4-24-91, 2-1-93, Formerly 21G-14.007, Amended 12-20-93, Formerly 61F5-14.007, Amended 8-8-96, Formerly 59Q-14.007, Amended_____.

64B5-14.009 ~~Parenteral~~ Conscious Sedation.

~~Parenteral~~ Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (6) No change.

(7) The following records are required when ~~parenteral~~ conscious sedation is administered.

- (a) through (d) No change.
 - 1. through 6. No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 10-24-88, Amended 11-16-89, 4-24-91, Formerly 21G-14.009, 61F5-14.009, Amended 8-8-96, 10-1-96, Formerly 59Q-14.009, Amended 8-2-00,_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Examination Requirements RULE NO.: 64B7-25.001

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

SUBJECT AREA TO BE ADDRESSED: Examination requirements.

SPECIFIC AUTHORITY: 456.013(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1)(c), 456.034, 480.041, 480.042 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-25.001 Examination Requirements.

(1) No change.

(a) through (d) No change.

(2) The Board approves ~~the national examination developed by the Psychological Corporation working in conjunction with~~ the National Certification Board for Therapeutic Massage and Bodywork examination.

Specific Authority 456.013(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS. Law Implemented 456.013(7), 456.017(1)(c), 456.034, 480.041, 480.042 FS. History–New 11-27-79, Amended 9-2-80, 10-9-85, Formerly 21L-25.01, Amended 12-22-92, 3-24-93, 5-20-93, Formerly 21L-25.001, Amended 8-12-93, 6-28-94, 8-18-96, Formerly 61G11-25.001, Amended 5-20-98,_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE

RULE NO.:

Definitions

64B7-26.001

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

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.043(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-26.001 Definitions.

(1) The term “owner” means the sole proprietor, partnership, limited partnership, school of massage therapy, or corporation that operates the licensed massage establishment.

(2) The term “establishment” means the physical location of the massage ~~facility, establishment~~ whether the location is owned or leased by the “owner” or is otherwise used by the owner for the practice of massage therapy. The term includes teaching facilities which provide massages to non-students for a fee. The term “establishment” does not include the office of a physician licensed under Chapter 458, Florida Statutes or 459, Florida Statutes, a chiropractic physician licensed under Chapter 460, Florida Statutes, an acupuncturist licensed under Chapter 457, Florida Statutes, a podiatrist licensed under Chapter 461, Florida Statutes, a dentist licensed under Chapter 466, Florida Statutes, or a physical therapist licensed under Chapter 486, Florida Statutes, if massage therapy is provided by the persons licensed under Chapter 480, Florida Statutes only to patients of the licensed physician, chiropractic physician, acupuncturist, podiatrist, dentist, or physical therapist, are exempt from the requirement for a massage establishment license.

(3) No change.

Specific Authority 480.035(7) FS. Law Implemented 480.043(7) FS. History–New 7-16-98, Amended_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE:

RULE NO.:

Massage Establishment

64B7-27.003

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

SUBJECT AREA TO BE ADDRESSED: Massage Establishment.

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.043(7), 480.044(1)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.003 Massage Establishment.

(1) The application fee for licensure of an establishment shall be ~~\$150.00~~ 400.00.

(2) No change.

(3) The application and inspection fee for transfer of an establishment from one location to another shall be \$125.00 ~~400~~.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.043(7), 480.044(1)(c) FS. History—New 11-27-79, Amended 7-9-80, 11-20-84, Formerly 21L-27.03, Amended 1-7-86, Formerly 21L-27.003, Amended 1-9-95, Formerly 61G11-27.003, Amended 6-15-98, _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Re-examination
RULE NO.: 64B7-27.004

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

SUBJECT AREA TO BE ADDRESSED: Re-examination.

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1)(g) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.004 Re-examination.

~~The re-examination fees shall be:~~

~~(1) \$190 to retake the Board approved national examination which includes a \$25 non-refundable application fee.~~

~~(2) \$75 to retake the colonics examination which includes a \$25 non-refundable application fee.~~

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(g) FS. History—New 11-27-79, Formerly 21L-27.04, Amended 6-17-86, 5-17-90, Formerly 21L-27.004, Amended 12-12-94, 9-18-95, 9-9-96, Formerly 61G11-27.004. Repealed _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Biennial Renewal Fee for Massage Therapist
RULE NO.: 64B7-27.006

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

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee for Massage Therapist.

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1), (1)(f) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.006 Biennial Renewal Fee for Massage Therapist.

The fee for biennial renewal of a massage therapist’s license shall be \$150.00 ~~one hundred dollars (\$100)~~.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(f) FS. History—New 11-27-79, Amended 11-20-84, Formerly 21L-27.06, Amended 12-18-88, Formerly 21L-27.006, 61G11-27.006, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Biennial Renewal Fee for
MESSAGE ESTABLISHMENTS
RULE NO.: 64B7-27.007

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

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal Fee for Massage Establishments.

SPECIFIC AUTHORITY: 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.007 Biennial Renewal Fee for Massage Establishments.

The fee for biennial renewal of a massage establishment license shall be \$150.00 ~~one hundred dollars (\$100)~~.

Specific Authority 480.035(7), 480.044(1) FS. Law Implemented 480.044(1)(e) FS. History—New 11-27-79, Amended 7-9-80, Formerly 21L-27.07, Amended 12-18-88, Formerly 21L-27.007, 61G11-27.007, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: RULE NO.:

Initial Fee for Licensure 64B7-27.008

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

SUBJECT AREA TO BE ADDRESSED: Initial Fee for Licensure.

SPECIFIC AUTHORITY: 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(1), 480.044(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.008 Initial Fee for Licensure.

(1) Any person who is initially licensed pursuant to Rule 64B7-25.001, F.A.C. shall pay a fee of \$150.00 ~~400~~.

(2) No change.

Specific Authority 456.013(2), 456.025(1), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 456.025(1), 480.044(1) FS. History—New 5-13-82, Amended 11-11-82, 1-7-86, Formerly 21L-27.08, Amended 12-18-88, Formerly 21L-27.008, Amended 1-29-97, Formerly 61G11-27.008, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: RULE NO.:

Renewal Fee for Inactive License 64B7-27.010

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

SUBJECT AREA TO BE ADDRESSED: Renewal Fee for Inactive License.

SPECIFIC AUTHORITY: 480.0425, 480.044(1) FS.

LAW IMPLEMENTED: 480.044(1), (1)(l) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.010 Renewal Fee for Inactive License.

The fee for renewal of an inactive license shall be \$150.00 ~~fifty dollars (\$50.00)~~.

Specific Authority 480.0425, 480.044(1) FS. Law Implemented 480.044(1), (1)(l) FS. History—New 12-18-84, Formerly 21L-27.10, 21L-27.010, 61G11-27.010, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: RULE NO.:

Licensure of Establishment Fee 64B7-27.012

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

SUBJECT AREA TO BE ADDRESSED: Licensure of Establishment Fee.

SPECIFIC AUTHORITY: 456.013(2), 480.035(7), 480.044(1) FS.

LAW IMPLEMENTED: 456.013(2), 480.044(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.012 Licensure of Establishment Fee.

The fee for licensure of an establishment shall be \$150.00 ~~50.00~~.

Specific Authority 456.013(2), 480.035(7), 480.044(1) FS. Law Implemented 456.013(2), 480.044(1)(d) FS. History—New 2-6-85, Formerly 21L-27.12, 21L-27.012, 61G11-27.012, Amended 8-16-98, _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: RULE NO.:

Delinquency Fee 64B7-27.015

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

SUBJECT AREA TO BE ADDRESSED: Delinquency Fee.

SPECIFIC AUTHORITY: 456.036(7) FS.
 LAW IMPLEMENTED: 456.036(7) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.015 Delinquency Fee.

The delinquency fee shall be \$150.00 ~~one hundred dollars (\$100)~~.

Specific Authority 456.036(7) FS. Law Implemented 456.036(7) FS. History—New 12-12-94, Formerly 61G11-27.015, Amended.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Change in Status Fee
 RULE NO.: 64B7-27.016
 PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Change in Status Fee.

SPECIFIC AUTHORITY: 456.036(8) FS.
 LAW IMPLEMENTED: 456.036(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.016 Change in Status Fee.

The change in status fee shall be \$50.00 ~~five dollars (\$5.00)~~.

Specific Authority 456.036(8) FS. Law Implemented 456.036(8) FS. History—New 12-12-94, Formerly 61G11-27.016, Amended.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Unlicensed Activity Fee
 RULE NO.: 64B7-27.017

PURPOSE AND EFFECT: The Board proposes to add a rule with regards to unlicensed activity fee.

SUBJECT AREA TO BE ADDRESSED: Unlicensed Activity Fee.

SPECIFIC AUTHORITY: 456.065(3) FS.
 LAW IMPLEMENTED: 456.065(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-27.017 Unlicensed Activity Fee.

In addition to the initial license fee and in addition to the license renewal fee, a fee of \$5.00 shall be collected from each applicant or licensee as applicable to fund efforts to combat unlicensed activity.

Specific Authority 456.065(3) FS. Law Implemented 456.065(3) FS. History—New

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Biennial Renewal of Massage Therapist’s License
 RULE NO.: 64B7-28.001

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

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal of Massage Therapist’s License.

SPECIFIC AUTHORITY: 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS.

LAW IMPLEMENTED: 456.013(7), 456.034, 480.0415, 480.044(1)(f), (m) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-28.001 Biennial Renewal of Massage Therapist’s License.

(1) All license renewals of massage therapists shall meet the requirements as set forth in Chapter 456 and 480, F.S., these rules and the rules of the Department of Health. All massage therapists shall renew their licenses on or before August 31 January 31, of each biennial year, according to the fee schedule as set forth in Rule Chapter 64B7-27.006, F.A.C.

(2) No change.

(3) No license shall be renewed unless the licensee submits confirmation in writing to the Florida Board of Massage Therapy that the licensee has completed an education course of at least 2 hours relating to prevention of medical errors as part of the licensure and renewal process. The course must include a study of root-cause analysis, error reduction and prevention, and patient safety. The 2-hour course shall count toward the total number of continuing education hours required for renewal.

Specific Authority 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS. Law Implemented 456.013(7), 456.034, 480.0415, 480.044(1)(f), (m) FS. History–New 11-27-79, Amended 12-18-84, Formerly 21L-28.01, Amended 3-12-90, 1-3-91, Formerly 21L-28.001, Amended 9-30-93, 6-12-95, 9-25-95, 7-17-97, Formerly 61G11-28.001, Amended 4-28-99,_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Biennial Period, Year Defined

RULE NO.: 64B7-28.003

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

SUBJECT AREA TO BE ADDRESSED: Biennial Period, Year Defined.

SPECIFIC AUTHORITY: 480.035(7), 480.0415, 480.043(8) FS.

LAW IMPLEMENTED: 480.0415, 480.043(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-28.003 Biennial Period, Year Defined.

Biennial period shall mean September 1 February 1 of each odd-numbered year and ending August 31 January 31 of each odd-numbered year. Biennial year shall mean every odd-numbered year.

Specific Authority 480.035(7), 480.0415, 480.043(8) FS. Law Implemented 480.0415, 480.043(8) FS. History–New 11-27-79, Formerly 21L-28.03, Amended 1-7-86, 1-3-91, Formerly 21L-28.003, 61G11-28.003, Amended_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Display of Licenses

RULE NO.: 64B7-28.008

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

SUBJECT AREA TO BE ADDRESSED: Display of Licenses.

SPECIFIC AUTHORITY: 480.035(7), 480.043(1), (2) FS.

LAW IMPLEMENTED: 480.043(1), (2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-28.008 Display of Licenses.

(1) Each licensed practitioner shall conspicuously display his or her a current license issued by the Department, or photo copy thereof, at each location at which he or she practices.

(2) No change.

(3) The owner of each massage establishment shall conspicuously display a current establishment license and a current massage therapist license issued by the Department for each massage therapist providing massage therapy on the premises. For the purpose of complying with this rule, a photocopy of the massage therapist’s license is acceptable.

(4) For the purpose of this rule conspicuously means displayed in a location within the massage establishment in such a manner that it can be open to the view of the public and is accessible to the public so that the public may view the licenses.

Specific Authority 480.035(7), 480.043(1),(2) FS. Law Implemented 480.043(1),(2) FS. History—New 4-21-86, Formerly 21L-28.008, 61G11-28.008, Amended 1-26-00,_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Continuing Education RULE NO.: 64B7-28.009

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 456.013(7),(8), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7),(8), 480.0415 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-28.009 Continuing Education.

(1) Every massage practitioner licensed pursuant to Chapter 480, F.S., shall be required for renewal to complete one continuing education hour for each month or part of a month that shall have elapsed since the issuance of the license for which renewal is sought ~~20 contact hours of continuing education each biennium, except, when the initial license is issued in the last six months of any biennium, the licensee is required for renewal to complete 6 hours of continuing education in any approved category.~~ Such courses shall have been approved for continuing education credit administered by providers approved by the Board pursuant to Rule 64B7-28.010, F.A.C., and shall have been completed within the 24 months preceding the date renewal is due.

(2) No change.

(3) Effective for biennium beginning September 1, 2003, ~~February 1, 1999~~ the continuing education contact hours shall be in the following areas:

(a) At least 12 continuing education contact ~~contact~~ hours shall be relevant to and focus on massage therapy techniques, which may include history of massage therapy, human anatomy, physiology, kinesiology, and/or pathology.

(b) Two hours must cover instruction in professional ethics, two hours must in a course relating to the prevention of medical errors, and two hours must cover instruction in Chapter 480 and 456, ~~Part II~~, Florida Statutes, and Rule Chapter 64B7, F.A.C.

(c) No change.

(4) No change.

(5) At the end of each biennium, the Board will audit a number of randomly selected licensees to assure that the continuing education requirements have been met. Within 21 days of a request from the Board or Department, the licensee must provide written documentation that the continuing education requirements have been met, ~~evidence of completion of the continuing education requirements by submission of certificates which meet the requirements of Rule 64B7-28.010(1)(b)3., F.A.C. verifying the licensee's attendance at programs given by providers who had a valid provider number at the time of attendance.~~

Specific Authority 456.013(7),(8), 480.035(7), 480.0415 FS. Law Implemented 456.013(7),(8), 480.0415 FS. History—New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99,_____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Apprenticeship Training Program RULE NO.: 64B7-29.003

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

SUBJECT AREA TO BE ADDRESSED: Apprenticeship Training Program.

SPECIFIC AUTHORITY: 480.035(7), 480.041(5)(a) FS.

LAW IMPLEMENTED: 480.041(1)(b),(4),(5)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-29.003 Apprenticeship Training Program.

(1) through (4) No change.

(5) The sponsoring massage therapist shall submit to the Department, quarterly, on a form furnished by the Department, the number of hours of each subject listed above taught to his apprentice. A copy of the Massage Apprenticeship Quarterly Report Hours of Training Completed Form prepared and

furnished by the Department of Health can be obtained by writing to: Department of Health, Board of Massage, 4052 Bald Cypress Way, 2020 SE Capital Circle, BIN C06, Tallahassee, FL 32399-3256. If quarterly reports are not submitted to the Department as required herein, the Board will review the apprenticeship and the apprenticeship is subject to termination.

(6) No change.

Specific Authority 480.035(7), 480.041(1)(b),(4), 480.041(5)(a) FS. Law Implemented 480.041(1)(b),(4),(5)(a) FS. History—New 11-27-79, Amended 11-25-80, 12-18-84, Formerly 21L-29.03, Amended 4-7-86, 11-4-86, 12-22-92, Formerly 21L-29.003, Amended 6-5-95, Formerly 61G11-29.003, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Termination
RULE NO.: 64B7-29.004

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

SUBJECT AREA TO BE ADDRESSED: Termination.

SPECIFIC AUTHORITY: 480.035(7), 480.041(1)(b),(4), (5)(a) FS.

LAW IMPLEMENTED: 480.041(1)(b),(4),(5)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-29.004 Termination.

(1) If an apprentice terminates his apprenticeship, the sponsoring massage therapist shall so notify the Department, on a form furnished by the Department, within ten (10) days.

(2) If any violation of Chapter 480 or 456, F.S., or rules set forth in 64B7, F.A.C., is found subsequent to department inspection of the “qualified massage establishment” as defined under 64B7-29.001, F.A.C., the apprenticeship shall be tolled until such time the violation(s) is corrected or disposition in the case is made. If the disposition of the case resulted in disciplinary action by the Board the Board may require that the “sponsor” and the “apprentice” appear before the Board for the purpose of determining if the apprenticeship may continue or be terminated.

Specific Authority 480.035(7), 480.041(1)(b),(4),(5)(a) FS. Law Implemented 480.041(1)(b),(4),(5)(a) FS. History—New 11-27-79, Formerly 21L-29.04, 21L-29.004, 61G11-29.004, Amended _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Probationary Conditions and Definitions
RULE NO.: 64B7-30.008

PURPOSE AND EFFECT: The Board proposes to add rule text with regards to probationary conditions and definitions.

SUBJECT AREA TO BE ADDRESSED: Probationary Conditions and Definitions.

SPECIFIC AUTHORITY: 480.035(7), 480.046, 456.072(3), FS.

LAW IMPLEMENTED: 480.046, 456.072(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-30.008 Probationary Conditions and Definitions.

(1) Indirect Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under indirect supervision, the term indirect supervision does not require that the monitoring practitioner, practice on the same premises as the respondent; however the monitor shall practice within a reasonable geographic proximity to the respondent, which shall be within 20 miles unless otherwise authorized by the Board, and shall be readily available for consultation.

(2) Direct Supervision. Whenever a license is placed on probation or otherwise restricted in such a manner as to require the respondent to practice under direct supervision, the term direct supervision requires that the respondent practice only if the supervisor is on the premises.

(3) Provisions governing all supervised or monitored practitioners.

(a) The supervisor/monitor shall be furnished with copies of the Administrative Complaint, Final Order, Stipulation (if applicable), and other relevant orders.

(b) The respondent shall not practice without a supervisor/monitor unless otherwise ordered. The respondent shall appear at the next meeting of the Board with his proposed supervisor/monitor unless otherwise ordered.

(c) After the next meeting of the Board, the respondent shall only practice under the supervision of the supervisor/monitor. If for any reason the approved supervisor/monitor is unwilling or unable to serve, the

respondent and the supervisor/monitor shall immediately notify the Executive Director of the Board, and the respondent shall cease practice until a temporary supervisor/monitor is approved. The Chairman of the Board may approve a temporary supervisor/monitor who may serve in that capacity until the next meeting of the Board at which time the Board shall accept or reject a new proposed supervisor/monitor. If the Board rejects the proposed supervisor, the respondent shall cease practice until the Board approves a new supervisor/monitor.

(d) The supervisor/monitor must be a licensee under Chapter 480 Florida Statutes, in good standing and without restriction or limitation on his license. In addition, the Board may reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his/her license. The supervisor/monitor must be actively engaged in the same or similar specialty areas area unless otherwise provided by the Board. The Board may also reject any proposed supervisor/monitor for good cause shown.

(4) For purpose of determining the dates when reports are due, the date the Final Order is filed shall constitute the beginning of the quarter.

(a) All quarterly reports shall be provided to the Board office no later than three months from the filing date of the Final Order.

(b) All semiannual reports shall be provided to the Board office no later than six months from the filing date of the Final Order

(c) All annual reports shall be provided to the Board office no later than twelve months from the filing date of the Final Order.

Specific Authority 480.035(7), 480.046, 456.072(3) FS. Law Implemented 480.046, 456.072(3) FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Advertisement
 RULE NO.: 64B7-33.001

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

SUBJECT AREA TO BE ADDRESSED: Advertisement.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.046(1)(d),(f), 480.0465 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Eaton, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B7-33.001 Advertisement.

(1) No change.

(2) For purposes of this rule, “advertising medium” means: any newspaper, airwave, ~~wave~~ or computer transmission, telephone directory listing other than a listing for which no additional advertising charge is made, business card, handbill, flier, sign other than a building directory listing all building tenants and their room or suite numbers, or other form of written advertising.

Specific Authority 480.035(7) FS. Law Implemented 480.046(1)(d),(f), 480.0465 FS. History—New 12-7-92, Formerly 21L-33.001, Amended 2-13-95, 7-13-97, Formerly 61G11-33.001, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and
 RULE CHAPTER NO.: 68B-24

Slipper Lobster
 RULE TITLES: 68B-24.003

Minimum Size Limits
 RULE NOS.: 68B-24.004

Bag Limit
 68B-24.004

Gear: Traps, Buoys, Identification

Requirements, Prohibited Devices 68B-24.006

PURPOSE AND EFFECT: The purpose of this rule development effort is to increase the number of undersize spiny lobster that may be possessed aboard a commercial trapping vessel for use as attractants, clarify the vessel possession limit applicable to special recreational harvesters, and specify slat spacing in wood traps allowed to be armored with wire on vertical surfaces. The effect of these changes will be to allow commercial spiny lobster trappers more flexibility in moving and baiting trap lines, assure that special recreational harvesters cannot possess more spiny lobster aboard a vessel than was originally intended, and clarify that armored wood traps must be capable of harvesting spiny lobster prior to wire being attached on the vertical surfaces.

SUBJECT AREA TO BE ADDRESSED: Spiny lobster.

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

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

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-24.003 Minimum Size Limits.

(1) through (2) No change.

(3) The holder of a valid crawfish license or trap number, lobster trap certificates, and a valid saltwater products license issued by the Fish and Wildlife Conservation Commission may harvest and possess, while on the water, undersized spiny lobster not exceeding 50 per boat ~~or~~ and 1 per trap aboard each boat, ~~whichever is greater~~, if used exclusively for luring, decoying, or otherwise attracting noncaptive spiny lobster into traps. Such undersized spiny lobster shall be kept alive, while in possession, in a shaded continuously circulating live well with pump capacity to totally replace the water at least every 8 minutes and large enough to provide at least 3/4 gallon of seawater per lobster. All undersized lobster so maintained shall be released to the water alive and unharmed immediately upon leaving the trap lines and prior to 1 hour after official sunset.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 6-1-94, Formerly 46-24.003, Amended _____.

68B-24.004 Bag Limit.

(1) through (2) No change.

(3) Special Recreational Crawfish (Spiny Lobster) Bag Limit. No person who possesses a valid special recreational crawfish license issued by the Fish and Wildlife Conservation Commission pursuant to Section 370.063, Florida Statutes, shall harvest in any one day during the regular season specified in subsection 68B-24.005(1), F.A.C., more than 50 spiny lobster; provided, however, when one two or more persons possessing a valid special recreational crawfish license such harvesters are aboard a single vessel in or on state waters, together with any number of regular recreational harvesters, no more than 50 spiny lobster shall be possessed aboard such vessel, ~~irrespective of the number of regular recreational harvesters also aboard.~~

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 7-1-92, 6-1-94, 10-4-95, Formerly 46-24.004, Amended _____.

68B-24.006 Gear: Traps, Buoys, Identification Requirements, Prohibited Devices.

(1) No change.

(2) No person shall, in state waters, fish with, set, place, or cause to be fished with, set, or placed, any trap except a wood trap or plastic trap meeting the following specifications:

(a) Wood slat traps shall be no larger in dimension than 3 feet, by 2 feet, by 2 feet, or the volume equivalent. Such traps may be reinforced with wire mesh no heavier than 9 gauge, which shall only be affixed to the wood slats constituting the vertical surfaces of such traps. Beginning August 1, 2003, wire-reinforced wooden slat traps shall be constructed with wood slats that are a minimum of 1 1/4 inches wide, with a maximum spacing between slats of 2 1/4 inches.

(b) Plastic traps shall be no larger in dimension than 3 feet, by two feet, by 2 feet, or the volume equivalent, and shall have a degradable panel no smaller than 6 inches in length and 4 inches in width located on the top horizontal section of the trap. The panel shall only be considered degradable if it is constructed of cypress or untreated pine slats no thicker than 3/4 inch.

(c) The throats or entrances to all traps used to harvest spiny lobster shall be located on the top horizontal section of the trap, and shall be measured using the inside dimensions of the throat. If the throat is longer in one dimension, the throat size in the longer dimension shall not be smaller than 6 inches and in the shorter dimension shall not be smaller than 3 1/2 inches. If the throat is round or square, the throat size shall not be smaller than 5 1/2 inches in diameter or per side, respectively.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-2-87, Amended 7-2-90, 3-1-92, 7-1-92, 6-1-94, 10-4-95, 9-30-96, 6-1-99, 7-1-01, Formerly 46-24.006, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Shrimp

RULE TITLE:

RULE NO.:

Big Bend Region Closed Areas;

Seasonal Closures

68B-31.017

PURPOSE AND EFFECT: The purpose of this rule development effort is to adjust the Big Bend Region closure line in Dixie County to allow shrimping on 5,900 acres of bottom previously closed. The adjustment gives relief to the county's live bait shrimp harvesters, while continuing to protect the area's shallowest nursery waters. The effect will be to make waters closer to shore available for shrimpers and reduce their transportation costs.

SUBJECT AREA TO BE ADDRESSED: Shrimping in Dixie County.

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

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

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.017 Big Bend Region Closed Areas; Seasonal Closures.

(1) Beginning January 1, 1994, no person shall harvest shrimp in the areas of Wakulla, Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, and Pasco Counties landward of the line described as:

Beginning at Bailey’s Bluff in Pasco County (Point A); thence northerly to Point B; thence northeasterly to Point C; thence northerly to Point D; thence northeasterly to Point E; thence northerly to Point F; thence northwesterly to Point G; thence northerly to Point H; thence northwesterly to Point I; thence northerly to Point J; thence northwesterly to Point K; thence southwesterly to Point L; thence northwesterly to Point M; thence northerly to Point N; thence northwesterly to Point O; thence northerly to Point P; thence northwesterly to Point Q; thence northerly to Point R; thence northwesterly to Point S; thence southwesterly to flashing channel marker #1 in St. Marks Channel; thence northerly to the St. Marks Lighthouse. Points B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, and S are expressed as follows by longitude and latitude and Loran notations (Loran notations are unofficial and are included only for the convenience of fishers.):

Point	Loran Chain W-X-Y-Z	North Latitude	West Longitude
B	44930-62920	28° 16.68'	82° 47.21'
C	44930-62910	28° 18.28'	82° 45.68'
D	45000-62910	28° 26.93'	82° 45.95'
E	45000-62900	28° 28.43'	82° 44.49'
F	14375-62900	28° 43.53'	82° 45.22'

G	14375-62910	28° 44.38'	82° 46.71'
H	14410-62910	28° 57.91'	82° 47.53'
I	14410-62930	28° 59.41'	82° 50.41'
J	14420-62930	29° 03.28'	82° 50.66'
K	14420-45420	29° 06.91'	82° 57.81'
L	14405-45420	29° 03.38'	83° 01.42'
M	14405-63060	29° 07.30'	83° 08.78'
N	14440-63110	29° 22.98'	83° 15.89'
O	14440-63190	<u>29° 29.58'</u> 29° 28.22'	<u>83° 26.72'</u> 83° 26.58'
P	14470-63190	29° 38.25'	83° 26.66'
Q	14475-63250	29° 43.36'	83° 34.39'
R	14495-63295	29° 52.40'	83° 40.11'
S	14495-46450	30° 00.04'	84° 07.63'

(2) No person shall harvest shrimp in the Big Bend Region as a food shrimp producer during the period beginning July 1 and continuing through August 31 of each year.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-29-93, Formerly 46-31.017, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Horseshoe Crabs

RULE TITLE: _____ RULE NO.:

Horseshoe Crabs Harvest Restrictions:

License Requirements, Gear Specifications, Daily Bag and Possession Limits 68B-46.002

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement a permitting system for the collection of horseshoe crabs for biomedical purposes. Secondly, horseshoe crabs are declared to be saltwater products for purposes of reporting landings of the animals. The effect of this effort will be to provide the information necessary to fully assess the biological health of horseshoe crab populations and the impact of biomedical collection and release.

SUBJECT AREA TO BE ADDRESSED: Horseshoe Crabs.

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

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

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting

by contacting Cindy Hoffman, ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-46.002 Horseshoe Crabs Harvest Restrictions: License Requirements, Gear Specifications, Daily Bag and Possession Limits.

(1) No person shall harvest, possess, or sell any horseshoe crab unless that person possesses a valid saltwater products license. Horseshoe crabs shall be considered saltwater products for purposes of Section 370.07(6), Florida Statutes.

(2) The harvest or attempted harvest of any horseshoe crab by or with the use of any means or gear other than by hand or gig is prohibited.

(3)(a) Except as provided in paragraph (b), no person shall harvest in any day, within or without the waters of the state, land, or possess while in or on the waters of the state more than 25 horseshoe crabs. No such person shall possess more than 25 horseshoe crabs while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(b)1. The following bag and possession limits apply to a person with a valid saltwater products license with a marine life endorsement:

a. No such person shall harvest in any one day, within or without the waters of the state, land, or possess while in or on the waters of the state more than 100 horseshoe crabs.

b. No such person shall possess more than 100 horseshoe crabs while in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

2. The following bag and possession limits apply to a person with a valid saltwater products license and a valid permit to harvest eels commercially in the freshwaters of the state:

a. No such person shall harvest in any one day, within or without the waters of the state, land, or possess while in or on the saltwaters of the state more than 100 horseshoe crabs.

b. No such person shall possess more than 100 horseshoe crabs while in, on, or above the saltwaters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

3. The following provisions apply to each person collecting horseshoe crabs for biomedical purposes:

a. No person shall collect horseshoe crabs for biomedical purposes without possessing a valid Horseshoe Crab Biomedical Collecting Permit. This is not a harvesting permit, but rather, allows the holder to temporarily possess horseshoe crabs for the purpose of collecting the blood of the animal.

b. Horseshoe crabs collected for biomedical purposes shall be handled so as to minimize injury, maintained alive, and released alive in the area where collected.

c. Persons possessing a valid Horseshoe Crab Biomedical Collecting Permit are exempted from bag and possession limits specified in paragraph (a) of this subsection, if the horseshoe crabs collected are maintained and released alive.

d. The Horseshoe Crab Biomedical Collection Permit shall be renewed each year if the holder files the report required in subparagraph e.

e. Each person holding a Horseshoe Crab Biomedical Collection Permit shall file with the Division of Marine Fisheries by May 1 each year a report detailing the use of horseshoe crabs. Such reports will be filed on forms provided by the Division (Form DMF-HSC001 (7-02)) and will include, a monthly account of the number of crabs collected, areas where horseshoe crabs were collected, statement of percent mortality up to the point of release, and a certification that collected horseshoe crabs are solely used by the biomedical facility for biomedical purposes and not for other purposes.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 3-30-00, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Resources

RULE CHAPTER TITLE: Spiny Lobster Trap Certificate Program

RULE CHAPTER NO.: 68E-18

RULE TITLE: Commission Policy Regarding the Assessment of Administrative Penalties

RULE NO.: 68E-18.010

PURPOSE AND EFFECT: The purpose of this rule development effort is to establish the policy of the Fish and Wildlife Conservation Commission regarding the assessment of administrative penalties against those who fish spiny lobster traps without trap tags required by law and rule. The effect of this effort will be to place violators on notice how the Commission will mete out penalties within the maximums establish by law for this serious offense.

SUBJECT AREA TO BE ADDRESSED: Administrative penalties for use of spiny lobster traps without current year trap tags.

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

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

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68E-18.010 Commission Policy Regarding the Assessment of Administrative Penalties.

It shall be the policy of the Commission to assess administrative penalties pursuant to s. 370.142(2)(c)4., F.S., for a violation involving use of spiny lobster traps without current year trap tags as required by s. 370.142(2)(b), F.S.

(1) For a first violation of the referenced regulation, a penalty of up to \$1000 shall be assessed and the crawfish trap number (also known as the crawfish endorsement) issued pursuant to s. 370.142(2), F.S., may be suspended for the remainder of the current license year. The Commission shall assess these penalties as follows:

(a) \$25 per untagged trap for the possession or use of up to and including 20 untagged lobster traps;

(b) \$1000 and suspension of the crawfish endorsement for the remainder of the current license year for possession or use of 21 or more untagged lobster traps.

(2) For a second violation of the referenced regulation occurring within 24 months of any previous such violation, an administrative penalty of up to \$2000 shall be assessed and the crawfish endorsement may be suspended for the remainder of the current license year. The Commission shall assess these penalties as follows:

(a) \$50 per untagged trap for the possession or use of nine (9) or fewer such traps plus suspension of the crawfish endorsement for the remainder of the current license year;

(b) \$75 per untagged trap for possession or use of 10 up to and including 20 such traps plus suspension of the crawfish endorsement for the remainder of the current license year;

(c) \$2000 and suspension of the crawfish endorsement for the remainder of the current license year for possession or use of 21 or more untagged spiny lobster traps.

(3) For a third or subsequent violation within 36 months of any previous two such violations, an administrative penalty of up to \$5000 shall be assessed and the crawfish endorsement may be suspended for up to 24 months or permanently revoked or the Commission may proceed against the saltwater products license pursuant to s. 370.021(2)(e), F.S. The Commission shall assess these penalties as follows:

(a) \$100 per untagged spiny lobster trap and suspension of the crawfish endorsement for 12 months for possession or use of one (1) to nine (9) untagged traps;

(b) \$250 per untagged spiny lobster trap and suspension of the crawfish endorsement for 24 months for possession or use of 10 to 19 untagged traps;

(c) \$5000 and revocation of the crawfish endorsement and saltwater products license for possession or use of 20 or more untagged spiny lobster traps.

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Polling Place Procedures Manual
 RULE NO.: 1S-2.034

PURPOSE AND EFFECT: The purpose of proposed rule is to provide for a polling place procedures manual that is incorporated by reference.

SUMMARY: This rule provides for a polling place procedures manual.

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: 102.014(5) FS.

LAW IMPLEMENTED: 102.014(5) FS.

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

TIME AND DATE: 3:00 p.m. – 5:00 p.m., Friday, May 10, 2002

PLACE: Room 112, 107 West Gaines Street, The Collins Building, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200 or sbradshaw@mail.dos.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting Sarah Jane Bradshaw at (850)245-6200.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.034 Polling Place Procedures Manual.

The Department of State, Division of Elections, is required to establish a polling place procedures manual, Form DS-DE 11 (4/02), which is hereby incorporated by reference and available from the Division of Elections, The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 102.014(5) FS. Law Implemented 102.014(5) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy 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: April 10, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 18, 2001

DEPARTMENT OF INSURANCE

RULE TITLE: Policy Exceptions
RULE NO.: 4-186.011
PURPOSE AND EFFECT: There is no authority for the rule. Therefore, repeal is required.

SUMMARY: The rule concerns policy exceptions on title insurance commitments. The rule was included on the list submitted to JAPC of rules for which the Department does not have authority pursuant to Section 120.536(2)(b), F.S. Therefore, the rule must be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308 FS.

LAW IMPLEMENTED: 627.784, 627.7845 FS.

IF REQUESTED IN WRITING 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: 9:30 a.m., May 21, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wally Senter, Title Insurance Coordinator, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0331, phone (850)413-2554

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-186.011 Policy Exceptions.

~~(1) A title insurance commitment shall be issued on all real estate closing transactions when a title insurance policy is to be issued, except multiple conveyances on the same property, e.g., timesharing.~~

~~(2) A "gap" exception shall not be deleted on a commitment until the time of closing.~~

Specific Authority 624.308 FS. Law Implemented 627.784, 627.7845 FS. History--New 2-13-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Wally Senter, Bureau of Specialty Insurers
NAME OF SUPERVISOR OR PERSON ORIGINATING THE PROPOSED RULE: Al Willis, Bureau Chief
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Fertilizer
RULE CHAPTER NO.: 5E-1
RULE TITLES: Methods of Analysis
RULE NOS.: 5E-1.014
Adulteration of Levels for Metals in Fertilizers;
Certificate of Analysis 5E-1.026

PURPOSE AND EFFECT: The purpose of the rules are to incorporate by reference all methods of analyses for commercial fertilizers by reference in those of the State of Florida, Department of Agriculture and Consumer Services, Fertilizer Manual and to establish parameters for metals in fertilizers offered for sale in the State of Florida.

SUMMARY: Methods of analysis and standards for fertilizers adulterated with metals.

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: 570.07(23), 576.181, 576.051(7) FS.

LAW IMPLEMENTED: 576.181, 576.051(7) FS.

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

TIME AND DATE: 2:00 p. m., May 10, 2002

PLACE: AES Conference Room, Lab. 8, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, 3125 Conner Blvd., Bldg. 8. (L29), Tallahassee, Florida 32399-1650; telephone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-1.014 Methods of Analyses.

All methods of analyses for ~~plant nutrients~~ in commercial fertilizers shall be those in the State of Florida, Department of Agriculture and Consumer Services, Fertilizer Manual, (Eff. 3/18/96), which is hereby incorporated by reference. Copies may be obtained from the Division of Agricultural Environmental Services, Bureau of Feed, Seed and Fertilizer Laboratories, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650.

Specific Authority 576.181(2), 570.07(23), 576.051(7) FS. Law Implemented 576.051(2), (3), (7) FS. History—New 1-23-67, Amended 1-1-77, 7-22-79, 4-23-80, 10-27-80, 4-20-81, 10-18-81, 4-4-83, 11-16-83, 1-23-85, 6-19-85, Formerly 5E-1.14, Amended 11-16-86, 10-12-87, 9-26-88, 11-19-89, 3-28-91, 8-3-93, 7-9-95, 10-25-98, _____.

5E-1.026 Adulteration Levels for Metals in Fertilizers; Certificate of Analysis.

(1) ADULTERATION LEVELS FOR METALS IN FERTILIZERS.

(a) Fertilizers that contain guaranteed amounts of phosphates and/or micro nutrients are adulterated when they contain metals in amounts greater than the levels of metals established by the following table¹:

Metals	ppm per 1% P ₂ O ₅	ppm per 1% Micro nutrients ²
1. Arsenic	13	112
2. Cadmium	10	83
3. Cobalt	3,100	23,000 ³
4. Lead	61	463
5. Mercury	1	6
6. Molybdenum	42	300 ³
7. Nickel	250	1,900
8. Selenium	26	180 ³
9. Zinc	420	2,900 ³

To use the Table:

Multiply the percent guaranteed P₂O₅ or sum of the guaranteed percentages of all micro nutrients (Iron, Manganese, Zinc, etc...) in each product by the value in the appropriate column in the Table to obtain the maximum allowable concentration (ppm) of these metals. The minimum value for P₂O₅ utilized as a multiplier shall be 6.0. The minimum value for micro nutrients utilized as a multiplier shall be 1. If a product contains both P₂O₅ and micro nutrients multiply the guaranteed percent P₂O₅ by the value in the appropriate column and multiply the sum of the guaranteed percentages of the micro nutrients by the value in the appropriate column. Utilize the sum of the two resulting values as the maximum allowable concentrations. Biosolids, and all compost products⁴, shall be adulterated when they exceed the levels of metals permitted by the United States Environmental Protection Agency Code of Federal Regulations, 40 CFR Part 503. Dried biosolids and manure, as well as manipulated manure products not supplemented with chemical fertilizers shall also be deemed adulterated when they exceed the levels of metal permitted by the United States Environmental Protection Agency Code of Federal Regulations, 40 CFR Part 503. Hazardous waste derived fertilizers (as defined by EPA) shall be adulterated when they exceed the levels of metals permitted by the United States Environmental Protection Agency Code of Federal Regulations, 40 CFR Parts 261, 266 and 268.

Footnotes:

¹These guidelines are not intended, to be used, to evaluate horticultural growing media claiming nutrients but may be applied to the sources of the nutrients added to the growing media.

²Micro nutrients (also called minor elements) are essential for both plant growth and development and are added to certain fertilizers to improve crop production and/or quality. These micro nutrients are iron, manganese, zinc, copper, molybdenum and boron. In addition, cobalt and selenium can also be considered micro nutrients.

³Only applies when not guaranteed.

⁴Includes all compost products that are not supplemented with chemical fertilizers, even those registered as fertilizers (making nutrient claims).

(2) CERTIFICATE OF ANALYSIS. Suppliers of micro nutrient and/or phosphate materials distributed to registered fertilizer licensees for blending purposes upon request shall furnish to the licensee and the Department a Certificate of Analysis of the nine metals denoted in Section (1)(a).

Specific Authority 576.181 FS. Law Implemented 576.181 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Steven Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 15, 2002

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.
TIME AND DATE: 2:00 p.m., Monday, May 13, 2002
PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES: Adoption of Uniform Packaging and Labeling Regulation

RULE NOS.:

5F-3.001

Package Testing Procedures

5F-3.016

PURPOSE AND EFFECT: The purpose of Rule 5F-3.001, F.A.C., is to amend it to adopt the most recent national standards for packaging and labeling requirements as adopted by the National Conference on Weights and Measures and published in 2002 edition of National Institute of Standards and Technology Handbook 130. The purpose of Rule 5F-3.016, F.A.C., is to amend it to adopt the most recent national standards for package testing procedures as adopted by the National Conference on Weights and Measures and published in fourth edition of National Institute of Standards and Technology Handbook 133. Adoption of the current national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade.

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-3.001 Adoption of Uniform Packaging and Labeling Regulation.

The Department of Agriculture and Consumer Services hereby adopts the Uniform Packaging and Labeling Regulation promulgated by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2002 ~~2001~~ Edition, as the Rule for packaging and labeling of commodities and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2002 ~~2001~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3) FS. Law Implemented 531.41(4), 531.47, 531.49 FS. History--New 1-1-73, Formerly 5F-3.01, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01,_____.

SUMMARY: Updates Rule 5F-3.001, F.A.C., to adopt the current national requirements for the packaging and labeling of commodities as adopted by the National Conference on Weights and Measures and published as the "Uniform Packaging and Labeling Regulation" in the 2002 edition of National Institute of Standards and Technology Handbook 130. Updates Rule 5F-3.016, F.A.C., to adopt the current national requirements for package testing procedures as adopted by the National Conference on Weights and Measures and published in fourth edition of National Institute of Standards and Technology Handbook 133

5F-3.016 Package Testing Procedures.

The Department of Agriculture and Consumer Services hereby adopts the National Institute of Standards and Technology (NIST) Handbook 133, "Checking the Net Contents of Packaged Goods," ~~Third~~ **Fourth** Edition, ~~including Supplements 1, 2, 3 and 4~~ as the Rule for the procedures for testing packaged goods and commodities for net contents and incorporates said Handbook herein by this reference. A copy of NIST Handbook 133, ~~Third~~ **Fourth** Edition, ~~including Supplements 1, 2, 3 and 4~~ may be obtained from the National Conference on Weights and Measures, 15245 Shady Grove Road, Suite 130, Rockville, Maryland 20850 Post Office Box 4025, Gaithersburg, Maryland 20888, Phone: (240)632-9454 ~~(301)975-4012~~ or <http://ts.nist.gov/ts/htdocs/230/235/h1334.htm>.

Specific Authority 531.41(3) FS. Law Implemented 531.41(13) FS. History--New 4-9-98, Amended _____.

SUMMARY OF STATEMENT OF REGULATORY COSTS: 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: 531.41(3) FS.

LAW IMPLEMENTED: 531.41(4),(13), 531.47, 531.49 FS.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Max Gray, Chief, Bureau of Weights and Measures
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Ben Faulk, Director, Division of
 Standards
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 1, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: March 15, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: RULE NO.:

Specifications, Tolerances and Other 5F-5.001
 Technical Requirements for Commercial
 Weighing and Measuring Devices

PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2002 edition of National Institute of Standards and Technology Handbook 44. Adoption of the standards provides for uniformity of Florida's requirements with the national requirements to facilitate interstate commerce and trade.

SUMMARY: Rule 5F-5.001, F.A.C., adopts the current national standards for specifications, tolerances and other technical requirements for commercial weighing and measuring devices as published in the 2002 edition of National Institute of Standards and Technology Handbook 44.

SUMMARY OF STATEMENT 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: 531.40, 531.41 (3) FS.

LAW IMPLEMENTED: 531.40 FS.

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

TIME AND DATE: 2:00 p.m., Monday, May 13, 2002

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, Address 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, Phone (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2002 ~~2004~~ Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2002 ~~2004~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or at <http://ts.nist.gov/ts/htdocs/230/235/h442001.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History—New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Ben Faulk, Director, Division of
 Standards

DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: April 1, 2002

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: RULE NO.:

Adoption of Uniform Methods of Sale 5F-7.005

PURPOSE AND EFFECT: The purpose of this rule is to adopt the most recent national standards for the method of sale of commodities established by the National Conference on Weights and Measures and published in the 2002 edition of National Institute of Standards and Technology Handbook 130. Adoption of the national standards will make Florida's requirements for methods of sale uniform with the national standards and facilitate interstate commerce and trade.

SUMMARY: Adopts the current national model methods of sale of commodities being sold by weight, measure or count, as published in National Institute of Standards and Technology

Handbook 130 to provide for interstate commerce, facilitate value comparison and provide adequate quantity information for consumers and purchasers.

SUMMARY OF STATEMENT 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: 531.41 (3) FS.

LAW IMPLEMENTED: 531.41(4), 531.45 FS.

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

TIME AND DATE: 2:00 p.m., Monday, May 13, 2002

PLACE: Division of Standards' Conference Room, Suite E, Room 135, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-7.005 Adoption of Uniform Methods of Sale.

The Florida Department of Agriculture and Consumer Services hereby adopts the Uniform Regulation for the Method of Sale of Commodities, as published by the United States Department of Commerce, National Institute of Standards and Technology, NIST Handbook 130, 2002 ~~2004~~ Edition, as the Rule for the method of sale for commodities, and incorporates said uniform regulation herein by this reference. A copy of NIST Handbook 130, 2002 ~~2004~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone: (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/h130-01.htm>. Copies of this uniform regulation are available from the Division of Standards, Bureau of Weights and Measures, 3125 Conner Boulevard, Lab #2, Tallahassee, Florida 32399-1650, Phone: (850)488-9140.

Specific Authority 531.41(3),(4), 531.45 FS. Law Implemented 531.41(3),(4), 531.45 FS. History--New 1-8-90, Amended 6-14-95, 8-27-98, 8-19-99, 7-3-00, 9-3-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Chief, Bureau of Weights and Measures

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ben Faulk, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 2002

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Special Instructional Services for Students

RULE NO.: 6A-6.03019

Who Are Gifted

PURPOSE AND EFFECT: The purpose of this rule amendment is to ensure consideration of students from all populations for gifted services, clarify requirements for gifted evaluations and services, align this rule with other related rules for exceptional student education in Florida and with current national research and best practices in gifted education. The effect will be a rule which is consistent with established policies and procedures.

SUMMARY: This rule will revise the definition of a gifted student in Florida and eligibility criteria for gifted services; identify screening, referral, student evaluation, and eligibility procedures; and requirements for instructional services.

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 the notice.

SPECIFIC AUTHORITY: 229.053(1), 230.23(4)(m) FS.

LAW IMPLEMENTED: 228.041(18),(19), 229.565(2)(b),(c), 230.23(4)(m) FS.

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

TIME AND DATE: 9:00 a.m., May 21, 2002

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Bureau of Instructional Support and Community Services, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399; (850)488-1570

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03019 Special Instructional Services Programs for Students Who Are Gifted.

Gifted services are specially designed instruction provided to students who exhibit superior cognitive ability and require differentiated learning experiences beyond that which can be provided through the general curriculum in order to progress at levels commensurate with their abilities. The procedures and criteria for eligibility for these services are designed to identify students who are gifted from all populations. Procedures for training teachers, providing information to parents, screening, evaluating and determining the eligibility of students, and providing specially designed services shall be consistent with requirements of this rule.

(1) Definitions. Gifted. One who has superior intellectual development and is capable of high performance.

(a) Students who are gifted. Students who are gifted demonstrate superior cognitive ability and have a need for gifted services.

(b) Need for gifted services. Need for gifted services exists when a student who demonstrates superior cognitive ability requires differentiated learning experiences beyond that which can be provided through the general curriculum in order to progress at levels commensurate with his or her abilities.

(c) Cognitive ability. Cognitive ability includes academic, intellectual, creative thinking, and critical thinking abilities.

(d) Academic achievement. Academic achievement is a student's demonstrated level of competence with grade level knowledge, skills, and abilities.

(e) Intellectual ability. Intellectual ability is the ability to deal with cognitive complexity as measured by a test of general intellectual functioning.

(f) Creative thinking. Creative thinking involves encountering challenges and generating possibilities that lead to superior products, processes, or performances. Creative thinking includes the ability to generate ideas that indicate: fluency, flexibility, novelty or originality, elaboration, appropriateness, and quality.

(g) Critical thinking skills. Critical thinking skills include, but are not limited to, analysis, evaluation, problem solving, reasoning, and logic.

(h) Superior creative thinking and critical thinking skills. Superior creative thinking and critical thinking skills are the highest skill level as defined by the test publisher on a standardized, norm-referenced test and may include additional assessments consistent with the requirements of this rule.

(i) General curriculum. The general curriculum is a curriculum or course of study that is consistent with the Sunshine State Standards as incorporated by reference in Rule 6A-1.09401, FAC., and used for instruction of all students without special design or differentiation.

(j) Differentiated learning experiences. Differentiated learning experiences for students who are gifted include, but are not limited to, acceleration of the curriculum by modifying the pace; enrichment of the curriculum by modifying the curriculum breadth, depth, complexity, or abstractness; or a combination of the two.

(k) Referral for evaluation. A referral for evaluation is the process whereby a written request is made for a formal evaluation of a student to determine eligibility for specially designed instruction for students who are gifted.

(2) Training of Teachers, Providing Information to Parents, and Screening Students. In order to identify students who are gifted from all cultural, linguistic, and socioeconomic groups, and among students with disabilities, school districts shall design and implement systems for training teachers, providing information to parents and screening students

consistent with the following: Criteria for eligibility. A student is eligible for special instructional programs for the gifted if the student meets the criteria under paragraph (2)(a) or (b) of this rule.

(a) The training of teachers, including teachers of students who are limited English proficient, on the characteristics of students who are gifted. The student demonstrates:

1. Need for a special program.
2. A majority of characteristics of gifted students according to a standard scale or checklist, and
3. Superior intellectual development as measured by an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered standardized test of intelligence.

(b) The provision of information to parents including information on the availability of services for students who are gifted. The student is a member of an under-represented group and meets the criteria specified in an approved school district plan for increasing the participation of under-represented groups in programs for gifted students.

1. For the purpose of this rule, under-represented groups are defined as groups:

- a. Whose racial/ethnic backgrounds are other than white non hispanic, Asian/Pacific Islander, or
- b. Who are limited English proficient, or
- e. Who are from a low socio-economic status family.

2. The Department of Education is authorized through 1999 to approve school district plans for increasing the participation of students from under-represented groups in special instructional programs for the gifted, provided these plans include the following:

- a. A district goal to increase the percent of students from under-represented groups in programs for the gifted and the current status of the district in regard to that goal;
- b. Screening and referral procedures which will be used to increase the number of these students referred for evaluation;
- e. Criteria for determining eligibility based on the student's demonstrated ability or potential in specific areas of leadership, motivation, academic performance, and creativity;
- d. Student evaluation procedures, including the identification of the measurement instruments to be used;
- e. Instructional program modifications or adaptations to ensure successful and continued participation of students from under-represented groups in the existing instructional program for gifted students;
- f. An evaluation design which addresses evaluation of progress toward the district's goal for increasing participation by students from under-represented groups.

(c) The screening of students shall be in accordance with the requirements of paragraphs (4)(a) through (e) and (4)(g) through (h) of this rule in the primary elementary grades.

intermediate elementary grades, and middle school grades and shall include a review of existing evaluation and achievement data, which may include:

1. Evaluations and information provided by the student's parents or teachers including classroom-based assessments, observations, and work samples, and

2. Results of state, district, or school-wide assessments.

(3) Referral for Evaluation. A referral may result from a recommendation from school personnel or the parent, or from the screening process described in subsection (2) of this rule. Referrals for evaluation must include: ~~Procedures for student evaluation. The minimum evaluations for determining eligibility are the following:~~

(a) Evidence of the student's need for gifted services as documented by a review of the information obtained through the screening process. For a student who has been enrolled in general education programs for more than six (6) weeks, this evidence shall include a description of the attempts made to meet the student's needs within the general education program. ~~Need for a special instructional program,~~

(b) Further evidence may include documentation that the student has mastered the state standards for the age appropriate grade level based on factors including, but not limited to, student work samples; anecdotal records; results of individual, school, district, or state assessments; student interview; and parent interview. ~~Characteristics of the gifted,~~

(c) Intellectual development, and

(d) ~~May include those evaluation procedures specified in an approved district plan to increase the participation of students from under represented groups in programs for the gifted.~~

(4) Procedures for Student Evaluation. Students are evaluated to document their superior cognitive ability and their need for gifted services. Evaluation procedures shall be consistent with the requirements of Rule 6A-6.0331, FAC., and the following:

(a) Tests and other evaluation materials used to assess a student are selected and administered so as not to be discriminatory and are provided and administered in a student's native language or other mode of communication, unless it is clearly not feasible to do so. Non-verbal tests or tests designed to be administered in the student's preferred language may also be used. Test selection shall be based on the unique characteristics of the student, the technical adequacy of the test, the norming population and recency of the norming process, and the recommended administration options available to the examiner.

(b) Materials and procedures used to assess a student with limited English proficiency are selected and administered to ensure they measure the extent to which the student is gifted, rather than measuring the student's English language skills.

(c) Any standardized assessments that are given have been validated for the specific purposes for which they are used and are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessment.

(d) If an assessment tool is not conducted under standard conditions, a description of the extent to which it varied from standard conditions and a justification for the variance must be included in the evaluation report.

(e) Assessments are selected and administered so as to best ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever factors the assessment purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors the assessment purports to measure.

(f) No single assessment is used as the sole criterion for determining whether a student is eligible for gifted services and for determining an appropriate educational program for the student.

(g) Assessment tools and strategies used shall provide recent and relevant information that assists in determining the educational needs of the student.

(h) Appropriate accommodations must be provided for students with disabilities and students with limited English proficiency in accordance with Rules 6A-6.0331, 6A-1.0943, and 6A-6.09091, FAC.

(i) In accordance with subsection (6) of this rule, the minimum evaluations shall include a standardized test of academic achievement and one (1) other assessment.

(5) Determination of eligibility for a student who is gifted.

(a) In interpreting evaluation data for the purpose of determining if a student is gifted and identifying the educational needs of the student, the staffing committee shall:

1. Draw upon information from a variety of sources, including, but not limited to, achievement tests, parent input, teacher recommendations, physical condition, and social or cultural background;

2. Ensure that the information obtained from all of these sources is documented and carefully considered; and

3. Determine eligibility in accordance with the criteria required in subsection (6) of this rule and the procedures described in Rule 6A-6.0331, FAC.

(b) A minimum of three (3) professional personnel, one (1) of whom shall be the district administrator of exceptional student education or designee and one (1) of whom shall hold the gifted endorsement or be knowledgeable about gifted education, shall meet as a staffing committee. Additional personnel may be involved in determining eligibility by providing information or by attending staffing committee meetings.

(c) If through the review of the screening and evaluation data, as described in subsections (2) and (4) of this rule, it is determined that the results of these assessments do not accurately reflect the student's superior ability, the staffing committee may recommend the collection and consideration of additional data.

(6) Criteria for eligibility. A student is eligible for specially designed instruction for students who are gifted if the student demonstrates a need for differentiated learning experiences beyond those provided by the general education program in accordance with subsection (3) of this rule and demonstrates superior cognitive ability by meeting the criteria under one (1) of the following:

(a) The student demonstrates academic achievement at the 96th percentile or above in composite reading and composite math; and

1. An intelligence quotient of two (2) standard deviations or more above the mean on an individually administered, standardized test of intelligence; or

2. An intelligence quotient of one (1) standard deviation or more above the mean, and evidence of superior creative thinking skills or superior critical thinking skills; or

(b) The student demonstrates sustained performance for more than one (1) school year in academic achievement at the 96th percentile or above in composite reading, composite math, or composite battery, and

1. Evidence of superior creative thinking skills, and

2. Evidence of superior critical thinking skills; or

(c) The student demonstrates academic achievement at the 96th percentile or above in composite reading, composite math, or composite battery, and

1. An intelligence quotient of two (2) standard deviations or more above the mean on an individually administered, standardized test of intelligence; or

2. An intelligence quotient of one and one-half standard deviations or more above the mean on an individually administered, standardized test of intelligence and evidence of superior creative thinking skills or critical thinking skills; or

3. An intelligence quotient of one (1) standard deviation or more above the mean on an individually administered, standardized test of intelligence, and evidence of superior creative thinking skills and superior critical thinking skills; or

(d) The student demonstrates academic achievement at the 89th percentile or above in two (2) or more of the following: composite reading, composite math, and composite battery, and

1. An intelligence quotient of two (2) standard deviations or more above the mean on an individually administered, standardized test of intelligence; or

2. An intelligence quotient of one and one-half standard deviations or more above the mean on an individually administered, standardized test of intelligence and evidence of superior creative thinking skills or superior critical thinking skills; or

(e) The student demonstrates an intelligence quotient of two (2) standard deviations or more above the mean on an individually administered, standardized test of intelligence and evidence of superior creative thinking skills or superior critical thinking skills.

(7) Instructional Services. Instructional services are specially designed instruction and related services provided to students who are gifted to enable academic progress at levels commensurate with their ability.

(a) Educational Plans (EP) shall be developed in accordance with Chapter 6A-6, FAC., for each student determined eligible for these services.

(b) Services shall be designed to enable the student to advance toward attaining the goals determined by the student's strengths, affective needs, and goals as documented on the Educational Plan. School districts shall provide options for the delivery of services that address the curriculum and social-emotional needs of students who are identified as gifted.

(c) Curricula for students identified as gifted shall be differentiated from the general education curricula and shall incorporate the state standards.

(8) Students who are eligible for special services for students who are gifted and have a current Educational Plan or Individual Educational Plan (IEP) prior to the effective date of this rule continue to remain eligible to receive these services.

(9) The procedural safeguards afforded to parents shall be consistent with the requirements of Section 230.23(4)(m)5., Florida Statutes, and Chapter 6A-6, FAC.

(10) Effective Date. This rule as amended shall take effect January 1, 2003.

Specific Authority 229.053(1), 230.23(4)(m) FS. Law Implemented 228.041(18)(19), 229.565(2)(b)(c), 230.23(4)(m) FS. History—New 7-1-77, Formerly 6A-6.3019, Amended 10-10-91, 5-19-98, 1-1-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Betty Coxe, Deputy Commissioner for Educational Programs,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Charlie Crist, Commissioner of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 9, 2002

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

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Premium Formula
 RULE NO.: 19-8.028

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2002-2003 contract year.

SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates 2002-2003 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

REGARDLESS OF WHETHER OR NOT REQUESTED, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. to Noon, Eastern Standard Time, Monday, May 13, 2002

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Chief Operating Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.
 (1) through (2)(b) No change.

(c) Excess Insurance. This term means insurance protection for large commercial property ~~policy~~ risks that provide a layer of coverage above a primary layer that acts much the same as a very large deductible. The primary layer is insured through another policy. The excess policy does not reimburse losses unless the losses exceed the primary layer. Several excess policies may be used to cover high value properties, each with different but coordinating primary layers.

(d) Formula or the Premium Formula. This term means the formula approved by the SBA for the purpose of determining the Actuarially Indicated Premium to be paid to the FHCF. The Premium Formula is defined as an approach or methodology

which leads to the creation of premium rates. The resulting rates are therefore incorporated as part of the Premium Formula, and are the result of the approach or methodology employed.

(e) New Companies. The term means all Companies which write Covered Policies and which are granted a certificate of authority by the Department of Insurance after the beginning of the FHCF's Contract Year on June 1; or which already have a certificate of authority but begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the contract year. A Company is writing new business if it writes Covered Policies after the beginning of the FHCF's Contract Year on June 1 and did not do so prior to the beginning of the Contract Year, or if it removes exposure from the Florida Residential Property and Casualty Joint Underwriting Association "RPCJUA" or the Florida Windstorm Underwriting Association "FWUA" pursuant to an assumption agreement effective after June 1 and had written no other Covered Policies on or before June 1.

(f) Premium. This term means the same as Reimbursement Premium, which is the premium which is determined by multiplying each \$1,000 of insured value reported by the Company in accordance with paragraph (5)(b) of the Statute, by the rate as derived from the Premium Formula.

(g) Section I as described in the Data Call. This term means policies other than Excess insurance policies, as defined herein.

(h) Section II as described in the Data Call. This term means Excess Insurance policies as defined herein.

(3)(a) through (c) No change.

(d) For the 2001-2002 contract year, the Formula developed by the Board's independent consultant, "Florida Hurricane Catastrophe Fund: 2001 Ratemaking Formula Report to the Florida State Board of Administration, March 15, 2001, as revised May 4, 2001" and the "Addendum to the March 15, 2001 Ratemaking Report," are hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the premium formula methodology approved by the Board on 5/30/01, are hereby adopted and incorporated by reference in Form FHCF-Rates 2001, "Florida Hurricane Catastrophe Fund/2001-2002 Rates," rev. 5/01.

(e) For the 2002-2003 contract year, the Formula developed by the Board's independent consultant, "Florida Hurricane Catastrophe Fund: 2002 Ratemaking Formula Report to the Florida State Board of Administration, March 28, 2002," is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the premium formula methodology approved by the Board on, are hereby adopted and incorporated by reference in Form FHCF-Rates 2002, "Florida Hurricane Catastrophe Fund/2002-2003 Rates," rev. 5/02.

(4)(a) Special Circumstances. The premium formula for Section II exposure will be based on the use of computer modeling for each individual company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. Because of the wide variations in attachments, retentions, limits, and participation levels for excess insurance, it is generally not practical to develop separate rates for all the potential combinations of per policy excess ~~high deductible~~ exposures. Therefore, the Independent Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. The minimum exposure threshold for FHCF Section II rating will be sufficient to generate FHCF premium greater than the cost of modeling and other considerations. Upon the Board's approval of the FHCF rates, the Independent Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90%. This methodology will be based on sound actuarial principles to establish greater actuarial equity in the premium structure. The calculated thresholds will be included in the Data Call, as adopted and incorporated by reference in Rule 19-8.029, F.A.C. Companies with exposure meeting the definition of Section II, but with an aggregate of such exposure under the applicable threshold, shall report the said exposure under Section I using Section I reporting specifications.

(b) through (c)1. No change.

2. For purposes of this rule, a company is writing new business if it writes covered policies on or after the beginning of the Fund's contract year on June 1 and did not do so prior to the beginning of the contract year, or if it removes exposure from the RPCJUA or the FWUA pursuant to an assumption agreement on or after June 1 and had written no other covered policies before June 1.

3. through (5) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5), (6),(7) FS. History--New 9-20-99, Amended 7-3-00, 9-17-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2001

STATE BOARD OF ADMINISTRATION

RULE TITLE: Investment Policy Statement
 RULE NO.: 19-9.001

PURPOSE AND EFFECT: This rule is promulgated to implement Section 121.4501(14), F.S., regarding the Public Employee Optional Retirement Program.

SUMMARY: Proposed amended Rule 19-9.001, F.A.C., adopts revisions to the Investment Policy Statement required by Section 121.4501(14), F.S., and approved by the Trustees of the State Board of Administration on January 29, 2002. The Investment Policy Statement is incorporated by reference in the rule. The dates of approval will no longer be shown in the body of the rule but instead will be shown on the document incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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: 121.4501(8)(a), 215.52 FS.

LAW IMPLEMENTED: 121.4501(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15) 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: 2:00 – 4:00 p.m., Tuesday, May 21, 2002
 PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; tel.: (850)413-1199

THE FULL TEXT OF THE PROPOSED RULE IS:

19-9.001 Investment Policy Statement.

The Florida Retirement System Public Employee Optional Retirement Program Investment Policy Statement, as approved by the Trustees of the State Board of Administration ~~on February 27, 2001~~, is hereby adopted and incorporated by reference.

Specific Authority 121.4501(8)(a), 215.52 FS. Law Implemented 121.4501(1), (2),(3),(4),(5),(6),(7),(8),(9),(10),(11),(12),(13),(14),(15) FS. History--New 7-29-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. James Francis, Chief Economist, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 15, 2002

STATE BOARD OF ADMINISTRATION

RULE TITLE: Asset Transfer Procedures: Initial Transfers
 RULE NO.: 19-10.001

Occurring between 7/1/02 and 3/31/03
 PURPOSE AND EFFECT: This amended rule provides for some of the asset transfer procedures required by Section 121.4501(3)(c)4., Florida Statutes.

SUMMARY: Proposed amended Rule 19-10.001, F.A.C., provides revised procedures for the initial transfer of assets for public employees choosing to move from the defined benefit program of the Florida Retirement System to the defined contribution program and incorporates the requirements of two enrollment forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be appropriately divided between the defined benefit program and the defined contribution program. 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 121.4501(3)(c)4., (8)(a) FS.
 LAW IMPLEMENTED 121.031(2), 121.4501(2),(3),(4),(5), (6),(8),(15), 121.571(1),(2), 215.44(8)(b) FS.

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

TIME AND DATE: 9:30 a.m. – 11:30 a.m., Tuesday, May 21, 2002

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Gokel, Assistant General Counsel, State Board of Administration, P. O. Drawer 13300, Tallahassee, FL 32317-3300; tel.: (850)413-1199

THE FULL TEXT OF THE PROPOSED RULE IS:

19-10.001 Asset Transfer Procedures: Initial Transfers Occurring between 7/1/02 and 3/31/03.

(1) Purpose. The primary purpose of this rule is to implement subsection (3)(c)4. of Section 121.4501, Florida Statutes, regarding procedures for transferring assets from the current defined benefit plan of the Florida Retirement System to the new defined contribution program, called the Public Employee Optional Retirement Program. However, since the

implementation procedures will necessarily involve several other entities, the roles and responsibilities of those entities will be part of this rule.

(2) Definitions.

(a) “ABO” means the present value of the member’s accumulated benefit obligation in the defined benefit program of the Florida Retirement System to which the member would be entitled if the member retired from the current defined benefit plan. This present value shall be calculated in accordance with the formula set out in Section 121.4501(3)(c)2., Florida Statutes. ~~This amount will be shown on Form SBA-PEORP election, rev. 3/2001, (the enrollment form), and will be called the “current value of my FRS benefit.”~~

(b) “Division” means the Division of Retirement within the Department of Management Services.

(c) “Effective date of enrollment in PEORP” means the date on which the employee is entitled to receive employer contributions for his PEORP account or accounts in accordance with Section 121.571(2), Florida Statutes.

(d) “Effective enrollment in PEORP” means that the employee has completed the enrollment form; ~~that the completed enrollment form has been received by the employee’s employer; that the employer has forwarded the completed enrollment form to the TPA;~~ that the TPA has entered the employee into its recordkeeping system; and that the TPA has informed the division and the employee’s employer of the employee’s effective enrollment in PEORP.

(e) “Employee” means an eligible employee as defined in Section 121.4501(2)(d), Florida Statutes.

(f) “Employer” means an employer as defined in Section 121.4501(2)(e), Florida Statutes. For purposes of the PEORP, there are three general categories of employers: state agencies; school districts; and local employers.

(g) “Florida Retirement System Trust Fund” or “FRSTF” shall mean the trust fund holding the assets of the defined benefit plan of the Florida Retirement System.

(h) “Participant” means an employee who elects to join the PEORP after the effective dates in Section 121.4501(4), Florida Statutes.

(i) “Public Employee Optional Retirement Program” or “PEORP” means the new defined contribution retirement program of the Florida Retirement System established by Section 121.4501, Florida Statutes.

(j) “SBA” means the State Board of Administration.

(k) “TPA” means the third-party administrator hired by the SBA, pursuant to Section 121.4501(8)(b)1., Florida Statutes, to provide administrative services to the PEORP.

(3) Election by Current Employees to Transfer to PEORP from the Defined Benefit Plan of the Florida Retirement System.

(a) Beginning on the dates specified in paragraph (e), below, the employee shall complete an enrollment form, Florida Retirement System (FRS)/Public Employee Optional Retirement Program (PEORP)/Enrollment Election Form, Form SBA/PEORP-election, rev. 3/2001, which is hereby adopted and incorporated by reference. This form may be obtained from the State Board of Administration, 1801 Hermitage Boulevard, Suite 100, Tallahassee, Florida 32308, by providing the following information:

1. Employee's name and social security number;

2.a. For an employee who is not a member of the Senior Management Optional Annuity Program (SMOAP), a selection as to whether the employee wishes to stay in the FRS Pension Plan, or transfer his ABO to the FRS Investment Plan, or transfer to the FRS Investment Plan and keep his ABO in the FRS Pension Plan; or

b. For an employee who is a member of the Senior Management Optional Annuity Program, a selection as to whether the employee wishes to stay in SMOAP, or wishes to transfer to the FRS Investment Plan, and, if the employee wishes to transfer to the FRS Investment Plan and if the employee had previously earned service credit under the FRS Pension Plan, whether the employee wishes to transfer his ABO to the FRS Investment Plan or instead wishes to keep his ABO in the FRS Pension Plan;

3. Clearly indicate primary and secondary beneficiaries, if any; the relationship of the person to the employee; and what percentage of the employee's benefits the employee wishes each beneficiary to receive;

4. Select any combination of investment funds from among any of the balanced funds and other investment funds shown, provided, however, that the percentage of the employee's contributions for all of the funds selected must equal 100;

5. Sign and date a section indicating that:

a. The employee understands that he can obtain a description of his rights and responsibilities under the FRS Pension Plan and the FRS Investment Plan by calling a toll-free number or accessing an internet website;

b. The employee understands that he has elected to remain in either the FRS Pension Plan or SMOAP if that is what the employee indicated earlier on the form;

c. The employee understands that if he has elected the FRS Investment Plan, the initial ABO is an estimate which will be reconciled within 60 days;

d. The employee understands that he should review the fund profiles and the Investment Fund Summary before choosing investment funds and that information will be available electronically unless the employee requests hard copies and that if the employee does not choose specific funds, his assets will be invested in the FRS Select Moderate Balanced Fund;

e. The employee understands that investment management fees may change and that funds may be added or terminated and that if funds are terminated, the employee has the choice of moving his assets into other investment options or, if the employee does not make an affirmative decision, his assets will be moved in the FRS Select fund with the most similar risk characteristics or into a replacement fund designated by the Plan's Trustees; and

f. The Florida Statutes incorporate federal law concepts of participant control so that if the employee exercises control over his assets in accordance with section 404(c) of the federal Employee Retirement Income Security Act of 1974, no program fiduciary shall be liable for any loss to his account which results from the employee's control.

6. The enrollment form shall be complete if all the required information is clearly indicated and if the enrollment form is received by 4 PM (Eastern time) on the first day of the employee's election period if the employee has filed prior to the beginning of the election period. If the enrollment form is complete and if the enrollment form is received during the employee's election period as specified in Section 121.4501(4), Florida Statutes, then the employee's election will be final on the day the form is received by the TPA. Specifically, the form shall include a statement that the employee elects to remain in the defined benefit program, elects to transfer to the PEORP with a transfer of his or her ABO, or elects to transfer to the PEORP without a transfer of his or her ABO which shall then remain in the defined benefit plan. It shall be the TPA's employer's obligation to ensure that the form in to is complete and more particularly that the election is clearly indicated. If the TPA employer determines that the form is incomplete, the form shall be returned to the employee and resubmitted when the form is complete. ~~Once the employer has determined that the form is complete, it shall be distributed as follows:~~

~~1. One copy of the completed form is retained by the employee;~~

~~2. One copy of the completed form is retained by the employer;~~

~~3. One copy of the completed form is forwarded by the employer to the TPA, if the employee elects to transfer into the PEORP.~~

(b) Upon receipt of the completed form by the TPA, the TPA enrolls the employee in the PEORP. Upon completion of the enrollment, but no later than 2 3 business days after enrollment, the TPA sends confirmation of the effective enrollment to the employee at the employee's home address and to the employee's employer and to the division. The employer corrects its employee records to reflect that the contribution rates effective 7/1/02, in accordance with Section 121.571(2), Florida Statutes, are applicable to those of its employees who have elected to transfer to PEORP.

(c) Confirmation is sent by the TPA to the division because the division must be informed that the employee is no longer in the defined benefit plan. Since employers pay retirement contributions monthly for their employees and those contributions are due to the division by the 5th working business day of the month following the month for which the contributions are made, the division must be informed that employers will no longer be making contributions to the defined benefit retirement program but will instead be making contributions to the PEORP.

(d) Although Section 121.4501(4), Florida Statutes, provides for a 90-day period during which public employees can make an election to transfer to PEORP, once an employee has made an election to transfer to PEORP or remain in the defined benefit plan or SMOAP, that election is irrevocable, even though the 90-day period may not have expired. Section 121.4501(4)(e), Florida Statutes, provides one additional opportunity for an employee to change his or her mind after the employee's 90-day election period.

(e) Reading Section 121.4501(4)(a)1.a. and Section 121.571(2), Florida Statutes, *in pair materia*, the effective date of enrollment for a state employee electing to transfer to PEORP in June, 2002, is July 1, 2002. The effective dates of enrollment for state, district school board, and local employees are:

1. State employees:

election date	effective date
6/1-6/30/2002	7/1/2002
7/1-7/31/2002	8/1/2002
8/1-8/31/2002	9/1/2002

2. District school board employees:

election date	effective date
9/1-9/30/2002	10/1/2002
10/1-10/31/2002	11/1/2002
11/1-11/30 12/2 /2002	12/1/2002

3. Local employees:

election date	effective date
12/1-12/31/2002	1/1/2003
1/1-1/31/2003	2/1/2003
2/1-2/28 3/3 /2003	3/1/2003

4. To effect enrollment for each subsequent month, the employee employer shall submit to the TPA a completed enrollment election forms ~~for employees electing PEORP during the month~~ no later than the last day of the prior month. For example, to effect enrollment for the month of September, the employee shall submit the completed enrollment form no later than the last day of August. ~~For district school board employers and for local employers, the election dates extend, in two instances as reflected in subparagraphs 1 through 3 immediately above, beyond the final employee effective enrollment date. For those two instances, for those school board employees who wish to begin their effective enrollment~~

~~in PEORP in December of 2002 and for those local employees who wish to begin their effective enrollment in PEORP in March of 2003, it is necessary that their employers submit the election form within 24 hours of the end of the election period to allow for the assets to be transferred within the statutory period.~~

(4) Initial Asset Transfer Procedures upon Receipt of Election Confirmation.

(a) Initially, the division will have calculated the ABOs of all current employees and will have provided that information to the TPA in advance of the election period. The ABOs of state employees will have been calculated as of midnight on 5/31/02. The ABOs of district school board employees will have been calculated as of midnight on 8/31/02. The ABOs of local employees will have been calculated as of midnight on 11/30/02. Section 121.4501(3)(c)4., Florida Statutes, requires the asset transfer to be completed within 30 days of the employee's effective date in PEORP. Therefore, for state employees whose effective date is 7/1/02, the transfer will be complete by 7/31/02. Transfer deadlines for other state employees and for other public employees are described in paragraph (c), below.

(b) For each month during the election period, the TPA will determine the aggregate dollar amount of the ABO for those employees electing to participate in the PEORP and provide that information to the SBA, categorized by the investment fund chosen by participants. This information shall be provided to the SBA within four business days of each month-end during the election period.

(c) The transfer deadlines for public employees are as follows:

1. State employee

effective date	transfer deadline
7/1/2002	7/31/2002
8/1/2002	8/31/2002
9/1/2002	10/1/2002

2. District School Board employee

effective date	transfer deadline
10/1/2002	10/31/2002
11/1/2002	12/1/2002
12/1/2002	12/31/2002

3. Local employee

effective date	transfer deadline
1/1/2003	1/31/2003
2/1/2003	3/3/2003
3/1/2003	3/31/2003

(5) Costs associated with the liquidation or transfer of assets from the FRSTF to the PEORP will be deducted from the FRSTF. The FRSTF will not be responsible for any transaction costs associated with the purchase of PEORP assets. Those costs will be deducted from PEORP accounts or otherwise charged to PEORP participants.

(6) The total amount credited to each PEORP participant’s account who chooses to move his or her ABO out of the defined benefit plan shall equal the estimate of the participant’s ABO as calculated by the division. Pursuant to Section 121.4501(3)(c)3., the division shall recompute the ABO not later than 60 days after the actual transfer of funds and, if the recomputed amount differs from the transferred ABO amount by \$10 or more, the division shall cause a readjustment of the transfer of assets between PEORP account(s) of the affected participant(s) and the FRSTF in accordance with that statutory section.

(7)(a) The amount transferred to each investment ~~fund product~~ shall be based on the percentage of total investment allocated to each fund by the participant on his or her enrollment election form as adopted and incorporated by reference in this rule, in subsection (3)(a), above. However, pursuant to Section 121.4501(4)(d), Florida Statutes, amounts not specified will be invested in the default option designated in the Investment Policy Statement, as approved by the Trustees on ~~January 29, 2002~~ ~~September 26, 2000~~, and adopted and incorporated by reference in Rule 19-9.001, Florida Administrative Code.

(b) The amounts transferred to each investment ~~fund product~~ shall either be in cash or in mutually agreed upon securities. The mutual agreement shall be made between the SBA and the PEORP investment provider before the transfer is made.

(8) In order to effectively and efficiently administer the investment programs of the SBA and in accordance with Section 215.44(8)(b), Florida Statutes, the records and other information relating to investments made by the SBA will be confidential and exempt from Chapter 119, Florida Statutes, until 30 days after completion of each investment transaction.

Specific Authority 121.4501(3)(c)4, (8)(a) FS. Law Implemented 121.4501(2), (3), (4), (5), (6), (8), (15), 121.571(1), (2), 215.44(8)(b) FS. History—New 5-9-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Herndon, Executive Director, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Monitoring Sex Offender Conditions of Supervision
RULE NO.: 33-302.108

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for: conducting computer searches to determine if an offender has violated a computer restriction condition of supervision; submission of blood or biological specimens for DNA testing; ensuring compliance with the order of supervision; and notification of victims of any special conditions imposed requiring no contact with the victim by the offender.

SUMMARY: The proposed rule clarifies the process for: conducting computer searches to determine if an offender has violated a computer restriction condition of supervision; submission of blood or biological specimens for DNA testing; ensuring compliance with the order of supervision; and notification of victims of any special conditions imposed requiring no contact with the victim by the offender.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 947.1405, 948.03 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:

33-302.108 Monitoring Sex Offender Conditions of Supervision.

(1) Prohibited victim contact – If the court or releasing authority imposes a condition prohibiting offender contact with the victim, the officer will ensure:

(a) The offender has been instructed regarding the special condition imposed of no contact with the victim or the victim’s family; and,

(b) The victim is aware of the special condition prohibiting the offender from having contact with the victim or the victim’s family. The officer shall forward a “No Contact with Victim” ~~Letter, Form DC3-247,~~ to the victim’s last known

address. A copy of ~~the letter Form DC3-247~~ will be maintained in the offender file as documentation that the victim was notified of this condition. ~~Form DC3-247 is hereby incorporated by reference. A copy of this form may be obtained 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 December 18, 2001.~~

(2) Prohibition of Living Within 1000 Feet of Place Where Children Regularly Congregate – If the court or releasing authority imposes this condition of supervision, the supervisor shall ensure:

(a) The officer has researched the offender’s residence location for known places where children regularly congregate to ensure compliance with the order of supervision and paragraphs 948.03(5)(a) and (b), Florida Statutes; and

(b) The officer documents research conducted and measurements obtained in the electronic case notes.

(3) Submission of Blood or Biological Specimens for DNA Analysis – If the court or releasing authority imposes a ~~this condition for submission of blood specimens or other biological specimens,~~ or if the offender’s offense meets statutory criteria of pursuant to s. 943.325 948.03(5)(a) and (b), F.S., the officer shall verify that the offender’s specimens have been collected and received by the Florida Department of Law Enforcement;

~~(a) The circuit administrator shall ensure agreements are formulated and upheld with DNA collection sites within the circuit; and,~~

~~(b) The officer will ensure documentation is received from the collection site verifying the DNA blood specimens were drawn.~~

(4) through (5) No change.

(6) HIV Testing – If the court or releasing authority imposes this condition of supervision the circuit administrator shall identify and advise staff of ensure arrangements are made to set up a testing locations in each circuit for sex offenders required to submit to HIV testing.

(7) Pornographic Material – If the court or releasing authority imposes a prohibition on viewing, owning, or possessing any obscene, pornographic, or sexually stimulating visual or auditory material, including telephone, electronic media, computer programs or computer services that are relevant to the offender’s deviant behavior pattern, the officer shall ensure compliance by conducting walk-through searches during the initial visit and, at a minimum, once quarterly during subsequent visits to the offender’s residence, which can lead to warrantless planned searches if pornographic material is observed.

(8) Computer or Internet Restrictions – If the court or releasing authority imposes a condition of supervision that limits or prohibits use of computers or the internet, the officer shall monitor compliance by:

(a) Conducting walk through searches during the initial visit and, at a minimum, once quarterly during subsequent visits to the offender’s residence to ensure the offender is in compliance with the condition of supervision;

(b) If the officer verifies or suspects that the offender has access to the internet, and this is prohibited as a condition of supervision, the officer shall contact a correctional probation officer or supervisor certified to conduct computer searches FDLE or a local law enforcement officer certified to conduct computer searches ~~computer experts~~ to investigate further. Under no circumstances will an officer who has not been certified in conducting computer searches be authorized to touch the offender’s computer in an ~~The officer will not attempt to view icons for internet access or other graphic file formats created by the Joint Photographic Experts Group, unless the officer has successfully completed the Basic Computer Data Recovery Class and has been authorized, in writing, by the circuit administrator to conduct computer searches.~~

Specific Authority 944.09 FS. Law Implemented 944.09, 947.1405, 948.03 FS. History–New 12-18-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tina Hayes

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2002

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management

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

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to amend section 11.7, Applicant’s Handbook: Management and Storage of Surface Waters, entitled “Lake Apopka Hydrologic Basin,” to establish discharge limitations for total phosphorus for: (1) surface water management systems (systems) located within the Lake Apopka Hydrologic Basin, which discharge into Lake Apopka or its tributaries; and (2) systems that cause an interbasin diversion of water from another hydrologic basin to the Lake Apopka Hydrologic Basin and discharge water to Lake Apopka or its tributaries. The proposed rule amendments will also establish water quantity limitations on diversions of water to Lake Apopka or its tributaries from an area that does not currently discharge water to Lake Apopka or its tributaries. The proposed rule amendments revise Figure 11.0-5 in the Applicant’s Handbook: Management and Storage of Surface Waters to more accurately reflect the hydrologic boundaries of the Lake Apopka Hydrologic Basin and to depict the Lake Apopka Hydrologic Basin in relation to nearby cities and

public roads. Additionally, the proposed rule amendments will establish requirements for monitoring the post-development total phosphorus load discharged from the project area, methodologies to determine the pre-development total phosphorus load discharged from the project area, and an annual inspection requirement.

SUMMARY: The proposed rule amendment would establish post-development total phosphorus discharge limitations for discharges to Lake Apopka or its tributaries, pursuant to Section 373.461, F.S., create water quantity limitations on diversions of water to Lake Apopka or its tributaries, revise one figure and create a new figure depicting the Lake Apopka Hydrologic Basin, create related monitoring requirements, create methodologies for determining pre-development total phosphorus load discharged from the project area, and establish an annual inspection requirement.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.418, 373.426, 373.461 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., June 12, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee

River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Hydrologic Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective _____ ~~10-11-01~~.

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421(2), 373.461(3) FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, 373.406, 373.413, 373.4135, 373.4136 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History--New 12-7-83, Amended 10-14-84, Formerly 40C- 4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8.01, 10-11-01, _____.

APPLICANT'S HANDBOOK SECTION

11.0 Basin Criteria

Chapter 40C-41, F.A.C., and this section establish additional criteria which are to be used in reviewing applications for permits in certain hydrologic basins. These basins are:

- (a) Upper St. Johns River Hydrologic Basin
- (b) Ocklawaha River Hydrologic Basin
- (c) Wekiva River Hydrologic Basin
- (d) Econlockhatchee River Hydrologic Basin
- (e) Tomoka River Hydrologic Basin
- (f) Spruce Creek Hydrologic Basin
- (g) Sensitive Karst Areas Basin
- (h) Lake Apopka Hydrologic Basin

See Figure 11.0-1 for a description of the areas contained within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, ~~and~~ the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin and the Spruce Creek Hydrologic Basin. See Figures 11.0-2, 11.0-3, and 11.0-4 for a description of the areas contained within the Sensitive Karst Areas Basin. See Figure 11.0-5 for a description of the areas contained within the Lake Apopka Hydrologic Basin. A description of the Hydrologic Basin boundaries is available in Appendix K.

INSERT FIGURE 11.0-5

11.1 through 11.6 No change.

11.7 Lake Apopka ~~Hydrologic Drainage~~ Basin

(a) Pursuant to Section 373.461(3)(a), F.A.C., the total phosphorus criterion for Lake Apopka is 55 parts per billion. To meet this total phosphorus criterion, the applicant must provide reasonable assurance of compliance with the following total phosphorus discharge limitations and comply with the relevant monitoring requirements in Sections 11.7(b) through 11.7(e): This phosphorus criterion shall be used to establish phosphorous discharge limitations for all permits within the Lake Apopka Drainage Basin authorizing discharges, directly or indirectly, into Lake Apopka, the Lake Level Canal, and the McDonald Canal.

(1) Sites Within Lake Apopka Hydrologic Basin

Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Lake Apopka Hydrologic Basin shall demonstrate: (i) that the system provides stormwater treatment equivalent to or greater than any of the applicable stormwater treatment options contained in Table 11.7-1 for the removal of total phosphorus; (ii) that the post-development total phosphorus load discharged from the project area will not exceed the pre-development total phosphorus load discharged from the project area; or (iii) that the system, under the soil moisture conditions described in Section 10.3.8(a), will not discharge water to Lake Apopka or its tributaries for the 100-year, 24-hour storm event. Systems described under Section 11.7(a)(1)iii. shall be considered to discharge to a land-locked lake that must meet the criteria in Section 10.4.2. Any alteration of a system originally permitted pursuant to Section 11.7(a)(1)iii. which results in an increase in discharge of water to Lake Apopka or its tributaries shall be considered an interbasin diversion that must meet the criteria in Sections 11.7(a)(2) and 11.7(e).

(2) Interbasin Diversion of Water to Lake Apopka Hydrologic Basin

Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system that will cause the importation of water from another hydrologic basin into the Lake Apopka Hydrologic Basin shall not discharge any phosphorus from the project area to Lake Apopka or its tributaries, unless the applicant implements

measures to reduce the existing total phosphorus load to Lake Apopka or its tributaries from another existing source by at least an equivalent amount of total phosphorus. The imported water shall consist only of stormwater runoff. The imported water shall not be discharged to Lake Apopka or its tributaries when the water level of Lake Apopka is in Zone A of the Lake Apopka Regulation Schedule set forth in Table 11.7-2. All measures to reduce existing phosphorous loads to Lake Apopka or its tributaries must be constructed and operating in compliance with the environmental resource permit prior to any importation of water into the Lake Apopka Hydrologic Basin. Measures that reduce existing phosphorous loads to Lake Apopka or its tributaries shall not include those measures taken on the District's land.

(b) Monitoring for Retention Systems

A surface water management system permitted under Section 11.7(a)(1)i. which utilizes only retention, shall be monitored as set forth in this paragraph. Water elevations in such a system shall be monitored from the date that construction of the system is completed or any part of the system is used for its intended purpose, whichever is sooner. The monitoring shall continue for three years following completion of construction of the entire system, including all associated residential, commercial, transportation, or agricultural improvements. If the results of the monitoring indicate that the system is not recovering the treatment volume in accordance with the permitted design, then the permittee shall either perform maintenance on the system, or obtain a modification to the permit and implement measures, to bring the system into compliance, and in either event the monitoring shall continue for three years after the date the system is brought into compliance.

(c) Monitoring for Systems Permitted Under Section 11.7(a)(1)iii.

A surface water management system permitted under Section 11.7(a)(1)iii., shall be monitored as set forth in this paragraph. Water elevations in such a system shall be monitored from the date that construction of the system is completed or any part of the system is used for its intended purpose, whichever is sooner. The monitoring in such a system shall continue for ten years following completion of construction of the entire system, including all associated residential, commercial, transportation, or agricultural improvements. If the results of the monitoring

indicate that either the system is not recovering storage in accordance with the permitted design or causes water to be discharged to Lake Apopka or its tributaries for events less than the 100-year, 24-hour storm event, then the permittee shall either perform maintenance that brings the system into compliance or obtain a modification to the permit and implement measures to bring the system into compliance, and in either event the monitoring shall continue for three years after the date the system is brought into compliance.

(d) Monitoring for Other Systems

A surface water management system, other than a system described in Sections 11.7(b), 11.7(c) or 11.7(e), shall be monitored as set forth in this paragraph. The total phosphorus load from the project area shall be monitored from the date that construction of such a system is completed or any part of the system is used for its intended purpose, whichever is sooner. The monitoring shall continue for three years following completion of construction of the entire system, including all associated residential, commercial, transportation, or agricultural improvements. If the results of the monitoring indicate that post-development total phosphorus loads exceed pre-development total phosphorus loads, then the permittee shall either perform maintenance on the system, or obtain a modification to the permit and implement measures, to reduce the total phosphorus loads to no more than pre-development levels, and in either event the monitoring shall continue for three years after the date the system is maintained or modified as described herein.

(e) Monitoring for Interbasin Diversion of Water to Lake Apopka Hydrologic Basin

A surface water management system described in Section 11.7(a)(2) shall be monitored as set forth in this paragraph. The total phosphorus load shall be monitored from: (i) any system designed to reduce the existing total phosphorus load to Lake Apopka or its tributaries, and (ii) the system that is importing water to the Lake Apopka

Hydrologic Basin. Monitoring of the system that is importing water to the Lake Apopka Hydrologic Basin shall commence from the date that construction of such system is completed or any part of the system is used for its intended purpose, whichever is sooner. Monitoring of systems designed to reduce the existing total phosphorus load to Lake Apopka or its tributaries shall commence from the date that construction of such system is completed. Monitoring shall continue for as long as water is imported from the system to the Lake Apopka Hydrologic Basin. If monitoring results indicate that the reductions in total phosphorus load are less than that in the imported water, then the permittee shall either perform maintenance or obtain a permit modification to bring the system(s) into compliance.

(f) Determination of Pre-development Total Phosphorus Loads

Pre-development total phosphorus loads shall be based upon the land uses in place as of (effective date) and shall be calculated by: monitoring the total phosphorus loads from the project area for a period of one year prior to construction, alteration, abandonment, or removal of the proposed or existing system; or calculating total phosphorus loads for the same land uses from the scientific literature. That calculation of pre-development total phosphorus loads shall be adjusted by interpolation or extrapolation to reflect average annual rainfall conditions.

(g) Inspecting Systems

Systems subject to the inspection requirements in subsection 40C-42.029(1), F.A.C., which were permitted on or after (effective date) and which were also subject to the phosphorus discharge limitations in Section 11.7(a), shall be inspected by the operation and maintenance entity within one year after completion of construction and every year thereafter.

TABLE 11.7-1

STORMWATER TREATMENT CRITERIA TO ACHIEVE NO NET INCREASE IN POST-DEVELOPMENT LOADINGS
WITHIN THE LAKE APOPKA HYDROLOGIC BASIN

LAND USE CATEGORY	DOMINANT SOIL GROUP	RETENTION ONLY ¹	RETENTION/WET DETENTION OPTION ²
Low-Density Residential (max. 15% impervious)	A	2.75"	1.00"/14 days
	B	1.75"	0.50"/14 days
	C	1.25"	0.50"/14 days
	D	1.00"	0.25"/14 days
Single-Family Residential (max. 25% impervious)	A	2.50"	1.00"/14 days
	B	2.00"	0.75"/14 days
	C	1.75"	0.75"/14 days
	D	1.50"	0.75"/14 days
Single-Family Residential (max. 40% Impervious)	A	3.75"	1.25"/14 days
	B	2.50"	0.75"/14 days
	C	2.00"	0.75"/14 days
	D	1.75"	0.50"/14 days
Multi-Family Residential (max. 65% impervious)	A	4.00"	2.50"/14 days
	B	3.75"	2.00"/14 days
	C	3.00"	1.50"/14 days
	D	2.75"	1.50"/14 days
Commercial (max. 80% impervious)	A	4.00"	2.75"/14 days
	B	3.00"	1.75"/14 days
	C	2.50"	1.50"/14 days
	D	2.25"	1.25"/14 days
Highway (max. 50% impervious)	A	4.00"	2.00"/14 days
	B	3.00"	1.50"/14 days
	C	2.50"	1.25"/14 days
	D	2.25"	1.00"/14 days
Highway (max. 75% impervious)	A	4.00"	2.75"/14 days
	B	3.75"	2.25"/14 days
	C	2.75"	1.75"/14 days
	D	2.25"	1.25"/14 days

1. Required dry retention volume (inches of runoff over project area)
2. Required dry retention volume (inches of runoff over project area) followed by wet detention with listed minimum residence time

ADD FIGURE 11.7.2

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

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

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Linda Lorenzen, (386)329-4262, or (386)329-4450(TDD).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Publications Incorporated by Reference

RULE NO.: 40C-4.091

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

and 6, in the vicinity of Mill Dam Branch, Puncheon Gum Swamp, and Pablo Creek in Duval County, and revising part of the boundary between drainage basins 16 and 17 in the vicinity of the Southeast corner of Flagler County (in Sections 17-19, Township 14 South, Range 31 East). The District proposes to amend Appendix M by revising the Northwest boundary between regional watersheds 4, 5 and 6, in the vicinity of Mill Dam Branch, Puncheon Gum Swamp, and Pablo Creek in Duval County, and revising part of the boundary between regional watersheds 16 and 17 in the vicinity of the Southeast corner of Flagler County (in Section 17-19, Township 14 South, Range 31 East).

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

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.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., June 12, 2002

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

- 40C-4.091 Publications Incorporated by Reference.
- (1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective _____ ~~10-11-01~~.

(b) through (c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421 373.046, 373.085, 373.086, 373.109, 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History--New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, _____.

ADD FIGURE 12.2.8-1

ADD APPENDIX M

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas I. Mayton, Sr. Asst. General Counsel, Office of
General Counsel, St. Johns River Water Management District,
P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4108

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 9, 2002

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

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

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES:	RULE NOS.:
Policy and Purpose	40C-41.011
Basin Boundaries	40C-41.023
Implementation	40C-41.033
Application of Chapter	40C-41.043
Exemptions	40C-41.051
Conditions for Issuance of Permits	40C-41.063

PURPOSE AND EFFECT: The purpose and effect of this
proposed rule amendment is to establish discharge limitations
for total phosphorus for surface water management systems
which are located in the Lake Apopka Hydrologic Basin or
which discharge into Lake Apopka or its tributaries. The
proposed rule amendments create new figure 41-5 that
generally depicts the areas contained within the Lake Apopka
Hydrologic Basin. Additionally, the proposed rule
amendments will establish an exemption from the discharge
limitations for stormwater management systems exempted
under existing Rule 40C-42.0225, F.A.C. Furthermore, the
proposed amendments will clarify that systems qualifying for a
noticed general permit under Chapter 40C-400, F.A.C., are
exempted from the District's basin rules.

SUMMARY: The proposed rule amendment would establish
post-development total phosphorus discharge limitations for
discharges to Lake Apopka or its tributaries, pursuant to
section 373.461, F.S., create two new figures depicting the
Lake Apopka Hydrologic Basin, and establish exemptions.

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

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

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

LAW IMPLEMENTED: 373.413, 373.416, 373.418, 373.426,
373.461 FS.

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

TIME AND DATE: Following the regularly scheduled
Governing Board Meeting, which begins at 9:00 a.m., June 12,
2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water
management standards and criteria for the Upper St. Johns
River Hydrologic Basin, the Ocklawaha River Hydrologic
Basin, the Wekiva River Hydrologic Basin, the
Econlockhatchee River Hydrologic Basin, the Tomoka River
Hydrologic Basin, the Spruce Creek Hydrologic Basin, ~~and~~ the
Sensitive Karst Areas Basin, and the Lake Apopka Hydrologic
Basin, which insure that development within the basins
incorporates the appropriate water quantity and water quality
control and other environmental measures necessary to protect
the integrity of the public investments in the basins and which
minimizes adverse impacts to the water resources of the
District. Standards and criteria delineated in this chapter are in
addition to those criteria specified in Chapters 40C-4, 40C-40,
~~and~~ 40C-42, and 40C-44, F.A.C., in accordance with
40C-41.043, F.A.C. The standards, criteria, exemptions, and
additional requirements specified in this chapter are not
intended to supersede or rescind the terms and conditions of
any valid surface water management permit issued by the
District prior to the effective date of this chapter.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented
373.413, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History--New
12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, _____.

40C-41.023 Basin Boundaries.

(1) through (6) No change.

Insert Figure 41-5

(7) The Lake Apopka Hydrologic Basin is that area generally depicted in Figure 41-5 and defined in Applicant's Handbook, Appendix K as incorporated by reference in rule 40C-4.091, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, _____.

40C-41.033 Implementation.

(1) The effective date of this chapter is December 7, 1983, for the criteria of subsections 40C-41.063(1) and (2); May 17, 1987, for the standards of paragraphs 40C-41.063(3)(a) and (b); August 30, 1988, for the standards and criteria of paragraphs 40C-41.063(3)(c), (d) and (e); April 3, 1991, for the standards and criteria in subsection 40C-41.063(5); ~~and~~ September 25, 1991 for the criteria of subsections 40C-41.063(7), ~~and~~ 11-25-98 for the criteria of subsection 40C-41.063(6), and (effective date) for the standards and criteria in subsection 40C-41.063(8).

(2) No change.

Specific Authority 373.044, 373.113, 373.171 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, _____.

40C-41.043 Application of Chapter.

(1) All projects located within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, ~~or~~ the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, ~~or~~ the Spruce Creek Hydrologic Basin, or the Lake Apopka Hydrologic Basin, requiring permits pursuant to rule 40C-4.041, F.A.C., shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in rules 40C-41.063, and either sections 40C-4.301 and 40C-4.302, or 40C-40.302, and 40C-41.063, F.A.C., unless specifically exempted in rule 40C-41.051, F.A.C., or otherwise provided in subsection 40C-41.043(3) or 40C-41.043(4), F.A.C. The most restrictive criteria will be applicable unless the applicant provides reasonable assurance that the purposes and intent of this chapter and chapter 40C-4, F.A.C., will be fulfilled using alternate criteria.

(2) No change.

(3) Stormwater management systems requiring permits pursuant to rule 40C-42.022, F.A.C., that will be located within the Lake Apopka Hydrologic Basin or will discharge water to Lake Apopka or its tributaries, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in rule 40C-42.023, F.A.C., and subsection 40C-41.063(8), F.A.C.

(4) Agricultural surface water management systems requiring permits pursuant to rule 40C-44.041, F.A.C., that will be located within the Lake Apopka Hydrologic Basin or will discharge water to Lake Apopka or its tributaries, shall be constructed, operated, maintained, altered, abandoned and

removed in accordance with the standards and criteria specified in Rule 40C-44.301, F.A.C., and subsection 40C-41.063(8), F.A.C.

Specific Authority 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 373.413, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 10-3-95, 11-25-98, _____.

40C-41.051 Exemptions.

(1) No change.

(2) A single family dwelling unit ~~The following systems~~ located wholly or partially within the Tomoka River Hydrologic Basin or the Spruce Creek Hydrologic Basin, provided the unit is not part of a larger common plan of development or sale, is ~~are~~ exempted from the standards and criteria in subsection 40C-41.063(6), F.A.C., and section 11.5, Applicant's Handbook: Management and Storage of Surface Waters.

(a) ~~A single family dwelling unit provided the unit is not part of a larger common plan of development or sale.~~

(b) ~~Systems that qualify for a noticed general permit pursuant to chapter 40C-400, F.A.C., and which comply with the requirements of such noticed general permit.~~

(3) Stormwater management systems exempted in rule 40C-42.0225, F.A.C., which are either located wholly or partially within the Lake Apopka Hydrologic Basin or which discharge water to Lake Apopka or its tributaries, are exempted from the standards and criteria in subsection 40C-41.063(8), F.A.C.

(4) Systems that qualify for a noticed general permit under Chapter 40C-400, F.A.C., are exempted from the standards and criteria in Rule 40C-41.063, F.A.C., and Sections 11.0 – 11.7, Applicant's Handbook: Management and Storage of Surface Waters.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.461 FS. History—New 4-3-91, Amended 11-25-98, _____.

40C-41.063 Conditions for Issuance of Permits.

(1) through (7) No change.

(8) Any surface water management system that requires a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., and that will be located within the Lake Apopka Hydrologic Basin or will discharge water to Lake Apopka or its tributaries, must comply with the requirements of Section 11.7, Applicant's Handbook: Management and Storage of Surface Waters, adopted by reference in subsection 40C-4.091(1), F.A.C.

Specific Authority 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 8-1-89, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

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

Anyone requiring special accommodation to participate in this meeting is requested to advised the District at least 5 work days before the meeting by contacting Linda Lorenzen at (386)329-4262, or (386)329-4450(TDD).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: Requirements for Issuance
 RULE NO.: 40C-42.023

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to establish discharge limitations for total phosphorus for stormwater management systems which are located in the Lake Apopka Hydrologic Basin or which discharge into Lake Apopka or its tributaries.

SUMMARY: The proposed rule amendment would establish post-development total phosphorus discharge limitations for discharges to Lake Apopka or its tributaries, pursuant to section 373.461, F.S.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.418, 373.426, 373.461 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., June 12, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-42.023 Requirements for Issuance.

(1) To receive a general or individual permit under this chapter the applicant must provide reasonable assurance based on plans, test results and other information, that the stormwater management system:

(a) through (c) No change.

(d) Meets any applicable basin criteria contained in Rule 40C-41.063(7) and (8), F.A.C. Chapter 40C-41, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 373.413, 373.416, 373.418, 373.426, 373.461 FS. History--New 9-25-91, Amended 3-21-93, 10-3-95.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

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

Anyone requiring special accommodation to participate in this meeting is requested to advised the District at least 5 work days before the meeting by contacting Linda Lorenzen at (386)329-4262, or (386)329-4450(TDD).

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLES: Performance Standards
 RULE NOS.: 40C-44.065

Publications Incorporated by Reference 40C-44.091

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to establish discharge limitations for total phosphorus for agricultural surface water management systems requiring a permit which are located in the Lake Apopka Hydrologic Basin or which discharge into Lake Apopka or its tributaries.

SUMMARY: The proposed rule amendment would establish post-development total phosphorus discharge limitations for discharges to Lake Apopka or its tributaries, pursuant to section 373.461, F.S.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 373.413, 373.416, 373.418, 373.426, 373.461 FS.

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

TIME AND DATE: Following the regularly scheduled Governing Board Meeting, which begins at 9:00 a.m., June 12, 2002.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-44.065 Performance Standards.

(1) through (3) No change.

(4) Agricultural surface water management systems requiring a permit, which will be located in the Lake Apopka Hydrologic Basin or will discharge water to Lake Apopka or its tributaries, must comply with the requirements of subsection 40C-41.063(8), F.A.C.

Specific Authority 373.044, 373.113, 373, 373.171, 373.416, 373.418 FS. Law Implemented 373.016, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History—New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-94, _____.

40C-44.091 Publications Incorporated by Reference.

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

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented 373.406, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History—New 10-20-92, Amended 7-4-93, 10-3-94, 11-1-99, _____.

APPLICANT'S HANDBOOK SECTION

10.2 Harm to the Water Resources Criteria

10.2.1 through 10.2.5 No change.

10.2.6 Agricultural surface water management systems requiring a permit which will be located in the Lake Apopka Hydrologic Basin or which will discharge water to Lake Apopka or its tributaries, must comply with the requirements of subsection 40C-41.063(8), F.A.C., and Section 11.7, Applicant's Handbook: Management and Storage of Surface Waters.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

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

Anyone requiring special accommodation to participate in this meeting is requested to advised the District at least 5 work days before the meeting by contacting Linda Lorenzen at (386)329-4262, or (386)329-4450(TDD).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLES:	RULE NOS.:
Limiting Conditions	40D-1.6105
Forms and Instructions	40D-1.659

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 40D-1.659, F.A.C., is to adopt, by incorporation, a form for use in the transfer of water use permits to subsequent owners of the property on which the permitted water withdrawal facilities are located. The purpose of the proposed amendment to Rule 40D-1.6105, F.A.C., is to allow subsequent land owners to transfer permits by submitting a copy of the legally recorded deed to the property covered by the permit in lieu of obtaining the signature of the original permittee on the transfer form.

SUMMARY: The proposed amendments will adopt a form for use in the transfer of water use permits and allow permits to be transferred to subsequent land owners without the signature of the original permittee on the transfer form.

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(s) 40D-1.6105 and 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: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 465

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.6105 Limiting Conditions.

(1) No change.

(2) A permit may be assigned to a subsequent owner subject to all terms and conditions contained in such permit upon notification in writing to the Board of such assignment, provided ownership, lease, or other control of all such lands is conveyed to the assignee and further provided that the assignee, by accepting such assignment, does assume responsibility for complying with all such terms and conditions. To assign a permit a subsequent owner must submit an appropriate Notification and Request for Transfer form, incorporated by reference in Rule 40D-1.659, F.A.C., that includes the signature of the permittee(s) or a copy of the legally recorded deed(s) to all of the land covered by the permit. The Board may withhold its approval of the permit assignment if it has been demonstrated to the Board that the assignee has failed to properly manage another such facility within the District.

(3) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.219, 373.413, 373.416 FS. History-Readopted 10-5-74, Formerly 16J-0.12, Amended 2-10-93, Formerly 40D-0.381, Amended 12-16-97, _____.

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.

(20) NOTIFICATION AND REQUEST FOR TRANSFER OF A WATER USE PERMIT FORM NO. 04.10 R-025 (/02)

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (13) No change.

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-1.1.901, 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, 11-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, 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: March 26, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Nursing Home Services
RULE NO.: 59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan (the Plan).

1. Per Section 63 of Senate Bill 1202 of the 2001-2002 Legislative Session, The Agency for Health Care Administration (AHCA) has developed a standard chart of accounts to govern the content and manner of presentation of financial information submitted by Medicaid long-term care providers in their cost reports.

2. The Auditor General has approved the standard chart of accounts developed by the Agency for Health Care Administration prior to the deadline of December 31, 2001.

3. The Agency is amending the Florida Title XIX Long-Term Care Reimbursement Plan to incorporate this standard chart of accounts and shall implement use of this standard chart of accounts effective for cost reports filed for the periods ending on or after December 31, 2002. The standard chart of accounts shall include specific accounts for each component of direct care staff by type of personnel and may not be revised without the written consent of the Auditor General.

4. The Agency has assigned AHCA document number 5300-0001 APR 02 to the standard chart of accounts.

The effect of the proposed amendment is the development of a standard chart of accounts by the Agency for Health Care Administration for Medicaid long-term care providers to govern the content and manner of presentation of financial information submitted to the Agency.

SUMMARY: The proposed amendment to Rule number 59G-6.010, F.A.C., incorporates revisions to the Florida Title XIX Long-Term Care Reimbursement Plan by providing for the availability of a standard chart of accounts for use by Medicaid long-term care providers when submitting financial data in their cost reports.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED 409.908 FS.

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

TIME AND DATE: 10:00 a.m., May 14, 2002

PLACE: 2727 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida, 32308

THE PERSON TO BE CONTACTED REGARDING THIS PROPOSED RULE IS: James Estes, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XXI~~ XXII, Effective Date ~~February 20, 2002~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid,

2727 Mahan Drive, Mail Stop 8, Tallahassee, Florida 32308. The plan incorporates Provider Reimbursement Manual (CMS Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, 10-18-99 1-11-00, 4-24-00, 9-20-00, 11-20-01, 2-20-02,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. James Estes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2002

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for County Health Departments
RULE NO.: 59G-6.090

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate the following changes to the Florida Title XIX County Public Health Unit Services Reimbursement Plan:

1. The Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS).
2. County Public Health Unit (CPHU) has been renamed County Health Departments (CHD) in accordance with Chapter, 154, Florida Statutes.
3. The Florida Department of Health and Rehabilitative Services (HRS) no longer exists and has been replaced by the Florida Department of Health (DOH).
4. The Code of Federal Regulations (CFR) references have been updated to reflect the year 2000.
5. The length of time that a cost report may be submitted is changed from no later than 3 months to no later than 5 months after the close of its cost-reporting year.
6. The number of complete, legible copies of the cost report submitted to AHCA has changed from 4 to 1.
7. The length of time that a cost report is considered to be late has changed from 90 days or 3 months to 5 months.
8. The F.A.C. has transferred Rule 21A-20.008 to Rule 61H1-20.008, F.A.C.
9. References to Section 409.902, Florida Statutes, have changed to Section 414.41(4), Florida Statutes, concerning the terms of repayment.

The effect of the proposed changes will be County Health Departments (CHD) participating in the Florida Medicaid Program shall submit a cost report postmarked or accepted by a

common carrier no later than 5 calendar months after the close of its cost reporting year; one complete, legible copy of the cost report shall be submitted to the Agency for Health Care Administration (AHCA); if a County Health Department (CHD) provider submits a cost report late, after the 90-day period, and that cost report would have been used to set a lower reimbursement rate for a rate period had it been submitted within 5 months, then the CHD provider's rate for that rate period shall be retroactively calculated using the new cost report, and full payments at the recalculated rate shall be effective retroactively; all audits shall be performed in accordance with generally accepted auditing standards as incorporated by reference in Rule 61H1-20.008, F.A.C., of the American Institute of Certified Public Accountants (AICPA); the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); County Public Health Units (CPHU) have been renamed County Health Departments (CHD); the Florida Department of Health and Rehabilitative Services (HRS) does not exist anymore and has been replaced by the Florida Department of Health (DOH); the Code of Federal Regulation (CFR) references have been updated to reflect the year 2000.

SUMMARY: Updates to Florida Statute references, Code of Federal Regulation references, County Health Department references, Department of Health references, provider cost report copies, and Florida Administrative Code references.

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 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 15, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Estes, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.090 Payment Methodology for County ~~Public Health Departments Unit Services~~.

Reimbursement to participating county ~~public Departments health units~~ for services provided shall be in accordance with the Florida Title XIX County ~~Public Health Departments Unit Reimbursement Plan Version III H _____ April 10, 1994~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the ~~Deputy Secretary for Office of the Medicaid Director, 2727 Mahan Drive, Building 3, Mail Stop 8, 1317 Winewood Boulevard, Building 6, Room 233,~~ Tallahassee, Florida ~~32308 32399-0700~~.

Specific Authority ~~409.919 409.15(8)~~ FS. Law Implemented 409.908 FS. History—New 6-3-93, Formerly 10P-6.090, Amended 3-10-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Estes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bob Sharpe

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 5, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-56R

RULE CHAPTER TITLE: Noticed General Environmental

RULE CHAPTER NO.:

Resource Permits 62-341

RULE TITLE: General Permit for Dredging by the West

RULE NO.:

Coast Inland Navigation District 62-341.490

PURPOSE AND EFFECT: A new environmental resource Noticed General Permit (NGP) is proposed to streamline permitting of the dredging of public navigation channels and canals by the West Coast Inland Navigation District (WCIND). The NGP will be available only within 51 specified "trafficheds" in waterways within Manatee and Sarasota Counties. No more than 6,500 cubic yards of material may be dredged over a five-year period within each traffiched. The areas to be dredged may not contain any live seagrass beds, oyster beds or bars, coral communities, or attached macro-marine algae communities. Dredging cannot occur in waters that are approved for shellfish harvesting. The rule includes provisions for maintaining water quality, protecting manatees and marine turtles, and noticing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jeanese McCree, Florida Department of Environmental Protection, Bureau of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)921-9901, or e-mail: jeanese.mccree@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Sudden Infant Death Syndrome Recognition and Response

RULE CHAPTER NO.: 64F-5

RULE TITLES: Definitions

RULE NOS.: 64F-5.001

State Health Office Responsibilities 64F-5.003

PURPOSE AND EFFECT: To repeal definitions deemed unnecessary and repeal provisions regarding internal management.

SUMMARY: Chapter 64F-5, F.A.C., adopts, by rule, curriculum that includes training in the nature of SIDS, standard procedures to be followed by law enforcement agencies in investigating cases involving sudden deaths of infants, and training in responding appropriately to the parents or caretakers who have requested assistance. Certain definitions in Rule 64F-5.001, F.A.C., have been deemed unnecessary. Rule 64F-5.003, F.A.C., has also been deemed unnecessary, as it outlined department responsibilities that can be addressed by departmental policies and guidelines.

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: 383.3362 FS.

LAW IMPLEMENTED: 383.3362 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., May 15, 2002

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, Florida

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:

(Substantial rewording of Rule 64F-5.001 follows. See Florida Administrative Code for present text.)

64F-5.001 Definition.

For the purpose of this rule chapter, “Emergency responder” means the law enforcement officers, paramedics, firefighters, emergency medical technicians, or other medical personnel who respond to the initial report of an unresponsive infant.

Specific Authority 383.3362 FS. Law Implemented 383.3362 FS. History—New 2-10-94, Amended 4-25-96, Formerly 10D-126.002, Amended _____.

64F-5.003 State Health Office Responsibilities.

Specific Authority 383.3362 FS. Law Implemented 383.3362 FS. History—New 2-10-94, Amended 4-25-96, Formerly 10D-126.005, 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

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

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.027

RULE TITLE: Clear Indication of Voter’s Choice on a Ballot

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.027, published in the Florida Administrative Weekly, Pages 4617-4618, Vol. 27, No. 43, on October 5, 2001, has been changed to reflect comments received from the public. Changes were made to section 1S-2.027 so that it now reads:

1S-2.027 Clear Indication of Voter’s Choice on a Ballot.

(4) Notwithstanding (1), (2) or (3), the following circumstances apply to determining whether there is a clear indication on the ballot that the voter has made a definite choice:

(a) With the exception of (4)(f)1., if a voter marks more candidates than there are positions to be elected for that office in one or more of the manners prescribed in (1), (2), or (3), the marks do not constitute a valid vote for any candidate in that race.

(b) If a voter marks fewer candidates than there are positions to be elected for those offices, the votes for all of those marked candidates shall count. For example, if the voter is allowed to vote for 5 candidates in a special district election ("Vote for 5") and the voter marks 2 candidates, the votes for those two marked candidates shall count.

(c) Where one oval or arrow is marked as provided in (1), (2) or (3), and one or more other ovals or arrows are similarly marked and but contain an "X₂" a cross-out, or another mark obscuring the filled in area, and/or express contain words of error or affirmative choice directed to one of the ovals or arrows markings, such as "no," "not this," "ignore this," "don't want," or "wrong," or "vote for Smith," "Vote yes," the choice without the additional markings, or in the absence of additional markings, the choice indicated by the written words shall constitute a valid vote.

(d) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate must be disregarded in determining the validity of a write-in vote.

(e) The write-in of the last name of the candidate for Governor or the write-in of the last name of the candidate for Lieutenant Governor shall be sufficient to cast a write-in vote for joint office. The write-in of the last name of the candidate for President or the write-in of the last name of the candidate for Vice President shall be sufficient to cast a write-in vote for the joint office.

(f) If a voter designates a vote for a named candidate on the ballot and also provides for a write-in candidate in the same race it shall be treated as follows:

1. If a voter designates a vote for a named candidate on the ballot and writes-in the same candidate in the write-in area, the vote shall count for that candidate.

2. If a voter designates a vote for a named candidate on the ballot and writes in the name of a qualified write-in candidate or the name of a different named candidate on the ballot in that race, it shall be considered an overvote with neither candidate receiving credit for the vote.

3. If a voter designated a vote for a named candidate on the ballot and writes in the name of a person who is not a qualified write-in candidate and not a named candidate on the ballot in that race, it shall be considered an over vote with no candidate receiving credit for the vote.

(g) If a voter does not mark a candidate, judicial retention choice, or issue choice, the valid votes for other candidates or issues on the same ballot shall be counted.

DEPARTMENT OF INSURANCE

RULE NO.: 4-211.043
 RULE TITLE: Effective Date

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 44, November 2, 2001, of the Florida Administrative Weekly. This change is being made to address concerns expressed by the Joint Administrative Procedures Committee.

Rule 4-211.043 is added to read:

4-211.043 Effective Date.

This part shall be effective October 1, 2002.

Specific Authority 624.308, 626.207 FS. Law Implemented 624.307(1), 626.207 FS. History—New

The remainder of the rule reads as previously published.

DEPARTMENT OF INSURANCE

Division of Treasury

RULE NO.: 4C-6.003
 RULE TITLE: The Plan; Prescribed Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed rule published in Vol. 27, No. 50, December 14, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The rule has been changed to read:

4C-6.003 The Plan; Prescribed Forms.

(1) Form DI4-1176 (rev. 1/02) (~~5/98~~), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in section 112.215, Florida Statutes.

(2) The forms listed below are incorporated into and made a part of this rule chapter by reference and shall take effect on the effective date of these rules. The forms can be obtained from investment providers servicing the plan. A listing of authorized investment providers can be obtained from the Deferred Compensation Section, Division of State Treasury, 200 East Gaines Street, Tallahassee, Florida 32399-0346.

- (a) Form DI4-1163 (rev. 01/02 3/98) Participant Action Form
- (b) Form DI4-1164 (rev. 01/02 3/98) Enrollment Information Form
- (c) Form DI4-1165 (rev. 01/02 3/98) Company to Company Transfer and/or Replacement Authorization
- (d) Form DI4-1166 (rev. 01/02 4-95) Company to Company Transfer Invoice
- (e) Form DI4-1167 (rev. 3/98) Form for Transferring Funds out of Florida Plan
- (f) Form DI4-1168 (rev. 3/98) Form for Transferring Funds into Florida Plan

(e)(g)	Form DI4-1169	(rev. 01/02 4-95)	Plan to Plan Transfer Invoice
(f)(h)	Form DI4-1152	(rev. 01/02 3/98)	Application to Participate in the Standard Catch-Up Provision
(i)	Form DI4-1170	(4-95)	Unforeseeable Emergency—Request for Distribution/Suspension Form
(g)(j)	Form DI4-1171	(rev. 01/02 4-95)	Request for Unforeseeable Emergency Withdrawal
(h)(k)	Form DI4-1172	(rev. 01/02 3/98)	Request for Distribution (or Delayed Distribution)
(t)	Form DI4-1173	(rev. 3/98)	Deferrals from Special Supplemental Pay
(i)(m)	Form DI4-1174	(rev. 01/02 4-95)	Commonly Asked Questions with Answers
(j)(n)	Form DI4-1175	(rev. 01/02 4-95)	Forms Procedures
(k)	Form DI4-1525	(rev. 01/02)	<u>Purchase of Prior Service Credits</u>
(l)	Form DI4-1526	(rev. 01/02)	<u>Rollover Form</u>

(3) The state of Florida Employees Deferred Compensation Plan shall be construed to conform to the requirements of 26 USC 457 (~~2001~~1997 USCA Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1) and ~~26 CFR 1.457 (4-1-97 Edition)~~, which are hereby incorporated by reference into this rule.

(4) The following portions of the Internal Revenue Code and Code of Federal Regulations are also hereby incorporated by reference:

- (a) 26 USCA 401 (2001 Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1);
- (b) 26 USCA 403(b) (2001 Supplementary Pamphlet as modified by the USCA September 2001 Pamphlet Number 1);
- (c) 26 USCA 911 (2001 Supplementary Pamphlet);
- (d) 26 CFR 1.457-2 (April 1, 2001).

~~26 USC Sections 403(b) (26 USCA 403(b), 1995 pocket part), and 911 (26 USCA 911 (1986)) are incorporated herein by reference.~~

Specific Authority 112.215(11) FS. Law Implemented 18.125(4)(c), 112.215 FS. History—New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98,_____.

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.012	Ineligibility/Exemption From the FHCF
19-8.029	Insurer Reporting Requirements

NOTICE OF CHANGE TO RULES 19-8.010 AND 19-8.012, F.A.C. AND TO THE FORM INCORPORATED INTO RULES 19-8.010 and 19-8.029, F.A.C.

NOTICE IS HEREBY GIVEN by the Florida State Board of Administration of changes to Rules 19-8.010 and 19-8.012, F.A.C, and to the forms incorporated into proposed amended Rule 19-8.010, F.A.C., and proposed amended Rule 19-8.029, F.A.C. The proposed amendments to Rules 19-8.010 and 19-8.012, F.A.C., and the forms incorporated into Rules

19-8.010 and 19-8.029, F.A.C., were noticed in the Florida Administrative Weekly, Vol. 26, No. 6, issued February 8, 2002, and a Rule Hearing was held on March 5, 2002. The additional changes to the rules and the incorporated form, as noticed herein, are based on comments made by the Joint Administrative Procedures Committee, comments received prior to the public hearing held on March 5, 2002, and comments received in a public meeting of the Advisory Council regarding these Rules. All comments have been made part of the public record. The changes noticed have been underlined and are numbered 1. through 6., below.

1. Rule 19-8.010, F.A.C.: A new sentence was added to the end of paragraph (8) stating the beginning date and the ending date of the contract. This paragraph now reads as follows:

Rule 19-8.010(8)

(8) The reimbursement contract for the 2002-2003 contract year required by Section 215.555(4), Florida Statutes, which is called Form FHCF-2002K – “Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2002 through May 31, 2003.

2. FHCF-2002K Reimbursement Contract, Article X, Paragraph (4)(c): The language requiring notarization has been removed. This paragraph now reads as follows:

(c) The information outlined herein shall be supplied in the form of a ~~notarized~~ letter signed by two executive officers of the Company, with the supporting information attached.

3. FHCF-2002K Reimbursement Contract, Article XIII, Introductory Paragraph: The words “or retain” have been stricken and the word “may” has been replaced with “shall” as follows:

Failure to provide ~~or retain~~ any of the information required for audits constitutes a violation of Section 215.555, Florida Statutes, and shall ~~may~~ result in a referral to DOI.

4. Rule 19-8.012, F.A.C.: The words “if any” have been added to the first sentence in paragraph (2)(a) to address unusual situations in which the DOI does not issue an order when an insurer surrenders its certificate. Paragraph (2)(a) of Rule 19-8.012, F.A.C., now reads as follows:

(2) Procedures to Determine Ineligibility for Participation in the Fund.

(a) An insurer seeking ineligibility from participation in the Fund because it has surrendered its certificate of authority to write insurance in Florida shall submit a written request for ineligibility stating that it will have no covered policies, as that term is defined in Section 215.555(2)(c), Florida Statutes, after May 31 of the year for which the ineligibility is sought and provide a copy of the Department of Insurance Order, if any, revoking the insurer’s authority to write insurance in Florida.

The request shall be sent to the Fund's Administrator, Paragon Reinsurance Risk Management Services, Inc., 3600 West 80th Street, Minneapolis, Minnesota 55431.

5. Rule 19-8.029, F.A.C.: Changes to the Forms Incorporated Therein Form FHCF-D1A, at pages 6 and 7 and Form FHCF-DIB, at pages 4 and 5, have been amended to include the word "Preliminary" before the references to "Validation Software."

REGIONAL PLANNING COUNCILS

Southwest Florida Regional Planning Council

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 29I-6 Strategic Regional Policy Plan
 RULE NO.: RULE TITLE:
 29I-6.002 Strategic Regional Policy Plan

NOTICE OF CORRECTION

The following correction is being made to proposed rule published in the April 5, 2002, Vol. 28, No. 14, Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~March 8~~ April 5, 2002.

DEPARTMENT OF CORRECTIONS

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 28, No. 13, March 29, 2002, will be held at 9:00 a.m. on Tuesday, April 23, 2002, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida, 32399-2500.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-601.711 Legal Visitors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 2, January 11, 2002, issue of the Florida Administrative Weekly, and amended in Vol. 28, No. 9, March 1, 2002 issue of the Florida Administrative Weekly:

33-601.711 Legal Visitors.

(1) through (5) No change.

(6) ~~Legal documents~~ will not be exchanged between the attorney and the inmate unless the attorney notifies the officer in charge ~~warden~~ that the exchange of legal documents is necessary, ~~demonstrates a need for document transfer (e.g., time constraints, documents too bulky to mail, mental handicap of inmate)~~ and allows a cursory inspection of the legal documents. The officer in charge ~~warden~~ is authorized to

disapprove any legal document exchange if such exchange would present a threat to the security and order of the institution or to the safety of any person. If the attorney disagrees with the decision of the officer in charge, the duty warden shall be contacted to make the final decision.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
 64B8-1.007 List of Approved Forms;
 Incorporation
NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 3, of the January 18, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on April 6, 2002, in Ft. Lauderdale, Florida voted to delete the proposed new subsection (18) of the rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
 64B8-8.001 Disciplinary Guidelines
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 51, of the December 21, 2001, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting on April 6, 2002, in Ft. Lauderdale, Florida, voted to make changes to the rule. The changes are as follows:

1. Subsection (2)(a)2. shall read:
2. Attempting to renew a license with bribery or fraud.
2. From revocation of the license with ability to reapply upon payment of a \$10,000.00 fine to permanent revocation and a \$10,000 fine.

2. Subsection (2)(a)3. shall read:
 3. Obtaining or renewing a license by bribery or fraud. 3. From revocation of the license with ability to reapply upon payment of a \$10,000.00 fine to permanent revocation and a \$10,000 fine. 3. Revocation and a \$10,000.00 fine.

3. Subsection (2)(g)4.b.(II) shall read:
 (II) fraudulently making misleading, untrue, deceptive or fraudulent representations on a profile, credentialing, or initial licensure or renewal application. (II) Referral to State Attorney for prosecution pursuant to Sections 456.067 and 456.066, F.S. and from suspension and a reprimand and a \$10,000.00 fine to revocation or denial and a \$10,000 fine. (II) Referral to State Attorney for prosecution and revocation or denial and a \$10,000.00 fine.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0075 RULE TITLE: Standards of Practice in Certain Office Settings
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 48, of the November 30, 2001, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting on April 6, 2002, in Ft. Lauderdale, Florida, voted to change subsection (3) of the rule to read as follows:

(3) Licensed physicians and physician assistants in a clinic registered under Section 456.0375, Florida Statutes, may reasonably rely upon a Florida licensed medical director to ensure compliance with the responsibilities set out in section (2), only if the medical director has specifically agreed to accept the-responsibilities set forth in Section 456.0375(3)(b), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.004 RULE TITLE: Requirements for Reactivation of an Inactive License
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 39, of the September 28, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting on April 6, 2002, in Ft. Lauderdale, Florida, voted to change the word “may” to “shall” in subsection (2) of the rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.007 RULE TITLE: Aggravating and Mitigating Factors
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 10, of the March 8, 2002, issue of the Florida Administrative Weekly. The change is response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on April 5, 2002, in Ft. Lauderdale, Florida, voted to delete all of subsection (2) of the rule and to renumber subsections (3) and (4) to subsections (2) and (3).

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-19.005 RULE TITLE: Releasing Psychological Records
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 7, of the February 15, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on March 22, 2002, voted to change subsection (3) of the rule to read as follows:

(3) The psychologist's notes pertaining to psychological services rendered may be considered raw data as provided by Rule 64B19-18.004(3) at the discretion of the psychologist and therefore can be released only (1) to a licensed psychologist or school psychologist licensed pursuant to Chapter 490 or Florida certified, or (2) when the release of the material is otherwise required by law.

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.001 RULE TITLE: Licensure by Certification of Credentials

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d) 1., F.S., published in Vol. 28, No. 7, February 15, 2002 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Speech-Language Pathology & Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

64B20-2.001 Licensure by Certification of Credentials.

(1) Any person desiring to be licensed as a speech-language pathologist or audiologist shall apply to the Department of Health and pay the fee required by Rule 64B20-3.002, F.A.C. The application shall be made on Form SPA-1, Application for Licensure, which is incorporated by reference herein, will be effective March 25, 1991, and can be obtained from the Board of Speech-Language Pathology & Audiology, Department of Health, 4052 Bald Cypress Way 2020 Capital Circle S. E., Bin #C068, Tallahassee, Florida 32399-3256 3258. The Department shall notify the applicant by letter of any deficiencies in the application within 30 days after the application is filed. The applicant shall rectify all deficiencies in the application within one year from the date of such letter or the application will be processed as an incomplete application and the application file will be closed.

(2) No change.

(3) Effective January 1, 2002, all applicants for initial or renewal of initial license or licensure by endorsement shall submit to the Board proof of completion of a two (2) hour continuing education 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 provided by a Board-approved continuing education provider and shall include a study of root-cause analysis, error reduction and prevention, and patient

safety. An applicant who has not taken a course at the time of licensure shall, upon submission of an affidavit showing good cause, be allowed 6 months to complete this requirement. The address of the Board of Speech Language Pathology & Audiology is 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

Specific Authority 468.1135(4), 456.013(7) FS. Law Implemented 468.1185, 468.1145(2), 456.013(7) FS. History--New 3-14-91, Amended 5-25-92, Formerly 21LL-2.001, Amended 11-30-93, Formerly 61F14-2.001, 59BB-2.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech-Language and Audiology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech-Language and Audiology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2002

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

DEPARTMENT OF HEALTH

Family Health Services

RULE CHAPTER NO.: 64F-8 RULE CHAPTER TITLE: Comprehensive Health Improvement Projects

RULE NOS.: 64F-8.001, 64F-8.002 RULE TITLES: Definitions, Minimum Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 35, August 31, 2001, Florida Administrative Weekly, has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.004 RULE TITLE: Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraphs 68A-9.004(1)(b)3., 4., 5., 6., (c)3., 4., 5., 6. of this proposed rule which was published in Vol. 28, No. 9, Florida Administrative Weekly, March 1, 2002, so that when adopted, it will read as follows:

- 3. Moore's Pasture WMA - \$125
3.4. Blue Water Creek Bluewater Creek - \$180
4.5. Flint Rock - \$206
5.6. Twelve Mile Swamp - \$550 \$240
(c)
3. Moore's Pasture WMA - 550

- ~~3.4. Blue Water Creek~~ ~~Bluewater Creek~~ – 400
- ~~4.5. Flint Rock~~ – 450
- ~~5.6. Twelve Mile Swamp~~ – 150 ~~375~~

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.004
 RULE TITLE: General Regulations Relating to Type I Wildlife Management Areas

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subsection 68A-15.004(16) of this proposed rule which was published in Vol. 28, No. 9, Florida Administrative Weekly, March 1, 2002, so that when adopted, it will read as follows:

- (16) is deleted in its entirety.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.062
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – North Central Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-15.062(1)(a)2. of this proposed rule which was published in Vol. 28, No. 9, Florida Administrative Weekly, March 1, 2002, so that when adopted, it will read as follows:

- 2. Spring turkey – April 14-18 in Spring Turkey Zones A, B, and C and March 17-21 in Spring Turkey Zones D, E, and F.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.063
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northwest Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraphs 68A-15.063(11)(a)5., 8., 9., (d)3., 6., 8., 9., (12) of this proposed rule which was published in Vol. 28, No. 9, Florida Administrative Weekly, March 1, 2002, so that when adopted, it will read as follows:

- (11) Point Washington Wildlife Management Area

- (a) Open season:
- 5. Muzzleloading gun – November 22-24.
- 8. Trapping – January 1 through February 1.
- ~~9. Fox, raccoon, opossum and bobcat – November 9 through March 3 in that portion of the dog hunt area west of S.R. 79, and March 4 through March 14 and April 21 through July 15 in that portion of the dog hunt area east of S.R. 79.~~

(d) General regulations:

- 3. Hunting with dogs other than bird dogs is prohibited.
- ~~6. During the November 9 through March 2 period in all areas where hunting with the use of deer dogs is permitted, hunting as specified by paragraph 68A-24.002(2)(b), F.A.C., is permitted.~~
- ~~6.7. No change.~~

~~7.8. Taking of wildlife by use of a gun on or from rights-of-way of U.S. 98 is prohibited as provided by Rule 68A-4.008, F.A.C.~~

~~8.9. Persons operating vehicles shall enter and exit at designated entrances only.~~

Subsection (12) is deleted.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.064
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – South Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subparagraph 68A-15.064(7)(d)1. of this proposed rule which was published in Vol. 28, No. 9, Florida Administrative Weekly, March 1, 2002, so that when adopted, it will read as follows:

- 1. Hunting with dogs is prohibited except bird dogs and retrievers may be used on posted dove fields during established dove hunts and throughout the area during small game season.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-15.065
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – Northeast Region

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to subsections 68A-15.065(5)(d)12., (18)(a)1., (22), (23), (24), (25), (26), (27), (28), (29), (30), (31), (32), and (33)(b) of

this proposed rule which was published in Vol. 28, No. 9, Florida Administrative Weekly, March 1, 2002, so that when adopted, it will read as follows:

(5)(d)12. ~~Hunting with dogs is prohibited in that portion of the area lying east of State Road 471 and north of the North Grade and Carters Island Road.~~

(18)(a)1. Archery – September 21-29.

(22) Triple N Ranch Wildlife Management Area.

(a) Open season:

1. General gun hog – January 24-26, January 31 through February 2, and February 7-9.

2. Special-opportunity deer – October 26 through November 1, and November 9-15.

3. Small game – November 23 through January 19.

4. Special-opportunity turkey – March 15-21, March 29 through April 4 and 12-18.

5. Fishing and frogging – Permitted throughout the year.

6. Trapping – Prohibited.

(b) Legal to take: Wild hogs, with a daily bag of 2, no size limit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. Turkey during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. Fish and frogs throughout the year.

(c) Camping: Permitted only at designated campsites during periods open to hunting.

(d) General regulations:

1. Only tents, trailers or self-propelled camping vehicles may be used for camping.

2. Vehicles or horses may be used only on named and numbered roads except that horses are not restricted to roads during the small game season.

3. Horses are prohibited during periods when hunting is allowed except that hunters may hunt from horseback during the small game season.

4. Hunting with dogs is prohibited except bird dogs and dogs with a shoulder height of 15 inches or less may be used during the small game season.

5. The use of tracked vehicles, airboats, motorcycles or all-terrain vehicles is prohibited.

6. Hunters shall enter and exit the area at the designated entrance and register at the hunt headquarters. Persons entering the area for purposes other than hunting shall register upon entering and exiting the area. During periods when the area is closed to hunting, public access other than on foot (pedestrian), horseback (equestrian), or by bicycle is prohibited, except that vehicular access is permitted to the parking area at the hunt headquarters on Road 1 and the parking area at the south end of Crabgrass Road.

7. Individuals in possession of a special-opportunity hunt permit may have vehicle access to the area from sunrise to sunset on the Saturday and Sunday preceding the hunt.

8. Hogs, deer and turkeys must be checked at the hunt headquarters prior to being dismembered and taken from the area.

9. Public access to the area is prohibited during the period from 8 p.m. to 5 a.m., unless camping at designated camping areas during hunts.

(23) Etoniah Creek Wildlife Management Area.

(24) Little Big Econlockhatchee Wildlife Management Area – Kilbee Unit.

(25) Lake Panasoffkee Wildlife Management Area.

(26) Ross Prairie Wildlife Management Area.

(27) Buck Lake Wildlife Management Area.

(28) Nassau Wildlife Management Area.

(29) Cary Wildlife Management Area.

(30) Fort Drum Wildlife Management Area.

(31) Ocklawaha River Wildlife Management Area.

(32) Seminole Forest Wildlife Management Area.

(33) Twelve Mile Swamp Wildlife Management Area.

(b) Legal to take: All legal game, fish, frogs and furbearers. Taking antlered deer not having at least one antler with three or more points one inch or more in length is prohibited.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:
68A-17.005

RULE TITLE:
Specific Regulations for Wildlife
and Environmental Areas

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to paragraph 68A-17.005(4)(e) of this proposed rule which was published in Vol. 28, No. 9, Florida Administrative Weekly, March 1, 2002, so that when adopted, it will read as follows:

(e) John C. and Marianna Jones WEA – Palm Beach and Martin counties.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:
68A-20.005

RULE TITLE:
Specific Fish Management Area
Regulations

NOTICE OF CHANGE TO PROPOSED RULE

Notice is hereby given that the following change, in accordance with subparagraph 120.54(3)(d)1., F.S., has been made to paragraph 68A-20.005(2)(k) of this proposed rule

which was published in Vol. 28, No. 9, Florida Administrative Weekly, March 1, 2002, so that when adopted, it will read as follows:

~~(k) Lake Rachael, Madison County:~~

~~1. The use of boats propelled by gasoline motors is prohibited.~~

~~2. No person shall kill or possess any black bass.~~

~~3. Discharge of firearms is prohibited.~~

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER NO.: RULE CHAPTER TITLE:

68B-13 Stone Crabs

RULE NO.: RULE TITLE:

68B-13.010 Stone Crab Trap Limitation Program

NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rule 68B-13.010, F.A.C., as published in the March 1, 2002 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on April 4, 2002, in Tallahassee, Florida. The proposed rule amendment will now read as follows:

68B-13.010 Stone Crab Trap Limitation Program.

(5) INCIDENTAL TAKE ENDORSEMENT. Persons possessing valid crawfish or blue crab endorsements may land and sell 5 gallons of stone crab claws per day if the stone crab claws are harvested from legal crawfish or blue crab traps and the crawfish or blue crab endorsement holder also possesses a valid stone crab incidental take endorsement. Application for an incidental take endorsement shall be on Commission Form DMF-SL2800 (07-01) (Application for a Stone Crab Incidental Take Endorsement (I#)), incorporated herein by reference.

(7) TRAP CERTIFICATE ADVISORY AND APPEALS BOARD. There is hereby established the Trap Certificate Advisory and Appeals Board. Such board shall consider and advise the Commission on disputes and other problems arising from the implementation of the stone crab trap limitation program. The board may also provide information to the Commission on the operation of the trap limitation program.

(a)1. Board Composition. The board shall consist of a member of the Commission staff appointed by the executive director, and eight members appointed by the executive director according to the following criteria, except as otherwise provided in subparagraph 2.:

a. All appointed members other than the commission staff person, shall be stone crab trap certificate holders, none of whom are appealing their trap certificate allotment. Two shall hold fewer than 200 certificates, two shall hold at least 200 but

no more than 750 certificates, two shall hold more than 750 but not more than 2,000 certificates, and two shall hold more than 2,000 certificates.

b. At least one member shall come from each of the following regions:

(I) Wakulla, Taylor, Dixie, or Levy Counties;

(II) Citrus, Hernando, Pasco, Pinellas, or Hillsborough Counties; and

(III) Manatee, Sarasota, Charlotte, or Lee Counties.

c. The remaining five members of the board shall come from Collier, Monroe and Dade Counties.

d. At least one appointed member shall be a person of Hispanic origin capable of speaking conversational English and Spanish.

2. If there are not enough individuals that meet the above-referenced criteria, the executive director of the Commission may fill any position on the initial board with an individual who does not fulfill the requirements of subparagraph 1. However, as soon as individuals are available that meet the requirements of subparagraph 1, the executive director must replace any individual who does not meet the above-referenced criteria, and fill the position on the board with the qualified appointees. The executive director of the commission shall replace any board member who is cited for and convicted of a violation of Chapter 68B-13, F.A.C. or who misses more than two scheduled meetings of the board without approval from the board chair with another stone crab fisherman from any region.

3. Stone crab endorsement holders wanting to be considered for appointment to the Trap Certificate Technical Advisory and Appeals Board shall make their request on Commission form DMF-SL3080 (07-01) (Application for Stone Crab Trap Certificate Technical Advisory and Appeals Board), incorporated herein by reference.

(b) Meetings. The staff member of the Commission appointed by the executive director shall sit on the board as a voting member, and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the Commission, or at such times as may be prescribed by its procedural rules. Official action of the board shall require a majority vote of the total membership of the board present at the meeting.

(c) Expenses. Members of the board shall receive no compensation, however, they shall be reimbursed for per diem and travel expenses as provided in s. 112.061, Florida Statutes.

(d) Final Action. Upon reaching a decision on any dispute or problem brought before it, including any decision involving the initial allocation of certificates under paragraph (f), the board shall submit such decision as a recommendation to the executive director of the Commission. The executive director

may accept, alter, or disapprove any decision of the board, with notice given in writing to the board and to each party in the dispute explaining the reasons for the alteration or the disapproval. The action of the executive director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, Florida Statutes.

(e) Board Authority. In addition to those certificates allotted pursuant to the initial eligibility provisions established in subparagraph (2)(a), up to 180,000 ~~400,000~~ trap certificates may be allotted by the board to make recommendations on allocations to settle disputes or other problems arising from implementation of the trap limitation program, and for special circumstances.

1. Disputes arising from the implementation of the trap limitation program shall cover those problems arising from implementation of the program during the 2000-2001 and 2001-2002 fishing seasons.

2. Special circumstances shall include but are not limited to the following:

a. Fishermen who can demonstrate that they were affected by Chapter 73-432, Laws of Florida (1973), which limited fishermen in Citrus, Dixie, Levy, and Taylor Counties to 600 stone crab traps per boat.

b. Persons who had landings, but did not record any traps on their saltwater products license application during the qualifying years and therefore did not receive an initial trap certificate allocation.

c. Persons who can demonstrate through copies of trip tickets, legitimate sales to a licensed wholesale dealer which were not reported by the dealer or included in the agency landings database.

d. Persons who worked together on the same boat but operated as separate business entities, each with their own SPL and stone crab endorsement, but who reported their landings or who had their landings reported on a single SPL. Under such circumstances the boards may divide the number of certificates allotted between the two people; however, each person must agree to the division prescribed by the board.

e. Persons displaced by Article X, Section 16, of the Florida Constitution who do not otherwise qualify for the stone crab limited entry program and who can demonstrate through landings that their net fishing occurred from Wakulla through Monroe Counties. Such persons shall qualify for 100 trap certificates if they can demonstrate that they:

(I) Sold nets to the state according to the provisions of the net buy back program, s. 370.0805(5), Florida Statutes;

(II) Invested money in the stone crab fishery by the 1999/2000 fishing season;

(III) Produced at least 300 pounds of claws since July 1, 1995; and

(IV) Have no record of net violations since July 1, 1995.

3. Any trap certificates not allotted by July 1, 2002, shall become permanently unavailable.

4. All appeals for additional certificates or other disputes must be filed with the board, on a form established by the commission, before October 1, 2001.

(f) In determining eligibility and initial allotment of traps for the trap reduction program, when a fisherman disagrees with commission records regarding the number of traps fished by the fisherman during a particular qualifying year, the burden of proof shall be on the fisherman to establish the number of traps fished, through trip tickets or copies of his or her SPL applications.

(g) Dissolution. On July 1, 2003 ~~2002~~, the board shall be dissolved.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History--New 7-1-00, Amended 7-22-01, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Bay Scallops

RULE NO.:	RULE TITLE:
68B-18.003	Statewide Open and Closed Seasons and Areas for Harvesting Bay Scallops

NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rule 68B-18.003, F.A.C., as published in the March 1, 2002 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in the record of the public hearing held by the Commission on April 4, 2002, in Tallahassee, Florida. The proposed rule amendment will now read as follows:

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

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

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

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

possession while in or on the waters of the state or landing of bay scallops outside the open area specified by this subsection is prohibited.

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

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

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

(b) Bay scallops that are possessed for experimental, scientific, or exhibitional purposes pursuant to a permit issued by the Fish and Wildlife Conservation Commission ~~Department of Environmental Protection~~ as authorized by Section 370.10(2), Florida Statutes, or as stock for artificial cultivation pursuant to a special activity License issued by the commission ~~department~~ as authorized by Section 370.101(2), Florida Statutes.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER NO.: 68B-24
 RULE NO.: 68B-24.0045
 RULE CHAPTER TITLE: Spiny Lobster (Crawfish) and Slipper Lobster
 RULE TITLE: Importation of Spiny Lobster During Open Season; Documentation Requirements

NOTICE OF CHANGES TO PROPOSED RULES

The Fish and Wildlife Conservation Commission announces changes to proposed amendments to Rule 68B-24.0045, F.A.C., as published in the March 1, 2002 issue of the Florida Administrative Weekly. The changes are in response to public comment, testimony, and Commission discussion contained in

the record of the public hearing held by the Commission on April 4, 2002, in Tallahassee, Florida. The proposed rule amendment will now read as follows:

Rule 68B-24.0045, F.A.C. Importation of Spiny Lobster ~~During Open Season~~; Documentation and Other Requirements.

(1) Documentation Requirements During Open Season – During the open season specified in subsection 68B-24.005(1), F.A.C., a person may possess wrung spiny lobster tails or possess spiny lobster in excess of the bag limit specified in subsection 68B-24.004(1), F.A.C., while on state waters, if such person is also in possession of appropriate receipt(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were purchased in a foreign country and are entering the state in international commerce. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

(2) Sale of Imported Spiny Lobster During the Closed Season, Documentation – Notwithstanding the provisions of Section 370.14(7)-(9), Florida Statutes, spiny lobster tails that have been imported into Florida from a foreign country may be sold during the closed harvesting season of April 1 through August 5 of each year, if such spiny lobster tails are accompanied with the appropriate receipts(s), bill(s) of sale, or bill(s) of lading to show that the spiny lobster were harvested and purchased in a foreign country and are entering the state in international commerce. Such documentation shall accompany the lobster through retail or restaurant sale. Failure to maintain such documentation or to promptly produce same at the request of any duly authorized law enforcement officer shall constitute violation of this rule.

(3) Each spiny lobster imported pursuant to this rule shall comply with the minimum size requirements specified in subsection 68B-24.003(1), F.A.C., and the prohibitions relating to eggbearing spiny lobster specified in subsection 68B-24.007(1), F.A.C.

Specific Authority Art IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History—New 7-2-90, Amended 10-4-95, Formerly 46-24.0045, Amended _____.

**Section IV
 Emergency Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE TITLE: Temporary Restriction on Importation of Cervidae
 RULE NO.: 5CER02-1

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE: Chronic Wasting Disease (CWD) is a progressive neurological, debilitating disease that belongs to a family of

diseases known as Transmissible Spongiform Encephalopathies (TSEs), or prion diseases. CWD is a progressive disease that attacks the brains of infected animals, causing the animals to become emaciated, display abnormal behavior, lose bodily functions and subsequently die. CWD has become of particular concern due to its lack of known prevention and treatment, lack of live animal diagnostic test, and unknown origin and means of transmission. There is no evidence that CWD is a risk to human health. Some confusion exists because of the similarity of CWD to Bovine Spongiform Encephalopathy (BSE), also known as "Mad Cow Disease," which has been associated with variant Creutzfeldt-Jakob disease (vCJD) in humans. In the past, CWD has been detected in eight (8) states in both captive and free ranging elk, white-tailed deer, black-tailed deer and mule deer. CWD has been diagnosed in farmed elk herds in six states (Colorado, Kansas, Montana, Nebraska, Oklahoma, and South Dakota). The disease has been found in free-ranging deer and elk in Colorado and Wyoming and in free-ranging deer in Nebraska, South Dakota, and Wisconsin. CWD was detected in free-ranging deer in Wisconsin in mid-March 2002. This was the first time the disease was detected east of the Mississippi River. In addition, animals from positive herds in Colorado and Canada were traced to 21 U.S. States. The majority of these trace animals have been purchased, euthanized and tested. Three positive herds were identified from these traces; two in Colorado and one in Kansas. All three of the positive herds identified through tracing efforts have been depopulated. Current growth and resultant rapid widespread movement in the Cervidae farming industry are increasing the potential for spread of CWD and other diseases of Cervidae.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: Under this action, a ninety (90) day ban on importation of Cervidae from any state or location with reported cases of CWD and a ninety (90) day restriction on importation of Cervidae from all other states or locations, is justified because of the potential threat CWD poses to Florida's captive and free ranging Cervidae population. This procedure will also allow the Department time to ascertain whether CWD presents a threat to the state's livestock, wildlife and animal population. This action is fair because it does not impose any economic sanctions on any segment of the Cervidae industry; and without it the state's animal industries are endangered.

SUMMARY OF THE RULE: This rule places ninety (90) day restrictions upon the importation of certain animals capable of carrying Chronic Wasting Disease into the state. Intrastate movement will also be monitored by a permitting and reporting system implemented by the Department.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Leroy M. Coffman, Director, Division of Animal Industry and State Veterinarian,

Department of Agriculture and Consumer Services, 407 South Calhoun Street, Room 335, Mayo Building, Tallahassee, Florida 32399-0800. Phone (850)410-0900.

THE FULL TEXT OF THE EMERGENCY RULE IS:

5CER02-1 Temporary Restriction on Importation of Cervidae.

(1) Cervidae are banned from entering the state of Florida from any state or location that has had a confirmed case of CWD.

(2) Cervidae from any state or location that does not have a confirmed case of CWD are restricted from entering the state of Florida. The following conditions must be met before entry into Florida is allowed:

(a) Each request for entry will undergo a risk assessment by the State Veterinarian identifying the incoming animals as low risk or no risk relative to CWD.

(b) A prior permit number must be obtained from the State Veterinarian and must be clearly displayed on the Official Certificate of Veterinary Inspection (OCVI).

(c) All permitted Cervidae entering the state must be accompanied by an Official Certificate of Veterinary Inspection (OCVI) showing that the veterinarian issuing the OCVI inspected the animals at the time of movement. The OCVI must contain a statement by the issuing veterinarian that the animals identified on the OCVI are free of signs of infectious, contagious and neurologic disease and the vectors of any infectious, contagious and neurologic disease. The certificate must include a statement relative to the verification or certification status of the particular animal, herd and facility/premise specific to CWD.

(d) All animals permitted must comply with current importation requirements as specified in Rule 5C-3.011, Florida Administrative Code.

(e) All animals permitted must be consigned to a destination with a Florida Fish & Wildlife Conservation Commission (FWC) license.

(3) A permitting system will be initiated to monitor movement of Cervidae within the state. This permitting system will be used as an aid to implementing a surveillance and testing program for CWD in Florida.

(4) Neurological symptoms in any Cervidae in the state must be reported to the State Veterinarian.

Specific Authority 570.07(21), (23), 585.08(2)(a) FS. Law Implemented 585.08(1), 585.145 FS. History--New 4-9-02.

THIS RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE:
EFFECTIVE DATE: April 9, 2002

DEPARTMENT OF THE LOTTERY

RULE TITLE: Replacement of Obsolete Emergency Rules
 RULE NO.: 53ER02-13

SUMMARY OF THE RULE: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER02-13 Replacement of Obsolete Emergency Rules.

The following Department of the Lottery emergency rules relating to Lottery games or promotions, retailer programs, or personnel rules are being replaced because the games, promotions or programs have concluded, the emergency rule provisions have been adopted by permanent rule, or the provisions of the rule are obsolete. This rule shall replace the following Rules: 53ER00-39, 53ER00-45, 53ER00-52, 53ER01-1, 53ER01-2, 53ER01-6, 53ER01-7, 53ER01-8, 53ER01-9, 53ER01-10, 53ER01-11, 53ER01-14, 53ER01-16, 53ER01-19, 53ER01-30, 53ER01-32, 53ER01-33, 53ER01-34, 53ER01-38, 53ER01-44, 53ER01-46, 53ER01-47, 53ER01-50, 53ER01-58, 53ER01-66, F.A.C.

Specific Authority 24.109(1), 24.105(2) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History--New 4-3-02. Replaces 53ER00-39, 53ER00-45, 53ER00-52, 53ER01-1, 53ER01-2, 53ER01-6, 53ER01-7, 53ER01-8, 53ER01-9, 53ER01-10, 53ER01-11, 53ER01-14, 53ER01-16, 53ER01-19, 53ER01-30, 53ER01-32, 53ER01-33, 53ER01-34, 53ER01-38, 53ER01-44, 53ER01-46, 53ER01-47, 53ER01-50, 53ER01-58, 53ER01-66, F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 3, 2002

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Donna Bolton, on April 1, 2002, a petition for Waiver of Rule 11B-27.0026, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer be re-employed within four years of a break in service.

Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention:

Assistant General Counsel Grace A. Jaye. A copy of the Petition may be obtained by contacting Assistant General Counsel Grace A. Jaye at the above address, or by calling (850)410-7676.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power Corporation, filed April 2, 2002, in Docket No. 020295-EQ, seeking waiver from subparagraphs 25-17.0832(4)(e)5. and 25-17.0832(4)(e)7., Florida Administrative Code. subparagraph 25-17.0832(4)(e)5., Florida Administrative Code, requires a standard offer contract's open period to terminate prior to its issuance of a notice of Request for Proposals based on the standard offer contract's avoided unit. subparagraph 25-17.0832(4)(e)7., Florida Administrative Code, requires standard offer contracts to have a minimum term of ten years. Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services. For additional information, please contact Lorena A. Espinoza, Attorney, Office of General Counsel, at the above address or telephone (850)413-6199.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on March 27, 2002, South Florida Water Management District (District) received a petition for waiver from Dr. and Mrs. Elliot Z. Fox, for utilization of Works or Lands of the District known as the Snapper Creek Canal (C-2), Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (5) and (6), and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), F.A.C., which governs the placement of permanent and semi-permanent above-ground facilities within forty feet of the top of canal bank within Works or Lands of the District, for an existing fence enclosure with a large vehicle gate to remain. A copy of the petition may be obtained from Jan. Sluth at (561)682-6299 or e-mail at jsluth@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Jan. Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that on April 8, 2002, South Florida Water Management District (District) received a petition for waiver from Wolfgang Dilzer, for utilization of Works or Lands of the District known as the C-8 Canal, Miami-Dade County. The petition seeks relief from subsections 40E-6.011(4), (5) and (6), and paragraph 40E-6.221(2)(j), F.A.C., and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-6.091(1), F.A.C., which governs the placement of permanent and semi-permanent above-ground facilities within forty feet of the top of canal bank within Works or Lands of the District, for existing trees, a proposed fence enclosure and a proposed seawall. A copy of the petition may be obtained from Jan. Sluth at (561)682-6299 or e-mail at jsluth@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Jan. Sluth, Office of Counsel.

NOTICE IS HEREBY GIVEN that Watermark Communities, Inc. (WCI) filed a Petition for Variance (Application 020401-3) on April 1, 2002, with the South Florida Water Management District (SFWMD) for a project known as Old Palm Golf Club Parcel 31, located in Palm Beach County. The petition seeks relief from Section 5.2.2(e), Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – August 2000, incorporated by reference in paragraph 40E-4.091(1)(a), Fla. Admin. Code, pertaining to land use and coverage criteria, specifically: “Projects located within cones of depression – Retention/detention area locations shall not reduce hydraulic recharge distances to public water supply wells in excess of 2 percent, nor shall wet retention/detention areas be closer to public water supply wells than 300 feet”. A copy of the petition may be obtained from Beth Colavecchio at (561)682-6905 or e-mail at bcolavec@sfwmd.gov. The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn.: District Clerk. For additional information, contact John Shaffer at the above address, or telephone (561)682-2185, or e-mail jshaffer@sfwmd.gov.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Construction Industry Licensing Board hereby gives notice that it has received a petition filed on March 14, 2002, from Williams Scotsman, Inc. seeking a variance of subsection 61G4-15.005(3), Florida Administrative Code, with respect to the net worth requirements for certification and registration.

Comments on this petition should be filed with the Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-1039, within 14 days of publication of this notice.

For a copy of the petition, contact: Robert Crabill, Executive Director, Construction Industry Licensing Board, 1940 N. Monroe Street, Tallahassee, FL 32399-1039 or telephone (850)922-2887.

The Building Code Administrators and Inspectors Board hereby gives notice that it has issued an Order on the Petition for Waiver or Variance filed by Nitin Dave on January 14, 2002. The Board considered the Petition at its March 7-8, 2002, meeting held in Davie, Florida. The Board’s Order, filed on March 29, 2002, denies the petition for waiver or variance finding that the Petitioner failed to establish that he would suffer a substantial hardship or violation of the principles of fairness as a result of the application of Rule 61G19-6.008, F.A.C. A copy of the Board’s Order may be obtained by contacting the Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2211.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

On March 22, 2002, the Department approved the petition from Margie Ward, pursuant to Section 120.542, F.S. (2001), seeking a waiver of the \$500 ATRP deductible required by Rule 62-769.800, F.A.C.

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

On March 19, 2002, the Department approved the petition from Essie Miller, pursuant to Section 120.542, F.S. (2001), seeking a waiver of the \$500 ATRP deductible required by Rule 62-769.800, F.A.C.

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

On March 19, 2002, the Department approved the petition from Nancy Kohutek, pursuant to Section 120.542, F.S. (2001), seeking a waiver of the \$500 ATRP deductible required by Rule 62-769.800, F.A.C.

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

DEP received on January 29, 2001, a petition from PDG Environmental Services, Inc. (First Coast Auto), for a waiver pursuant to subSection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On March 20, 2002, the Department granted the petition for certain documents from Environmental Technologies Assessments, Inc. and PDG Environmental, Inc., but denied for the remaining issues.

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

DEP received on January 7, 2002, a petition from ATOFINA Petrochemicals, Incorporated (FINA #6678), for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On March 20, 2002, the Department granted this petition.

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

DEP received on April 1, 2002, a petition from the Winfield Solid Waste Association for a variance pursuant to Rule 120.542, F.S., from the provision of paragraph 62-701.300(2)(b), F.A.C., prohibiting disposal of solid waste within 200 feet of a potable water well.

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

DEP received on January 29, 2001, a petition from PDG Environmental Services, Inc. (Holmes Oil), for a waiver pursuant to subsection 376.3071(12)(k)5., F.S., of certain record keeping requirements under subsection 376.3071(12)(e), F.S. On March 20, 2002, the Department granted the petition for certain documents from Atlantic Petroleum Sales and Service, Incorporated and denied for all other issues.

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

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
 Department of Veterans' Affairs
 Department of Highway Safety and Motor Vehicles
 Department of Law Enforcement
 Department of Revenue
 Department of Education
 Administration Commission
 Florida Land and Water Adjudicatory Commission
 Board of Trustees of the Internal Improvement Trust Fund
 Department of Environmental Protection
 DATE AND TIME: May 7, 2002, 9:00 a.m.
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida
 PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Information Resource Commission will take action on matters duly presented on its agenda, which may include administrative procedures matters, adoption of rules, approval

of agency plans for the use of information technology resources, adoption of policies for the use of such resources, and other matters under the commission's authority pursuant to law.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation And Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and

matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 25, 2002, 6:30 p.m. – 8:30 p.m.

PLACE: Historical Museum of Southern Florida, 101 West Flagler Street, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting of the Miami Circle Planning Group, which will consider public access, interpretation, protection, and long and short term management of the Miami Circle/Brickell Point archaeological site.

People with disabilities wishing to attend this meeting should contact the Division, (850)245-6300, at least 48 hours prior to the meeting in order to request special assistance.

The **Division of Historical Resources** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 26, 2002, 9:00 a.m. – 10:30 a.m.

PLACE: Historical Museum of Southern Florida, 101 West Flagler Street, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Miami Circle Planning Group, which will consider public access, interpretation, protection, and long and short term management of the Miami Circle/Brickell Point archaeological site.

People with disabilities wishing to attend this meeting should contact the Division, (850)245-6300, at least 48 hours prior to the meeting in order to request special assistance.

The **Department of State, Division of Historical Resources** announces a public notice of the Florida Historic Marker Council meeting to which all persons are invited.

DATE AND TIME: Thursday, May 9, 2002, 10:00 a.m.

PLACE: Room 409, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review applications for Florida State Historic Markers.

A copy of the agenda may be obtained by writing: Florida State Historic Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough Street, Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he or she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

“Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.”

DEPARTMENT OF LEGAL AFFAIRS

The Awards/Recognition Task Force Committee of the Florida **Commission on the Status of Women** will hold a telephone conference on:

DATE AND TIME: Tuesday, April 30, 2002, 10:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

DEPARTMENT OF INSURANCE

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATES AND TIMES: May 2, 2002, 8:00 a.m. – 4:00 p.m.; May 3, 2002, 8:00 a.m. – 4:00 p.m.

PLACE: Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, FL 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Florida Firefighters Safety and Health Task Force Special Exemption Sub-Committee to formulate questions for local fire departments and to contact fire departments and fire service organizations requesting exemptions from the two-in, two-out rule.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, FL 34482-1486.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Angie Cain, (352)369-2818.

The **Department of Insurance, Division of State Fire Marshal** announces a public meeting to which all persons are invited:

DATE AND TIME: May 17, 2002, 11:30 a.m.

PLACE: Florida State Fire College, 11655 N. W. Gainesville Rd., Ocala, FL 34482

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Firefighters Safety and Health Task Force.

A copy of the agenda may be obtained by writing: Department of Insurance, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, FL 34482-1486.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Angie Cain, (352)369-2818.

DEPARTMENT OF EDUCATION

The **Florida Center for Advising and Academic Support (FCAAS)** announces a public meeting to which all persons are invited.

DATE AND TIME: April 29, 2002, 9:00 a.m. – 12:00 Noon

PLACE: Federal Education Center, Suite 1405, 325 W. Gaines St., Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting of the FCAAS Executive Committee will be held to discuss the agenda for the May 10, 2002 Board meeting and other business to come before the committee.

A copy of the agenda may be obtained by writing: FCAAS, Suite 1414, 325 West Gaines Street, Tallahassee, Florida 32399-0400.

Any persons requiring special accommodations to attend this meeting because of a disability or physical impairment may contact Yvette Hargreaves, FCAAS, (850)201-7363, at least seven days in advance so that their needs can be accommodated.

The **Commission for Independent Education** announces a special public meeting to which all persons are invited.

DATE AND TIME: May 16, 2002, 9:00 a.m.

PLACE: Sheraton Suites Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider licenses for appropriate institutions, cases for licensure as specified in the agenda, Commission Committee meetings, consideration of changes on Commission regulations/rules and other general Commission business.

Any person who decides to appeal a decision of the Commission with respect to any matter considered at this meeting or hearing may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Commission for Independent Education, Department of Education, Florida Education Center, Tallahassee, Florida 32399.

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATE AND TIME: May 17, 2002, 9:00 a.m.

PLACE: Sheraton Suite Tampa Airport, 4400 West Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop on proposed Commission Rules and Committee meetings, if necessary.

A copy of the agenda may be obtained by writing: Commission for Independent Education, Department of Education, 2600 Apalachee Parkway, Tallahassee, Florida 32301.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs, Division of Housing and Community Development** announces the following public meeting:

COMMITTEE: Hurricane Loss Mitigation Program Advisory Council

DATE AND TIME: May 1, 2002, 9:30 a.m.

PLACE: Florida Department of Community Affairs Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. Conference Call: 413-9245, Suncom 293-9245 or Toll Free (877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Program Advisory Council meeting pursuant to Section 215.559, Florida Statutes.

For more information, please contact: Keith Delhomme, Planning Manager, Division of Housing and Community Development, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)410-1562.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will be taped by the Division of Housing and Community Development.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Keith Delhomme, Department of Community Affairs, (850)410-1562, at least ten (10) days prior to the meeting. 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) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a meeting of the State Energy Program (SEP) Clean Fuel Florida Advisory Board (CFF) to which all interested parties are invited.

SEP CFF MEETING

DATES AND TIMES: May 2, 2002, 9:00 a.m. – 4:30 p.m.; May 3, 2002, 9:00 a.m. – 3:00 p.m.

PLACE: University of South Florida, Center for Urban Transportation Research, Room CUT – 100, 4202 East Fowler Avenue, Tampa, Florida 33620-5375

ACTIONS TO BE TAKEN: The CFF will consider the following items:

- 1) Report on State Energy Initiatives
- 2) Legislative Initiative Report
- 3) State EPACT Compliance
- 4) State/Regional/National Transportation Meeting
- 5) Education and Out Reach Program
- 6) Long Range Plan

APPEAL INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting he or she may need a record or transcript of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record may include testimony and evidence relevant to the appeal.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Essie Turner, Staff Assistant, Department of Community Affairs, 2255 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-2475.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the SEP, (850)488-2475, at least five calendar days prior to the

meeting. If you are hearing impaired, please contact the SEP, (850)488-2475, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the SEP using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces the following meeting dates and times for the Criminal Justice Standards and Training Commission and Commission-related meetings: The Quarterly Criminal Justice Standards and Training Commission meeting, Training Center Directors' Committee and Business meetings, Probable Cause Determination Hearings, Commission Workshop on web-based training, and presentation of Officer Discipline Cases for final disposition. These meetings are held to discuss issues relating to standards, training, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers, Commission rules, and issues concerning certification and recertification of Commission-certified criminal justice training schools. All parties are invited to attend.

Training Center Directors' Committee Meetings

DATE AND TIME: Tuesday, April 30, 2002, 4:00 p.m.

Training Center Directors' Business Meeting

DATE AND TIME: Wednesday, May 1, 2002, 8:30 a.m.

Probable Cause Determination Hearings

DATE AND TIME: Wednesday, May 1, 2002, 8:30 a.m.

Commission Workshop (subject to be determined)

DATE AND TIME: Wednesday, May 1, 2002, 2:00 p.m.

CJS&T Commission meeting business agenda

DATE AND TIME: Thursday, May 2, 2002, 8:30 a.m. – 1:00 p.m.

Officer Discipline Case Proceedings

DATE AND TIME: Thursday, May 2, 2002, 1:00 p.m. – Open

PLACE: Tampa Marriott Westshore, 101 North Westshore Boulevard, Tampa, Florida 33607. Telephone Number For Hotel Reservations: (813)287-2555, Fax (813)289-5464.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss standards and training for criminal justice officers, certification and decertification of criminal justice officers, final agency action on officer discipline cases, web-based training and certification and re-certification of Commission-certified criminal justice training schools.

COMMISSION MEETING AGENDAS: A copy of the May 2, 2002, Commission Meeting agenda may be obtained by contacting Donna Hunt, (850)410-8615 or Commission information may be accessed at http://www.fdle.state.fl.us/cjst/commission/cjstc_meeting.htm.

A copy of the Officer Discipline agenda may be obtained by contacting Brenda Presnell, (850)410-8648.

If you wish to write the Commission for a copy of the above agendas, please write: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt or Brenda Presnell.

If you wish to call or write for a copy of the Training Center Directors' Association agenda, please write or call Training Center Director Association Chairman Ray Newman, Polk Community College, 999 Avenue H, Northeast, Winter Haven, FL 33881-4299, (863)297-1030.

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt, (850)410-8615, at least 5 days prior to the meeting.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation** announces a public meeting to which all persons are invited:

DATES AND TIMES: April 29, 2002, 10:00 a.m. – 5:00 p.m.; April 30, 2002, 8:00 a.m. – 4:00 p.m.

PLACE: Ramada Inn North, Conference Center, 2900 North Monroe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: Strategic Intermodal System Steering Committee Meeting.

A copy of the agenda may be obtained by writing: Florida Department of Transportation, 605 Suwannee Street, MS #28, Tallahassee, Florida 32399-0450 or by calling Renee Cross, (850)414-4816.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meetings by contacting Renee Cross, (850)414-4816.

The **Florida Highway Beautification Council** announces a meeting to which all persons are invited.

DATES AND TIMES: Thursday, May 9, 2002, 9:00 a.m. – 5:00 p.m.; Friday, May 10, 2002, 8:30 a.m. – 12:00 Noon

PLACE: PBSJ Corporate Office, Conference Room 3A, 482 S. Keller Road, Orlando, FL 32810, (407)647-7275

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to conduct general business of the Highway Beautification Council and to score and rank the 2002 grant applications.

For information please contact: Mr. Jeff Caster, State Transportation Landscape Architect, Florida Department of Transportation, 605 Suwannee Street, MS #37, Tallahassee, FL 32399-0450, (850)922-7205, jeff.caster@dot.state.fl.us.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jeff Caster, (850)922-7205, at least 2 weeks prior to the meeting.

The **Florida Seaport Transportation and Economic Development Council** (FSTED) announces a Project Review Group meeting in which all interested persons are invited to participate.

DATE AND TIME: May 1, 2002, 10:00 a.m. – 12:30 p.m.

PLACE: Florida Department of Transportation, Haydon Burns Building, Executive Conference Room, 5th Floor, 605 Suwannee Street, Tallahassee, Florida 32399-0450, Call in Number: (850)410-0960

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, Suite 712, 315 South Calhoun Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

The **Board of Trustees of the Internal Improvement Trust Fund** announces the following hearing to which all persons are invited:

DATE AND TIME: May 7, 2002, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To adopt the repeal of Chapter 18-8, F.A.C., which has become obsolete due to the new Florida Forever land acquisition program. Chapter 18-8 has been superseded by Chapter 18-24, F.A.C.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in any of these workshops is asked to advise the Department of Environmental Protection at least 48 hours before the workshop by contacting the Bureau of Personnel

Services, (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955-8771 (TDD).

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of two public meetings of the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATES AND TIMES: Wednesday, May 22, 2002, 1:00 p.m. – 4:00 p.m. (Eastern Standard Time); Thursday, May 23, 2002, 9:00 a.m. – 4:00 p.m. (Eastern Standard Time)

PLACE: Disney's Coronado Springs Resort, 1000 West Buena Vista Drive, Orlando, Florida 32830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide insurers who participate in the Florida Hurricane Catastrophe Fund with an opportunity to discuss issues related to commercial residential, to provide an update on the 2002 Data Call and Reimbursement Contract changes, to provide a review of the audit process, to provide an overview of the loss reimbursement process, to provide an update on legislative developments and to address other general business of the Florida Hurricane Catastrophe Fund.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of three public meetings of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATES AND TIMES: Wednesday, May 29, 2002, 1:00 p.m. – 5:00 p.m. (Eastern Standard Time); Thursday, May 30, 2002, 8:30 a.m. – 5:00 p.m. (Eastern Standard Time); Friday, May 31, 2002, 8:30 a.m. – 1:00 p.m. (Eastern Standard Time)

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Blvd., Tallahassee, Florida. The conference call number for each of the three meetings listed above, for those persons who cannot be physically present: (850)488-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are regular business meetings of the Commission to review computer models under the standards and acceptability process for 2001 and to address other general business of the Commission.

The public is invited to the three meetings noticed herein. Anyone wishing to be placed on the Commission's mailing list to receive copies of notices and agendas by mail or wishing a copy of the agenda for the meetings noticed above, should contact Donna Sirmons, State Board of Administration, Post Office Box 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend any of these meetings is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

DEPARTMENT OF CITRUS

NOTICE OF AMENDMENT – The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: April 16, 2002, 9:00 a.m. The Commission will convene for the purposes of standing committee meetings and for the regular monthly meeting of the Florida Citrus Commission. The meeting scheduled for April 17-18, 2002, has been canceled.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget revisions, contracts, advertising programs, budget items, rulemaking, balance scorecards, licensing, rulemaking, modifying the Department's symbol program and other matters that are addressed during monthly meetings of the Commission. The Commission will also go into closed session pursuant to the provisions of Section 286.011(8), F.S., to address issues resulting from the March 15, 2002, court order in the Tampa Juice, et al v. Department of Citrus. The parties attending the closed session will be John R. Alexander, Walter L. Brewer, Tristan G. Chapman, Harry H. Falk, Christopher W. Gargano, Raymond A. Jackson, William E. Kemper, John M. Luther, W. Lindsay Raley, Jr., Daniel R. Richey, Nancy J. Schafer, Andrew R. Taylor, Bob Crawford, Hank B. Campbell, Esq., Monte Campbell, Esq., Eric Taylor, Esq. and Mia L. McKown, Esq.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Advertising Review Committee to which all persons are invited.

DATE AND TIME: Friday, April 26, 2002, 9:00 a.m.

PLACE: Highlands County Agri-Civic Center, Conference Room 3, 4509 George Blvd., Sebring, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advertising Committee will meet to discuss and evaluate the Department's advertising. Discussion will include, but not be limited to, preparation of Request For Proposals for research

and for facilitators to assist with Committee's directives. The Committee will also discuss any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson by telephone, (863)499-2510.

The **Department of Citrus** announces a public meeting of the Citrus Harvesting Forum to which all persons are invited.

DATE AND TIME: Wednesday, May 1, 2002, 9:30 a.m.

PLACE: Lake Wales Country Club, Lake Wales, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Harvesting Forum will meet to present progress reports on the Harvesting Program and seek industry input, and other business that might come before the forum for consideration.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson at the above address or by telephone, (863)499-2510.

The **Department of Citrus** announces the following public meetings of the Advertising Review Committee to which all persons are invited.

DATES AND TIME: Thursday, May 2, 9, 16, 23, 30, 2002, 9:00 a.m.

PLACE: Highlands County Agri-Civic Center, Conference Room 2, 4509 George Blvd., Sebring, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advertising Committee will meet to discuss and evaluate the Department's advertising. Discussion will include, but not be limited to, preparation of Request For Proposals for research and for facilitators to assist with Committee's directives. The Committee will also discuss any other issues that may properly come before the Committee.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting Mr. Art Johnson by telephone, (863)499-2510.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 011119-TP – Petition by XO Florida, Inc. for arbitration of unresolved issues with BellSouth Telecommunications, Inc.

DATE AND TIME: May 6, 2002, 1:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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

The Florida **Public Service Commission** announces a Special Commission Conference in the following docket to which all interested persons are invited.

Docket No. 010949-EI – Request for rate increase by Gulf Power Company.

DATE AND TIME: May 8, 2002, 8:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider and make a decision regarding the request for rate increase by Gulf Power Company.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350 and 367, F.S.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy, (\$1.00 per copy, Rule 25-22.002, F.A.C.) by writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida. The agenda and recommendation are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any

person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 000075-TP – Investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996.

DATE AND TIME: May 8, 2002, 9:30 a.m.

PLACE: The Betty Easley Conference Center, Commission Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the investigation into appropriate methods to compensate carriers for exchange of traffic subject to Section 251 of the Telecommunications Act of 1996, and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on April 19, 2002. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

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

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a meeting of the Nominating Committee to which all persons are invited:

DATE AND TIME: May 1, 2002, 12:00 Noon

PLACE: Dixie Grill and Steer Room, U.S. 90 and Dowling Avenue, Live Oak, Florida 32060

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made.

A copy of the agenda may be obtained by writing: North Central Florida Regional Planning Council, Suite A, 2009 Northwest 67th Place, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Planning Council**, Transportation Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 2, 2002, 9:00 a.m.
PLACE: St. Augustine/St. Johns County Airport, 4796 U.S. 1, North, St. Augustine, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending transportation issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is given that two or more members of the Boards of County Commissioners, City/Town Councils/Commission and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Personnel, Program Planning and Budget Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 2, 2002, 9:00 a.m.
PLACE: St. Augustine/St. Johns Co. Airport Authority, 4796 U.S. 1, North, St. Augustine, FL 32095

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, program planning and budget matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council**, Comprehensive and Project Planning Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 2, 2002, 9:00 a.m.
PLACE: St. Augustine/St. Johns Co. Airport Authority, 4796 U.S. 1, North, St. Augustine, FL 32095

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending comprehensive and project planning items.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Planning Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 2, 2002, 10:00 a.m.
PLACE: St. Augustine/St. Johns Co. Airport Authority, 4796 U.S. 1, North, St. Augustine, FL 32095

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Planning Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Central Florida Regional Planning Council** will hold its public meeting, and the Council's Executive Committee meeting to which all persons are invited:

DATE AND TIME: Wednesday, May 1, 2002, 9:30 a.m.
PLACE: Highlands County Health Department, Conference Room, 7205 South George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, Exercise Sub-Committee and Risk Management Program Sub-Committee to which all persons are invited.

DATE AND TIME: Wednesday, May 8, 2002, 9:00 a.m.

PLACE: Highlands County Agriculture Extension Building, 4509 West George Blvd., Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC and Special Sub-Committee Meetings.

A copy of the agenda may be obtained by writing: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 6, 2002, 10:30 a.m.

PLACE: The Biltmore Hotel, Granada Ballroom, 1200 Anastasia Avenue, Coral Gables, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendment for Monroe County; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for Sunrise; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, Suite 140, 3440 Hollywood Boulevard, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because

of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Central Region Recreation Advisory Council Meeting to which all persons are invited.

MEETING: Central Region Recreation Advisory Council

DATE AND TIME: Wednesday, May 1, 2002, 9:30 a.m. – 12:00 Noon

TOUR: Buck Lake Conservation Area

DATE AND TIME: Wednesday, May 1, 2002, 1:00 p.m. – 3:00 p.m.

PLACE: Geneva Wilderness Area Education Center, North of Oviedo on CR 426, Geneva, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review land management and land acquisition activities in the Central Region.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise Linda Lorenzen, (386)329-4262 or (386)329-4450 (TDD), at least five work days before the date of the meeting.

The **Southwest Florida Water Management District** announces the following meetings to which all interested parties are invited.

GREEN INDUSTRY ADVISORY COMMITTEE

DATE AND TIME: Thursday, May 2, 2002, 9:30 a.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

AGRICULTURAL ADVISORY COMMITTEE

DATE AND TIME: Tuesday, May 7, 2002, 4:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

Copies of the agendas may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the American's with Disability Act (ADA) should call 1(800)836-0797 (Florida) or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following public meeting to which all interested parties are invited:

DATE AND TIME: Wednesday, May 1, 2002, 10:00 a.m.

PLACE: DeSoto County Administration Center, 201 E. Oak Street, Port Charlotte, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, Suite A, 1645 Barber Road, Sarasota, Florida 34240.

Although the Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, May 1, 2002, 10:30 a.m. – 3:00 p.m.

PLACE: Marriott Hotel, Tampa International Airport, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Make recommendations for drugs to be included on Preferred Drug List.

Any attendee requiring special accommodation because of a disability or physical impairment should contact Marriott, (813)879-5151, at least five days prior to the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Tuesday, April 30, 2002, 9:00 a.m.

PLACE: Commission on Human Relations, Suite 100, 2009 Apalachee Parkway, Tallahassee, Florida 32301. The Meet-Me Telephone Number: (850)921-2583 or Suncom 291-2583

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, Suite 100, 2009 Apalachee Parkway, Tallahassee, Florida 32301, (850)488-7082, Ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA NOTICE: Any person requiring special accommodation at this meeting because of any disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, Ext. 1032, at least five working days prior to the meeting.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a public meeting of the Regulatory Council of Community Association Managers, to which all persons are invited.

DATE AND TIME: Friday, May 10, 2002, 10:30 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial (850)921-2470, Suncom 291-2470

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-1040 or by calling their office, (850)488-2141.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the Regulatory Council of Community Association Managers, (850)488-2141. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, May 8, 2002, 2:00 p.m.; Thursday, May 9, 2002, 8:00 a.m.; Friday, May 10, 2002, 8:00 a.m.

PLACE: Sheraton Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, Florida 33004

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Avenue, Tallahassee, Florida 32399-0754.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)921-6983, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, June 12, 2002, 2:00 p.m.; Thursday, June 13, 2002, 8:00 a.m.; Friday, June 14, 2002, 8:00 a.m.

PLACE: DoubleTree In The Gardens, 4431 PGA Boulevard, Palm Beach Gardens, Florida 33410

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Avenue, Tallahassee, Florida 32399-0754.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Stacey Merchant, (850)921-6983, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Board of Cosmetology** announces a Board meeting open to the public and all persons are invited to participate.

DATE AND TIME: Monday, April 29, 2002, 9:00 a.m.

PLACE: Adam's Mark Hotels & Resorts, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business and Committee Matters.

*A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Suite 60, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF CANCELLATION – The **Department of Environmental Protection** announces the cancellation of a public hearing to determine whether or not Calpine Construction Finance Company, L.P., Blue Heron Energy Center, Power Plant Siting Application No. 00-42, OGC Case No. 00-2072, is in conformance with existing land use plans and zoning ordinances, pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501, et seq., Florida Statutes.

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 30 2002, 10:00 a.m.

PLACE: Department of Environmental Protection, Conference Room A, 1st Floor, Douglas Bldg., 3900 Commonwealth Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Integrated Management System (IMS) Negotiation Team to make a recommendation on selection of a vendor for the IMS project (Solicitation DRAM 01-01/2002). The Negotiation Team will meet to discuss the information gathered through vendor negotiations and will subsequently make their recommendation on vendor selection for the project.

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 2, 2002, 2:00 p.m.

PLACE: Department of Environmental Protection, Conference Room A, 1st Floor, Douglas Bldg., 3900 Commonwealth Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Integrated Management System (IMS) Negotiation Team to make a recommendation on selection of a vendor for the IMS project (Solicitation DRAM 01-01/2002). The Negotiation Team will meet to discuss the information gathered through vendor negotiations and will subsequently make their recommendation on vendor selection for the project.

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

The **Department of Environmental Protection** announces the following three workshops to which all persons are invited:

DATE AND TIME: May 6, 2002, 6:30 p.m.

PLACE: St. Sebastian River State Buffer Preserve, Meeting Room, 10125 W. W. Ranch Rd., Sebastian, Florida 32958

DATE AND TIME: May 7, 2002, 6:30 p.m.

PLACE: DEP, South District Office, Room 165 C and D, West Wing, First Floor, 2295 Victoria Avenue, Ft. Myers, Florida 33901

DATE AND TIME: May 8, 2002, 6:30 p.m.

PLACE: Crystal River State Buffer Preserve, Meeting Room, 3266 North Sailboat Avenue, Crystal River, Florida 34428

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take public comments on rule changes to Chapter 18-23, F.A.C., which will be proposed by the agency, including fines for violations of the rule.

The full text of this notice can be found on the Department's Internet Site at <http://www.dep.state.fl.us/> under the link titled "Official Notices."

The Florida **Department of Environmental Protection, Division of Recreation and Parks** announces a public workshop to which all persons are invited.

DATE AND TIME: Tuesday, May 14, 2002, 7:00 p.m.

PLACE: Atlantic Avenue Recreation Center, Auditorium, 2500 Atlantic Avenue, Fernandina Beach, FL 32034

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment regarding management and land use for Fort Clinch State Park before development of a new management plan.

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

DEPARTMENT OF HEALTH

The **Board of Acupuncture** announces a Probable Cause Panel conference call meeting to which you are invited to attend.

DATE AND TIME: April 29, 2002, 9:00 a.m. or soon thereafter

PLACE: Number: (850)488-5776, Suncom 278-5776

GENERAL SUBJECT MATTER TO BE CONSIDERED: PCP Reconsideration.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board Office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture, 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3266.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Board of Acupuncture** announces a general business meeting to which all interested persons are invited to attend.

DATE AND TIME: Friday, May 10, 2002, 9:00 a.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact the Board of Acupuncture, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Board of Acupuncture 4052 Bald Cypress Way, BIN #C06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Rules/Legislative Committee announces a meeting to which all persons are invited.

DATE AND TIME: May 2, 2002, 11:00 a.m.

PLACE: Tampa, Florida, Please contact the Board office at: (850)245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The Florida **Board of Medicine**, Quality Assurance Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, May 2, 2002, Immediately following the Rules/Legislative Meeting

PLACE: Tampa, FL, Please contact the Board office at: (850)245-4131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The **Department of Health, Board of Pharmacy** announces a public meeting to which all persons are invited.

DATE AND TIME: May 1, 2002, 9:00 a.m. (EST)

PLACE: "Meet-Me" Teleconference call: (850)921-6545 or Suncom 291-6545

GENERAL SUBJECT MAATER TO BE CONSIDERED: The committee will meet to discuss and establish criteria for encouraging community involvement, setting higher fines or reprimands, and other business.

This meeting is open to the public; however, the number of available lines will be limited to the public once committee members and staff have called in.

A copy of the committee agenda which are open to the public may be obtained by writing: John D. Taylor, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, BIN #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Page Merkison, (850)245-4292, Ext. 3600, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Physical Therapy Practice** announces a meeting to which all persons are invited.

DATE AND TIME: May 3, 2002, 8:00 a.m. or soon thereafter

PLACE: Tampa Airport Marriot, Tampa International Airport, Tampa, FL, 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Tallahassee, FL 32399-3255 or by calling (850)245-4373.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the Board Office, (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Council on Physician Assistants** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, May 10, 2002, 1:00 p.m. or soon thereafter

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct Council business.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician Assistants the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Margaret Anglin, Regulation Administrator, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, BIN #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record or the proceeding is made, which record includes the testimony and evidence upon which is to be based.

The Florida **Department of Health**, Bureau of Pharmacy Services announces a public meeting of the Ad Hoc Committee on Pedigree Papers to which all interested persons are invited.

DATE AND TIME: Tuesday, April 30, 2002, 9:30 a.m. – 12:30 p.m.

PLACE: Department of Health, Room 301, 4052 Bald Cypress Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the organizational meeting of the nine-member committee formed to present, within six months, recommendations that adequately protect the public health to

the Secretary of the Department of Health of alternatives to the department's implementation and interpretation of Section 499.0121(6)(d), F.S. The prescription drug wholesale industry claims the department's requirements diverge from the national "status quo" for handling the paperwork related to pedigree papers.

The agenda for this first meeting includes the introduction of committee members; discussion of Secretary Agwunobi's charge to the committee; background presentations; formulation of the committee approach with respect to rules of procedure, committee approach, assignments, scheduling subsequent meetings; and adjournment of the meeting.

If special accommodations are needed to attend this meeting because of a disability, please contact Maxine Wenzinger, (850)922-5190.

The **Tobacco-Free Partnership of Bay County** will hold a public meeting to which all persons are invited to attend.

DATE AND TIME: Wednesday, April 24, 2002, 4:00 p.m.

PLACE: Bay County Health Department, 597 West 11th St., Panama City, Florida 32401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Purpose is to review by-laws and discuss upcoming events.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Tobacco-Free Partnership, (850)872-4455, Extension 136, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call the above number using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda may be obtained by writing: Tobacco Prevention Coordinator, Bay County Health Department, 597 West 11th Street, Panama City, Florida 32401.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services** announces the District 8, Hendry/Glades Counties Community Alliance will meet on the following date:

DATE AND TIME: April 29, 2002, 2:00 p.m.

PLACE: LaBelle Service Center, 485 Cowboy Way, LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board meeting to discuss community-based care issues, including preparing the Hendry/Glades Counties Invitation to Negotiate.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to each meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The Florida **Department of Children and Family Services** announces the District 8, Collier County Community Alliance will meet on the following dates:

DATES AND TIME: May 21, 2002; June 18, 2002, 4:00 p.m.
 PLACE: Collier County Courthouse, Building L, 3301 Tamiami Trail, East, Naples, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Board meetings to discuss community-based care issues, including preparing Collier County's Invitation to Negotiate.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to each meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The Florida **Department of Children and Family Services** announces the District 8, Hendry/Glades Counties Community Alliance will meet on the following date:

DATE AND TIME: May 28, 2002, 1:30 p.m.
 PLACE: LaBelle Service Center, 485 Cowboy Way, LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board meeting to discuss community-based care issues, including preparing Hendry/Glades Counties Invitation to Negotiate.

A copy of the agenda may be obtained by contacting: Department of Children and Family Services, Community-Based Care Unit, 2nd Floor, 2295 Victoria Avenue, Fort Myers, Florida 33901, one week prior to each meeting. All persons are invited.

In accordance with the Americans With Disabilities Act, persons needing an accommodation to participate in the meetings or needing additional information should contact the Community-Based Care Unit, (941)338-1343.

The Florida **Department of Children and Family Services** announces the Suncoast Region Manatee County Community Alliance meeting will be held:

DATE AND TIME: Monday, April 29, 2002, 11:45 a.m.
 PLACE: Café of the Arts Restaurant, 5230 Tamiami Trail, North, Sarasota, Florida

The public is welcome to attend. Contact person is: Tom Hannon, (941)741-3682.

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the Following Board of Commissioners meeting to which all interested parties are invited:

DATE AND TIME: Friday, April 26, 2002, 10:30 a.m.
 PLACE: Venice City Hall, 401 West Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District.

A copy of the agenda for this meeting may be obtained by writing: WCIND, Post Office Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE OF CANCELLATION – The Florida **Fish and Wildlife Conservation Commission** has canceled a public meeting scheduled for April 26, 2002, 9:00 a.m., at the Department of Management Services, Training Room 225A, Building 4030, 4030 Esplanade Way, Tallahassee, Florida.

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

The **Fish and Wildlife Conservation Commission**, Division of Law Enforcement, Boating Advisory Council announces a meeting of the Legislative Committee to which all persons are invited.

DATE AND TIME: May 9, 2002, 1:00 p.m.
 PLACE: Fish and Wildlife Conservation Commission, Conference Room, 2nd Floor, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meeting to discuss ideas for needed legislative changes or proposals.

An agenda of the meeting may be obtained by contacting: Division of Law Enforcement, Boating Advisory Council, Bryant Building, 620 South Meridian Street, Tallahassee, Florida 32399-1600 or by calling Captain Alan Richard or Ms. Shelly Gurr, (850)488-5600.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should notify Cindy Hoffman, (850)488-6411, at least five calendar days before the meeting.

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting to which all interested persons are invited.

DATES AND TIME: June 13-14, 2002, 9:00 a.m. – 5:00 p.m.
PLACE: Florida Fish and Wildlife conservation Commission, Conference Room, 2nd Floor, Bryant Building, 620 South Meridian Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and decide the Fish and Wildlife Conservation Commission budget proposals for fiscal year 2003-2004 and Legislative Proposals for the 2003 Legislative Session.

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

For further information, contact: James Antista, General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

LOCAL EMERGENCY PLANNING AND RIGHT TO KNOW COMMITTEE

The District I, **Local Emergency Planning Committee (LEPC)** announces a public meeting to which all persons are invited.

DATE AND TIME: April 24, 2002, 10:00 a.m. (CDT)
PLACE: Gulf Power Company, Conference Room, 140 Southwest Hollywood Boulevard, Fort Walton Beach, FL 32547

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the District I, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: The Executive Director, West Florida Regional Planning Council, Post Office Box 9759, Pensacola, Florida 32513-9759.

VISIT FLORIDA

The **Visit Florida**, Marketing Committee announces a public meeting as follows:

MEETING: Marketing Committee
DATE AND TIME: Monday, May 6, 2002, 10:00 a.m. – 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The committee will meet to discuss the marketing budget for FY 2002/03.

MEETING: Marketing Committee

DATE AND TIME: Tuesday, May 7, 2002, 9:00 a.m. – 3:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of discussion from previous day.

PLACE: Holiday Inn Hotel and Suites, 4949 Gulf of Mexico Drive, Longboat Key, Florida 34228, (941)383-3771

For further information contact: Bennie Strange, Visit Florida, Post Office Box 1100, Tallahassee, Florida 32302-1100, (850)488-5607, Ext. 319.

Any person requiring special accommodations at this meeting because of a disability should contact Visit Florida at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact Visit Florida by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

FLORIDA MUNICIPAL INSURANCE TRUST

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Stat. 768.28 and 163.01, announces a public meeting to which all persons are invited.

DATES AND TIMES: Friday, May 17, 2002, 9:30 a.m. – 4:00 p.m.; Saturday, May 18, 2002, 9:00 a.m. – 12:00 Noon

PLACE: The Roney Palace, 2399 Collins Avenue, Miami Beach, Florida, (305)531-8811

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF INSURANCE

NOTICE IS HEREBY GIVEN THAT the Department of Insurance, Division of State Fire Marshal has received a Petition for Declaratory Statement filed April 4, 2002, by Jesse F. Green, individually, and on behalf of the Florida Association of Plumbing, Heating, and Cooling Contractors, Inc. The Petition is seeking the Department's interpretation of

Section 633.021(18), Florida Statutes, as it relates to Petitioner's circumstances regarding the point of the beginning of fire sprinkler systems. Petitioner specifically requests the Department to issue a declaratory statement stating that the installation of the fire sprinkler system begins after the backflow assembly and separation of the potable water system from the fire sprinkler system.

A copy of the Petition for Declaratory Statement may be obtained by writing: Gabriel Mazzeo, Attorney for the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340 or by calling (850)413-3604 or sending a Facsimile transmission to (850)922-1235.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on April 5, 2002, from TLC Engineering, with regards to sealed "Fire Protection System Engineering Documents" pursuant to Rules 61G15-32.002 and 61G15-32.003, Fla. Admin. Code and "Fire Protection System Layout Documents" pursuant to Sections 553.79(2), 633.021(5)(e) and 633.021(14), Florida Statutes. It has been assigned the number DCA02-DEC-113.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on April 5, 2002, from Florida Extruders International, Inc., with regards to the application of design pressure on windows based on the performance criteria of Sections 1707.4.5.2, 1707.4.5.3 and 1707.4.5.4 of the Florida Building Code, 2001. It has been assigned the number DCA02-DEC-114.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Florida Building Commission received a Petition for Declaratory Statement on April 5, 2002, from Florida Extruders International, Inc., with regards to the application of design pressure on windows and sliding glass doors based on Sections 1606.1.1 and 2405.3 and 2405.3.2.1 of the Florida Building Code, 2001, Building Volume. It has been assigned the number DCA02-DEC-115.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a petition for declaratory statement In Re: Petition for Declaratory Statement, Erwin Neumann, Unit Owner, Marlboro Estates Condominium, Petitioner, on March 28, 2002.

The Petitioner requests an interpretation as to whether window screens are common elements, as defined by Section 718.108, Florida Statutes, which are to be maintained by the association. A copy of the Petition for Declaratory Statement, Docket Number CD2002-023, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Joseph Garwood, Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN THAT the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received a petition for a declaratory statement from Tampa Bay Downs, Inc., Petitioner, in DBPR Case No. DS 2002-007. The Petition lists Sections 550.6305(9)(g)1. and 550.615(3), Florida Statutes, and Rule 61D-9.001, Florida Administrative Code, as the statutory and rule provisions upon which a declaratory statement is being sought. The Petition further requests the Division to advise as to whether:

- (1) if Tampa Bay Downs, as a host track, receives and accepts wagers on the broadcast of races conducted at out-of-state racetracks, it is obligated to make the simulcast signal of the out-of-state races available to Florida Jai-Alai as a guest track;
- (2) whether Florida Jai-Alai has the right to receive such a simulcast transmission to accept wagers disseminated from Tampa Bay Downs; and,
- (3) whether agreements that designate an exclusive disseminator of simulcast signals for certain out-of-state racetracks unenforceable in the State of Florida.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Florida Board of Trustees, announces that Professional Services in the disciplines of landscape architecture, architecture, civil engineering and mechanical/electrical engineering will be required for the project below:

Project No.: UF184, Project and Location: Development and Upgrade of Active/Passive Recreational Facilities on the University of Florida campus. The project consists of the development of the Bivens Arm Outdoor Recreation Center, a passive recreation nature park to be located on 20 acres fronting Bivens Arm lake and, the Development and Upgrade of the Broward Outdoor Recreation Complex, an existing active recreational sports complex to be refurbished and expanded. The total project budget is \$1,700,000. The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.

INSTRUCTIONS

Firms desiring to apply for consideration shall submit a letter of application. The letter of application should have attached:

1. A completed "Professional Qualifications Supplement," the latest project specific version available from the website: www.facilities.ufl.edu. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
3. Additional firm information within the guidelines of the Professional Qualifications Supplement Instructions.

Submit six (6) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The facilities program, project forms and information, selection criteria, and instructions for registering as an applicant can be found on the Facilities Planning and Construction Division website.

The plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor or

consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Submittals must be received in the Facilities Planning and Construction Division office by 3:00 p.m. (Local Time), Friday May 17, 2002. Facsimile (FAX) submittals are not acceptable and will not be considered.

University of Florida
 Facilities Planning and Construction Division
 Attn: Eugene A. Brandner, A.I.A.
 232 Stadium, P. O. Box 115050
 Gainesville, FL 32611-5050
 Telephone (352)392-3715
 Fax (352)392-5247
 E-Mail eab@ufl.edu
 Internet: www.facilities.ufl.edu

**BRADFORD COUNTY SCHOOL FOOD SERVICE
 CALL FOR BID**

BID FOR GROCERIES, FROZEN FOODS #2-0507-1, BID FOR DRINKS #2-0507-2, BID FOR BREAD #2-0507-3, BID FOR SMALL WARES #2-0507-5, BID FOR MILK AND DAIRY PRODUCTS #2-0507-7, BID FOR SNACKS #2-0507-8, BID FOR PAPER #2-0507-9.

SEALED BIDS ARE TO BE RECEIVED NO LATER THAN TUESDAY, MAY 7, 2002:

PAPER	#2-0507-9	9:00 A.M.
SMALL WARES	#2-0507-5	9:05 A.M.
BREAD	#2-0507-3	9:10 A.M.
DRINKS	#2-0507-2	9:20 A.M.
MILK	#2-0507-7	9:30 A.M.
SNACKS	#2-0507-8	9:45 A.M.
FOOD	#2-0507-1	9:55 A.M.

ALL BIDS WILL BE OPENED AT THE DISTRICT BUILDING PURCHASING OFFICE, CONFERENCE ROOM LOCATED AT 501 WEST WASHINGTON STREET, STARKE, FLORIDA.

FOR FURTHER INFORMATION OR A BID PACKAGE, CONTACT DOROTHY RONDELLI, (904)966-6013.

INVITATION TO NEGOTIATE TO BE A FLORIDA CHILD CARE RESOURCE AND REFERRAL LEAD AGENCY

THE PURPOSE: The Agency for Workforce Innovation and the Florida Partnership for School Readiness is seeking qualified agencies or organizations interested in serving as the administrative coordinator of the statewide child care resource and referral network. The Selected Applicant will work with the 57 school readiness coalitions and their service providers to provide technical assistance, collect data and coordinate administrative activities for the network.

A mandatory Pre-Response Conference will be held on April 30, 2002, 9:00 a.m. at:

Florida Department of Education
 Turlington Bldg., 325 West Gaines Street
 Suite 1721, Tallahassee, Florida 32399
 Meet-me Conference call number
 (850)921-6623 or Suncom 291-6623

To obtain an Invitation to Negotiate, or for further information, contact:

Russell Hoyt, Purchasing Specialist
 Agency for Workforce Innovation
 Office of Purchasing
 Suite 300, Atkins Building
 1320 Executive Center Drive
 Tallahassee, Florida 32399-2250
 (850)488-7228, Ext. 1349

**REQUEST FOR PROPOSALS
 FOR FLORIDA PARTNERSHIP FOR
 SCHOOL READINESS QUALITY INITIATIVE**

THE PURPOSE: The Agency for Workforce Innovation and the Florida Partnership for School Readiness (FPSR) is issuing a Request for Proposals (RFP) to solicit proposals from organizations or groups interested in acting as a statewide leader for the FPSR Quality Initiative. This will be a model of training and technical assistance that will promote excellence by supporting a continuous learning environment for state and local school readiness staff.

A mandatory Pre-Response Conference will be held on April 30, 2002, 2:00 p.m. at:

Florida Department of Education
 Turlington Bldg., 325 West Gaines Street
 Suite 1721, Tallahassee, Florida 32399
 Meet-me Conference call number
 (850)921-5230 or Suncom 291-5230

To obtain an RFP, or for further information, contact:

Russell Hoyt, Purchasing Specialist
 Agency for Workforce Innovation
 Office of Purchasing
 Suite 300, Atkins Building
 1320 Executive Center Drive
 Tallahassee, Florida, 32399-2250
 (850)488-7228, Ext. 1349

STATE BOARD OF ADMINISTRATION

REQUEST FOR INFORMATION

The State Board of Administration (SBA) is soliciting competitive responses from firms offering actuarial consulting services to the Florida Hurricane Catastrophe Fund (FHCF). The Request For Information (RFI) will be available on May 1,

2002, and may be obtained from the FHCF web site: <http://www.fsba.state.fl.us/fhcf/> (under "What's New"). The deadline for submitting responses is 4:00 p.m. EST on May 31, 2002.

REGIONAL PLANNING COUNCILS

REQUEST FOR PROPOSALS

The South Florida Regional Planning Council (SFRPC) requests Proposals and Statements of Qualifications and Experience from professional consulting firms experienced in land use and watershed management master planning. Services expected will include, but not be limited to, the development of a detailed master plan considering existing and future land uses, recreation facilities, agriculture, infrastructure, housing, economic development, natural resources conservation and mitigation, water management, community character and public participation programs.

SOLICITATION NUMBER: SM-DWS0201
 SOLICITATION NAME: South Miami-Dade Watershed Study

PRE-APPLICATION MEETING
 DATE: April 29, 2002, 2:00 p.m. – 4:00 p.m.

LOCATION: South Florida Regional Planning Council
 3440 Hollywood Blvd.
 Suite 140
 Hollywood, FL 33021

DEADLINE FOR SUBMISSION OF PROPOSALS: Proposals must be received by mail or parcel service no later than 3:00 p.m. (Eastern Daylight Time), June 28, 2002.

Interested firms, individually or in partnership, are requested to indicate their interest in this project by submitting fifteen (15) originals of their Proposal and Statement of Qualifications and Experience in a sealed package marked on the outside: "Project Proposal – South Miami-Dade Watershed Study" addressed to South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021.

Interested firms may contact John E. Hulsey, Senior Planner, (954)985-4416 or by Fax (954)985-4417 or visit our website at www.sfrpc.com to obtain a Request for Proposals package prior to the Pre-application Meeting.

The SFRPC reserves the right to reject any and all proposals, to waive any and all information or irregularities, and to accept or reject all or any part of the proposals as they may deem to be in the best interests of the citizens of the South Florida region and as they may affect this project.

EXPRESSWAY AUTHORITIES

Request for Proposal
 Project #51.40.02

Request for Proposal: The Tampa-Hillsborough County Expressway Authority ("Authority") will receive technical and price proposals from FDOT qualified firms to provide roadway and bridge construction services on the Lee Roy Selmon Crosstown Expressway between 78th St. and I-75 ("Project"). Technical Proposals must be received before 3:00 p.m. on May 23, 2002. Price proposals must be received before 12:00 noon, June 3, 2002. Both Proposals must be delivered to the Authority's office, 412 E. Madison Street, Suite 800, Tampa, Florida 33602.

Qualifications: Proposers and or subcontractors must be qualified by the Florida Department of Transportation in the following work categories: Major Categories: Intermediate Bridges, Minor Bridges, Grading, Drainage, Flexible Paving and Hot Plant-Mixed Bituminous Structural and Surface Courses. Specialty Classes: Electrical Work, Fencing, Guardrail, Grassing, Seeding and Sodding, Pavement Markings and Roadway Signing.

Scope of Work: The Project involves roadway and bridge construction and reconstruction of existing bridges in several areas within the existing Expressway median between 78th Street and I-75, and the construction of slip ramps between the reversible lanes and outside roadways. The Project will enable motorists on the Expressway to enter and exit the Expressway's Reversible Express Lanes between downtown Tampa and Brandon. The length of the Project is approximately 2.67 miles. Roadway work also includes the construction of a one-lane slip ramp between I-75 NB CD Road A and I-75 NB CD Road B, approximately 3/4 mile south of Causeway Blvd. Other work includes retaining walls, a noise wall, storm drainage, stormwater ponds, signing and pavement marking, roadway lighting, traffic signals (at U.S. 301), maintenance of traffic, and such other related work as required to complete the Project.

Mandatory Pre-Proposal Conference: A mandatory Pre-Proposal Conference for qualified proposers will be held May 1, 2002, 9:00 a.m., at the Tampa Port Authority, 1101 Channelside Drive, Tampa, Florida 33602.

Request for Documents: Proposers may direct all questions and/or obtain contract documents for this work by contacting:

URS Corporation, Attention: Gene Balter, PE
 7650 West Courtney Campbell Causeway
 Tampa, FL (ZIP 33607)
 Telephone (813)632-2432

Plans and specifications will be available for review or purchase (non-refundable cost of \$350 per set) at the above location on and after April 25, 2002. Make checks payable to URS Corporation.

It is the Authority's policy to provide equal opportunities for participation of all responsible and eligible businesses, regardless of size, in its contract activities. Its policy requires non-discrimination on the basis of race, color, gender and national origin, and all firms contracting with the Authority shall have or adopt a similar nondiscrimination policy.

All TIMES, dates and MEETING LOCATIONS are subject to change. Changes will be posted at the Authority's Office, 412 E. Madison St., Suite 800, Tampa, FL, contact the Authority's Contracts Administrator, (813)272-5986 for updated information.

Mandatory Pre-proposal Meeting:	May 1, 2002, 9:00 a.m.
Deadline For Submitting Technical Proposal by 3:00 p.m.	May 23, 2002, 3:00 p.m.
Deadline For Submitting Price Proposal by 12:00 noon	June 3, 2002, 12:00 noon
Price Proposals Publicly Opened (Location: 2nd Floor, 2700 Southtrust Financial Center, Tampa, FL)	June 3, 2002, 1:00 p.m.
Contract Award at Monthly Authority Board Meeting (Location: Authority Office)	June 6, 2002, 9:00 a.m.

NOTE: The Authority reserves the right to reject all proposals, issue a new RFP and waive formalities and technical discrepancies.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BID NOTICE

The Florida Department of Environmental Protection announces, in accordance with Section 376.30713, F.S., that it will accept preapproved advanced cleanup (PAC) applications submitted between May 1, 2002, and on or before 5:00 p.m. on June 28, 2002. Public opening of timely submitted applications shall be on July 5, 2002.

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

AREA AGENCY ON AGING FOR NORTH FLORIDA

Request for Information (RFI)

The Area Agency on Aging for North Florida, Inc. is seeking sources interested in providing services to older adults under the Federal Older Americans Act Title III-B: supportive and access services, and III-C1 and III-C2: nutritional services in Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla and Washington Counties. Prospective sources must be established and have current or previous experience in providing services to older adults. If a contract is awarded for this effort, the Area Agency on Aging for North Florida, Inc., anticipates a duration

of not more than one year with two, one- year renewal options pending continued funding availability. Responsibilities include, but are not limited to:

- Coordination of transportation to meal sites and for recreational activities.
- Provision of interactive recreational activities.
- Assistance in linking older adults to appropriate aging resources.
- Coordination and participation in on-going outreach and public education activities.
- Coordination and provision of some in-home services for frail elders, based on needs identified through formal needs assessment activities.
- Coordination and provision of nutrition education and nutrition counseling.
- Delivery of meals to eligible clients in the counties listed above.
- Provision of meals to at least one congregate meal site in the counties listed above.

All services must be provided in accordance with established guidelines set forth by the State of Florida Department of Elder Affairs Client and Services Manual and contracts between the Area Agency on Aging for North Florida, Inc. and State of Florida Department of Elder Affairs.

Deadline: Written responses to this RFI are due to the Area Agency on Aging for North Florida, Inc. no later than 4:00 p.m. (EST), April 29, 2002. Only written responses will be accepted.

Contact: Area Agency on Aging for North Florida, Inc.
 Attention: Lisa Bretz
 2639 North Monroe Street, Suite 145-B
 Tallahassee, Florida 32303

This RFI is a preliminary step to the release of a Request for Proposals package on May 1, 2002. Receipt of a "no response" by the deadline specified in this notice shall constitute as a "not interested" response. The responses to this Request for Information (RFI) will be used to identify those organizations that are qualified and interested in providing Older Americans Act services for the Area Agency on Aging for North Florida, Inc., in Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla and Washington Counties. Single or multi-county proposals may be submitted. The Area on Aging for North Florida, Inc. does not plan to award a contract or pay for information provided as a result of this request.

Section XII
Miscellaneous

DEPARTMENT OF BANKING AND FINANCE

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance, on April 8, 2002, issued a Notice of Intent to Enter a Final Order Approving Payment from the Securities Guaranty Fund in Administrative Proceeding No. 3291a-S-7/01 to Randall R. Berkihiser and Kimberly Berkihiser, Individually and Randall R. Berkihiser as Trustee of the Berkihiser Family Trust, regarding the activities of FIRST ASSOCIATED SECURITIES GROUP, INC., CRD #20597. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Department of Banking and Finance
Suite 526, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0350

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance, on April 8, 2002, issued a Notice of Intent to Enter a Final Order Approving Payment from the Securities Guaranty Fund in Administrative Proceeding No. 3291-S-7/01 to Lloyd Doubleday, Jr. and Patricia J. Doubleday, Individually, and as Trustees of the Lloyd and Patricia Doubleday Revocable Living Trust regarding the activities of FIRST ASSOCIATED SECURITIES GROUP, INC., CRD #20597, and CARL D. MARTELLARO, CRD #320959. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004,

Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Department of Banking and Finance
Suite 526, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0350

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

SECURITIES GUARANTY FUND

NOTICE IS HEREBY GIVEN that the Department of Banking and Finance, Division of Securities and Finance, on April 9, 2002, issued a Notice of Intent to Enter a Final Order Approving Payment from the Securities Guaranty Fund in Administrative Proceeding No. 3291b-S-7/01 to George A. Engblom and Eileen S. Engblom, Individually, and as Trustees of the George A. and Eileen S. Engblom Trust regarding the activities of FIRST ASSOCIATED SECURITIES GROUP, INC., CRD #20597, and CARL D. MARTELLARO, CRD #320959. Those persons whose substantial interests may be determined by this proceeding are advised that they may request a hearing concerning the Notice of Intent, to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. The petition for hearing must comply with Rules 28-106.201, 28-106.301 or 28-107.004, Florida Administrative Code, and must be received within twenty-one (21) days of the date of publication of this notice. Petitions shall be filed with:

Agency Clerk
Department of Banking and Finance
Suite 526, Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0350

FAILURE OF A RESPONDENT TO TIMELY FILE A REQUEST FOR HEARING WITHIN THE 21 DAY TIME PERIOD, SHALL CONSTITUTE A WAIVER OF THAT RESPONDENT'S RIGHT TO REQUEST A HEARING ON ANY MATTER SET FORTH IN THE NOTICE OF INTENT, AND THE DEPARTMENT WILL ISSUE ITS FINAL ORDER TAKING THE ACTIONS SET FORTH IN THE NOTICE OF INTENT.

NOTICE OF FILINGS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following application and/or other notice. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 10, 2002):

EXPANDED FIELD OF MEMBERSHIP

Name and Address of Applicant: Government Employees Credit Union of Florida, Post Office Box 43310, Jacksonville, Florida 32203-3310

Expansion Includes: Any person living or working in the following cities: Miami, Hialeah, North Miami, South Miami, Sweetwater and Coral Gables.

Received: April 1, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA02-OR-104

In re: CITY OF MARATHON LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF MARATHON ORDINANCE NO. 02-01-05

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On January 28, 2002, the Department received for review City of Marathon Ordinance No. 02-01-05 which was adopted by the City of Marathon City Council on January 8, 2002 ("Ord. 02-01-05").
3. Ord. 02-01-05 amends the City's Land Development Regulations to revise certain provisions that address the development that may be permitted in undisturbed and disturbed wetlands. It also repeals certain provisions that relate to development in pinelands and mangrove and submerged lands.

4. Ord. 02-01-05 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-01-05 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 02-01-05 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
10. Ord. 02-01-05 is not inconsistent with the remaining Principles. Ord. 02-01-05 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-01-05 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE.

A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of April, 2002.

Paula Ford, Agency Clerk

- By U.S. Mail:
- Honorable Robert K. Miller
- Mayor
- City of Marathon
- 10054-55 Overseas Highway
- Marathon, Florida 33050
- Katherine V. Selchan
- City Clerk
- City of Marathon
- 210 University Drive
- Coral Springs, Florida 33071
- Craig Wrathell
- City Manager
- City of Marathon
- 10054-55 Overseas Highway
- Marathon, Florida 33050
- John R. Herin, Jr.
- Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.
- City Attorneys

City of Marathon
2665 South Bayshore Drive, Suite 420
Miami, Florida 33133
By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA
Tallahassee

DCA Final Order No.: DCA02-OR-105

In re: CITY OF MARATHON LAND DEVELOPMENT
REGULATIONS ADOPTED BY
CITY OF MARATHON ORDINANCE NO. 02-01-06

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and the City of Marathon is a local government within the Florida Keys Area.
2. On January 28, 2002, the Department received for review City of Marathon Ordinance No. 02-01-06 which was adopted by the City of Marathon City Council on January 8, 2002 ("Ord. 02-01-06").
3. Ord. 02-01-06 amends the City's Land Development Regulations to address nearshore water quality problems related to the improper management of stormwater by providing regulations for minimum yard size, and by establishing shoreline setbacks and providing regulations for the activities within the shoreline setback area. It also provides standards for the construction of seawalls and docks.
4. Ord. 02-01-06 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
6. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

7. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-01-06 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 02-01-06 promotes and furthers the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (b) To protect shoreline and marine resources including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation, (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
 - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
 - (f) To enhance natural scenic resources, promote aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
 - (h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:
 1. The Florida Keys Aqueduct and water supply facilities;
 - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
10. Ord. 02-01-06 is not inconsistent with the remaining Principles. Ord. 02-01-06 is consistent with the Principles for Guiding Development as a whole.
WHEREFORE, IT IS ORDERED that Ord. 02-01-06 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

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IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of April, 2002.

 Paula Ford, Agency Clerk

By U.S. Mail:
 Honorable Robert K. Miller
 Mayor
 City of Marathon
 10054-55 Overseas Highway
 Marathon, Florida 33050
 Katherine V. Selchan
 City Clerk
 City of Marathon
 210 University Drive
 Coral Springs, Florida 33071
 Craig Wrathell

City Manager
 City of Marathon
 10054-55 Overseas Highway
 Marathon, Florida 33050
 John R. Herin, Jr.
 Weiss, Serota, Helfman, Pastoriza and Guedes, P.A.
 City Attorneys
 City of Marathon
 2665 South Bayshore Drive, Suite 420
 Miami, Florida 33133
 By Hand Delivery or Interagency Mail:
 Michael McDaniel, Growth Management Administrator, DCA
 Tallahassee
 Rebecca Jetton, DCA Florida Keys Field Office
 Richard A. Lotspeich, Assistant General Counsel, DCA
 Tallahassee

DCA Final Order No.: DCA02-OR-106
 In re: MONROE COUNTY LAND DEVELOPMENT
 REGULATIONS ADOPTED BY
 MONROE COUNTY ORDINANCE NO. 002-2002

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On February 20, 2002, the Department received for review Monroe County Ordinance No. 002-2002 which was adopted by the Monroe County Board of County Commissioners on January 17, 2001 ("Ord. 002-2002"). Ord. 002-2002 amends Section 9.5-309 of the Monroe County Code to increase the height limitation on fences on Stock Island and Key Haven.
3. Ord. 002-2002 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).

5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 002-2002 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 002-2002 promotes and furthers the following Principles:
 - (1) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.
9. Ord. 002-2002 is not inconsistent with the remaining Principles. Ord. 002-2002 is consistent with the Principles for Guiding Development as a whole. WHEREFORE, IT IS ORDERED that Ord. 002-2002 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED. This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below. DONE AND ORDERED in Tallahassee, Florida.

 SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE ENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, “PETITION FOR ADMINISTRATIVE PROCEEDINGS” WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION

SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of April, 2002.

Paula Ford, Agency Clerk

- By U.S. Mail:
- Honorable George Neugent
Mayor of Monroe County
500 Whitehead Street
Key West, Florida 33040
- Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040
- Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050
- By Hand Delivery or Interagency Mail:
- Michael McDaniel, Growth Management Administrator, DCA
Tallahassee
- Rebecca Jetton, DCA Florida Keys Field Office
- Richard A. Lotspeich, Assistant General Counsel, DCA
Tallahassee

DCA Final Order No.: DCA02-OR-086

In re: CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS ADOPTED BY CITY OF KEY WEST ORDINANCE NO. 02-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The City of Key West is a designated area of critical state concern.
2. On February 22, 2002, the Department received for review City of Key West Ordinance No. 02-08 which was adopted by the City of Key West City Commission on February 20, 2002 ("Ord. 02-08"). Ord. 02-08 amends Section 2-7.24 of the Land Development Regulations providing an amended definition of "affordable housing" and amending applicant eligibility requirements and family size requirements.
3. Ord. 02-08 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat., (2001).
5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2001) and Rule 28-36.001, Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-08 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003, Fla. Admin. Code.
8. Ord. 02-08 promotes and furthers the following Principles in Rule 28-36.003(1), F.A.C.:
(a) To strengthen local government capabilities for managing land use and development.

(h) Protection of the public health, safety, welfare and economy of the City of Key West and the maintenance of Key West as a unique Florida Resource.

10. Ord. 02-08 is not inconsistent with the remaining Principles. Ord. 02-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-08 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF

ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this ___ day of April, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:
Jimmy Weekly
Mayor of the City of Key West
P. O. Box 1409
Key West, Florida 33041
Cheri Smith
Clerk to the City Commission
P. O. Box 1409
Key West, Florida 33041
Robert Tischenkel
City Attorney
P. O. Box 1409
Key West, FL 33041
Julio Avel
City of Key West
P. O. Box 1409
Key West, FL 33041

By Hand Delivery or Interagency Mail:
Michael McDaniel, Growth Management Administrator, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA02-OR-118

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA, VILLAGE OF
ISLANDS ORDINANCE NO. 02-15

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. On February 22, 2002, the Department received for review Islamorada, Village of Islands Ordinance No. 02-15 which was adopted by the Village Council on February 14, 2002 ("Ord. 02-15"). Ord. 02-15 establishes regulations for the management of stormwater runoff.
- 2. Ord. 02-15 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

- 3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).

4. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
5. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 02-15 are land development regulations.
6. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles"). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2001).
7. Ordinance 02-15 is consistent with the following Principles:
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
8. Ordinance 02-15 is not inconsistent with the remaining Principles. Ord. 02-15 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 02-15 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

 SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this __ day of April, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable Frank Kulisky, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
Carol Simpkins, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036
John Herin, Esq.
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A.
2665 South Bayshore Drive
Miami, FL 33133

By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau of State Planning, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DCA Final Order No.: DCA02-OR-119

In re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY ORDINANCE NO. 001-2002

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On February 20, 2002, the Department received for review Monroe County Ordinance No. 001-2002 which was adopted by the Monroe County Board of County Commissioners on January 17, 2001 ("Ord. 001-2002"). Ord. 001-2002 amends Section 9.5-120.5 of the Monroe County Code to extend the ineligibility of residential ROGO allocations for new transient units until December 31, 2006.
3. Ord. 001-2002 is consistent with the County's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2001).
5. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2001) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2001). The regulations adopted by Ord. 001-2002 are land development regulations.
7. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
8. Ord. 001-2002 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(b) To protect shoreline and marine resources including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(h) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including:

- 1. The Florida Keys Aqueduct and water supply facilities;
- 5. Transportation facilities;

(k) To provide adequate alternatives for the protection of public safety, and welfare in the event of a natural or manmade disaster and for a postdisaster reconstruction plan.

9. Ord. 001-2002 is not inconsistent with the remaining Principles. Ord. 001-2002 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 001-2002 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

SONNY TIMMERMAN, DIRECTOR
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

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PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this __ day of April, 2002.

Paula Ford, Agency Clerk

By U.S. Mail:

Honorable George Neugent
Mayor of Monroe County
500 Whitehead Street
Key West, Florida 33040
Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Timothy J. McGarry, AICP
Director, Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

By Hand Delivery or Interagency Mail:

Jim Quinn, Bureau of State Planning, DCA Tallahassee
Rebecca Jetton, DCA Florida Keys Field Office
Richard A. Lotspeich, Assistant General Counsel, DCA Tallahassee

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, BMW of North America, LLC, intends to allow the establishment of BMW Motorcycles of Ft. Myers, as a dealership for the sale of BMW motorcycles, at 16090 South Tamiami Trail, Ft. Myers (Lee County), Florida 33908, on or after October 31, 2002.

The name and address of the dealer operator(s) and principal investor(s) of BMW Motorcycles of Ft. Myers are dealer operator and principal investor(s): Edward Gallo, 1118 Camelot Circle, Naples, FL 34119.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Lisbeth K. Kahn, Retail Development Analyst, BMW of North America, LLC, P. O. Box 1227, Westwood, NJ 07675-1227.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Kia Motors America, Inc. intends to allow the relocation of Suncoast Pontiac, Inc. d/b/a Suncoast Kia, as a dealership for the sale of Kia vehicles, from its present location at 5005 S. Tamiami Trail, Sarasota, FL 34231, to a proposed location at 1179 US 41 Bypass, S. Venice (Sarasota County), Florida 34292, on or after April 30, 2002.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Pontiac, Inc. d/b/a Suncoast Kia are dealer operator and principal investor(s): K. Gregory Geyer, 5005 S. Tamiami Trail, Sarasota, FL 34231.

The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: D. Richard Maxfield, Dealer Development Manager, Kia Motors America, Inc., 100 Galleria, Suite 1550, Atlanta, GA 30339-5959.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

RECEIPT OF EXPEDITED APPLICATIONS

The Agency For Health Care Administration received the following Certificate of Need applications for expedited review:

County: Dade Service District: 11
Facility/Project: Hebrew Home for the Aged North Dade
Applicant: Hebrew Home of North Dade, Inc.

Project Description: Transfer 11 skilled nursing beds from CON 9212

County: Dade Service District: 11
Facility/Project: Plaza Nursing and Rehabilitation Center
Applicant: Plaza North, Inc.

Project Description: Transfer 25 skilled nursing beds from CON #9212

County: Dade Service District: 11
Facility/Project: Ponce Plaza Nursing and Rehabilitation Center
Applicant: Ponce Plaza, Inc.

Project Description: Transfer 27 skilled nursing beds from CON #9212
 County: Dade Service District: 11
 Facility/Project: Arch Plaza Nursing & Rehabilitation Center
 Applicant: Arch Plaza, Inc.
 Project Description: Transfer 18 skilled nursing beds from CON 9212
 County: Dade Service District: 11
 Facility/Project: Miami Beach Hebrew Home for the Aged
 Applicant: Hebrew Home of South Beach, Inc.
 Project Description: Transfer 38 skilled nursing bed from CON #9212

Project Description: Transfer 38 skilled nursing bed from CON #9212
 County: Dade Service District: 11
 CON #: 9573 Decision Date: 4/8/2002 Decision: W
 Facility/Project: Plaza Nursing and Rehabilitation Center
 Applicant: Plaza North, Inc.
 Project Description: Transfer 25 skilled nursing beds from CON #9212
 County: Dade Service District: 11
 CON #: 9574 Decision Date: 4/8/2002 Decision: W
 Facility/Project: Ponce Plaza Nursing and Rehabilitation Center
 Applicant: Ponce Plaza, Inc.
 Project Description: Transfer 27 skilled nursing beds from CON #9212

CERTIFICATE OF NEED
 NOTICE OF WITHDRAWAL

The Agency for Health Care Administration hereby notices withdrawal from review the following Certificate of Need applications:

County: Dade Service District: 11
 CON #: 9570 Decision Date: 4/8/2002 Decision: W
 Facility/Project: Arch Plaza Nursing & Rehabilitation Center
 Applicant: Arch Plaza, Inc.
 Project Description: Transfer 18 skilled nursing beds from CON 9212
 County: Dade Service District: 11
 CON #: 9571 Decision Date: 4/8/2002 Decision: W
 Facility/Project: Hebrew Home for the Aged North Dade
 Applicant: Hebrew Home of North Dade, Inc.
 Project Description: Transfer 11 skilled nursing beds from CON 9212
 County: Dade Service District: 11
 CON #: 9572 Decision Date: 4/8/2002 Decision: W
 Facility/Project: Miami Beach Hebrew Home for the Aged
 Applicant: Hebrew Home of South Beach, Inc.

CERTIFICATE OF NEED
 EXEMPTIONS

The Agency For Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Pasco Decision: A District: 5
 ID #: 0100040A Issue Date: 1/29/2002
 Facility/Project: Community Hospital of New Port Richey
 Applicant: New Port Richey Hospital, Inc.
 Project Description: Amended to include the reduction in total licensed capacity by 13 beds.
 Proposed Project Cost: \$0
 County: Broward Decision: A District: 10
 ID #: 0100041 Issue Date: 1/15/2002
 Facility/Project: North Broward Medical Center
 Applicant: North Broward Hospital District
 Project Description: Convert 18 HBSNU beds to 18 acute care beds
 Proposed Project Cost: \$0

County: Broward Decision: A District: 10
 ID #: 0100042 Issue Date: 1/28/2002
 Facility/Project: Broward General Medical Center
 Applicant: North Broward Hospital District
 Project Description: Convert 20 HBSNU beds to 20 acute care beds
 Proposed Project Cost: \$0
 County: Hillsborough Decision: A District: 6
 ID #: 0100043 Issue Date: 1/28/2002
 Facility/Project: University Community Hospital
 Applicant: University Community Hospital, Inc.
 Project Description: Convert 7 HBSNU beds to 7 acute care beds
 Proposed Project Cost: \$25,000
 AHCA Purchase Order Number S5900J00496.

DEPARTMENT OF HEALTH

On March 29, 2002, John O. Agwunobi, M.D., M.B.A., Secretary of the Department of Health, issued an Order of Restriction of License, with regard to the license of Mark Figaro, D.D.S., license number DN 12237. Figaro's last known address is Post Office Box 161853, Altamonte Springs, Florida 32716. This Emergency Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On March 29, 2002, John O. Agwunobi, M.D. Secretary of the Department of Health, issued an Order of Emergency Suspension, with regard to the license of John Gerrity Wade,

R.N. and A.R.N.P. Wade holds license number RN 3222832. Wade's last known address is, 1105 S. W. 6th Street, Okeechobee, Florida 34974. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida Fish and Wildlife Conservation Commission announces the availability of permits granting alligator farmers the authority to collect alligator hatchlings pursuant to Rule 68A-25.031(1), F.A.C. Persons wishing to apply for an available permit shall do so in writing within 30 days after original publication of this notice. Late applications shall not be accepted. If all openings are not filled after first 30 days, permits will be granted on a first come first serve basis. Only persons licensed as alligator farmers pursuant to s. 372.6673, Florida Statutes, may apply, and only one application per person shall be accepted. The available permits shall be assigned by random drawing of qualified applicants. Individuals assigned an available permit shall be notified. Applicants shall have 180 days after notification to meet the eligibility criteria for alligator farm facilities specified in Florida Administrative Code.

The applications should be sent to: The Florida Fish and Wildlife Conservation Commission, Attn: Lieutenant Delmar Teagan, 620 South Meridian Street, Tallahassee, Florida 32399-1600.

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN April 1, 2002
 and April 5, 2002**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-602.230	4/5/02	4/25/02	28/8	
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DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

60BB-1.001	4/3/02	4/3/02	28/4	
60BB-1.002	4/3/02	4/3/02	28/4	
60BB-1.003	4/3/02	4/3/02	28/4	
60BB-1.004	4/3/02	4/3/02	28/4	
60BB-1.005	4/3/02	4/3/02	28/4	
60BB-1.006	4/3/02	4/3/02	28/4	
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60BB-1.008	4/3/02	4/3/02	28/4	
60BB-1.009	4/3/02	4/3/02	28/4	
60BB-1.010	4/3/02	4/3/02	28/4	
60BB-1.011	4/3/02	4/3/02	28/4	
60BB-1.012	4/3/02	4/3/02	28/4	
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60BB-1.014	4/3/02	4/3/02	28/4	
60BB-1.015	4/3/02	4/3/02	28/4	
60BB-1.016	4/3/02	4/3/02	28/4	
60BB-1.017	4/3/02	4/3/02	28/4	
60BB-1.018	4/3/02	4/3/02	28/4	

Division of State Employees' Insurance

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60P-6.0063	4/5/02	4/25/02	27/49	
60P-6.0065	4/5/02	4/25/02	27/49	
60P-6.0068	4/5/02	4/25/02	27/49	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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60P-6.0081	4/5/02	4/25/02	27/49	
60P-6.009	4/5/02	4/25/02	27/49	
60P-6.010	4/5/02	4/25/02	27/49	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

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DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

64B17-2.002	4/1/02	4/21/02	28/9	
64B17-3.002	4/3/02	4/23/02	28/9	
64B17-3.003	4/1/02	4/21/02	28/2	28/9
64B17-4.002	4/3/02	4/23/02	28/9	
64B17-9.001	4/1/02	4/21/02	28/9	

Division of Environmental Health

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64E-2.036	4/1/02	4/21/02	27/52	
64E-2.038	4/1/02	4/21/02	27/52	28/10
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64E-6.030	4/1/02	4/21/02	28/3	28/10