

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 table<sup>1</sup>:

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

To use the Table:

Multiply the percent guaranteed P<sub>2</sub>O<sub>5</sub> 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 P<sub>2</sub>O<sub>5</sub> 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 P<sub>2</sub>O<sub>5</sub> and micro nutrients multiply the guaranteed percent P<sub>2</sub>O<sub>5</sub> 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 products<sup>4</sup>, 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:

<sup>1</sup>These 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.

<sup>2</sup>Micro 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.

<sup>3</sup>Only applies when not guaranteed.

<sup>4</sup>Includes 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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE TITLES: Adoption of Uniform Packaging and Labeling Regulation  
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.

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

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.

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

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,\_\_\_\_\_.

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," ~~Fourth Third~~ 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, ~~Fourth Third~~ 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\_\_\_\_\_.

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: Specifications, Tolerances and Other  
RULE NO.: 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: Adoption of Uniform Methods of Sale  
RULE NO.: 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 ~~2001~~ 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 ~~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),(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: BenFaulk, 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 Who Are Gifted

RULE NO.: 6A-6.03019

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

c. 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;

c. 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- <del>11/30</del> <u>12/2</u> /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- <del>2/28</del> <u>3/3</u> /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)j. 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 <sup>1</sup>	RETENTION/WET DETENTION OPTION <sup>2</sup>
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 \_\_\_\_\_ ~~40-11-01~~.

(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**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
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 ~~XXII~~ ~~XXI~~, 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 II ~~\_\_\_\_\_ 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: RULE CHAPTER NO.:

Noticed General Environmental Resource Permits 62-341

RULE TITLE: RULE NO.:

General Permit for Dredging by the West 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 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: