

### Section III

## Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

#### Division of Historical Resources

RULE CHAPTER NO.: 1A-36  
 RULE CHAPTER TITLE: Florida Main Street Program  
 NOTICE OF CHANGE

The above proposed rule published in the Florida Administrative Weekly, Vol. 28, No. 10, March 8, 2002, has been amended in response to comments received from the Joint Administrative Procedures Committee of the Florida Legislature on April 11, 2002. Minor modifications have been made to the Florida Main Street Agreement (Form No. HR3E0310202) and the Florida Main Street Program Application (Form No. HR4E023R0102), both documents which are incorporated by reference in the proposed rule, to remove ambiguity and ensure consistency with the amendments to the proposed rule.

Subsection 1A-36.36.005(2), F.A.C., has been amended to remove reference to "special consideration" for applications from municipalities with populations between 5,000 and 50,000, which were the original focus of the Florida Main Street Program. The amended subsection shall read as follows:

(2) The Main Street Approach has been shown to be most successful in communities with populations between 5,000 and 50,000. However, in addition to communities within the 5,000 to 50,000 range, communities with populations less than 5,000 and traditional neighborhood commercial districts within cities with populations greater than 50,000 are also eligible for participation. For the purpose of application preparation, required population statistics shall be based on the most recent "Florida Estimates of Population" compiled by the Population Program, Bureau of Economic and Business Research, University of Florida.

For clarification, the word "local" has been added to modify "non-profit corporation" in subsection 1A-36.005(3)(c), F.A.C. The amended subsection reads as follows:

(c) A local non-profit corporation whose articles of incorporation have been filed by the Department of State in accordance with Section 617.0125, F.S.;

A new subsection has been added in Rule 1A-36.006, F.A.C., Application Procedures to explain how the Florida Main Street staff determines the maximum number of new Local Programs that can be accommodated for a given program year. Other subsections in Rule 1A-36.006, F.A.C., have been renumbered accordingly. The new subsection reads as follows:

(2) Prior to announcement of the annual application cycle, available funding and staffing will be compared with Florida Main Street Program obligations to second year, third year and other Active Local Programs to determine the resources

available to provide training and technical assistance to new Local Programs. Based on the results of this assessment, Florida Main Street staff will determine the maximum number of new Local Programs that can be accommodated for the coming year. Only Applicants meeting the requirements set forth in Rules 1A-36.005 and 1A-36.008, F.A.C., will be recommended for designation. If less than the maximum allowable number of Applicants meet the requirements set forth in Rules 1A-36.005 and 1A-36.008, F.A.C., then that lesser number of Applicants will be recommended for designation.

Subsection 1A-36.008(5)(e), F.A.C., has been amended to clarify the basis on which the ad hoc Florida Main Street Advisory Committee will give preferential consideration to program participation applications from communities in areas of the state not currently served by the Florida Main Street Program. The amended subsection reads as follows:

(e) All other factors being equal, the Advisory Committee shall give preference to Applications from areas of the state not currently served by the Florida Main Street Program in order to give all regions of the state an opportunity to benefit from the program. The training and technical assistance provided to Local Programs through the Florida Main Street Program often influence neighboring communities, cultivating interest in historic preservation and downtown revitalization. For this reason, uniform geographic distribution of the limited resources available through the Florida Main Street Program provides optimum benefit to the citizens of the state.

Paragraph 1A-36.008(7)(a), F.A.C., has been amended to describe the physical attributes and resources considered necessary for an effective local Main Street program. The amended subsection reads as follows:

(a) Possess the physical attributes and resources required to conduct an effective local Main Street program, including:

1. A cohesive collection of historic commercial properties in the proposed Program Area;
2. An organization consistent with the model described in the Main Street Approach; and
3. A budget and committed funding for at least one year following designation as a Local Program.

Paragraph 1A-36.008(7)(b), F.A.C., has been amended to clarify how community understanding of the Main Street Approach and support for the proposed Local Program will be assessed. The amended subsection reads as follows:

(b) Demonstrate community understanding of the Main Street Approach and broad public and private local support for the proposed Local Program through letters and resolutions of support, and pertinent media articles; and

The Laws Implemented citation for section 1A-36.009 Program Administration has been amended to include 267.0617(2), F.S., which is applicable to the \$10,000 start-up grant referenced in subsection 1A-36.009(2), F.A.C.

Paragraph 1A-36.010(2)(d), F.A.C., has been amended to clarify the basis for determining if a Local Program possesses a "preservation ethic," one of the requirements for Local Programs to retain Active Local Program status. The amended subsection reads as follows:

(d) Possess an historic preservation ethic as evidenced by:

1. Having or working towards putting in place an active design assistance program;
2. Encouraging building renovation or rehabilitation consistent with the recommended treatments described in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;
3. Encouraging public awareness of the historic properties in the Program Area and the importance of their preservation;
4. Working toward putting land use policies in place that encourage development of property in the Program Area; and
5. Encouraging development of financial mechanisms and incentives to attract investment to the program area.

Paragraph 1A-36.010(2)(f), F.A.C., has been amended to clarify the basis for determining if sufficient funding is dedicated to the Local Program, one of the requirements for Local Programs to retain Active Local Program status. The amended subsection reads as follows:

(f) Have dedicated funding for an annual operating budget sufficient to cover the cost of:

1. Program Manager salary and fringe benefits;
2. Rent and general office expenses;
3. Travel for participation in Florida Main Street Quarterly Meetings and Annual Conference;
4. Program Manager professional development; and
5. Activities and programs conducted by Local Program committees.

Specific Authority 267.031(1) FS. Law Implemented 267.031(5)(g) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ferro, Supervisor, Architectural Preservation Services Section, Bureau of Historic Preservation, Division of Historical Resources, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, telephone (850)245-6363, e-mail: dferro@mail.dos.state.fl.us

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.009  
 RULE TITLE: Initiative Constitutional Amendment Petition  
 NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.009, F.A.C., published in the Florida Administrative Weekly, Pages 1548-1549, Vol. 28, No. 14, April 5, 2002, has been changed to reflect comments received from the Joint Administrative

Procedures Committee. Form DS-DE 19, incorporated by reference in the rule, was amended to incorporate advertising requirements as required by Section 106.143, Florida Statutes. Changes were made to Rule 1S-2.009(7), F.A.C., so that it now reads:

1S-2.009 Initiative Constitutional Amendment Petition.

(7) Form DS-DE-19 (5/02) (~~4/01~~), as adopted by the Division of Elections, may be utilized as a sample format for petition forms. Form DS-DE 19, "Constitutional Amendment Petition Form" is hereby incorporated by reference and is available from the Division of Elections, Room L-66, 107 West Gaines Street, Tallahassee, Florida 32399-0250.

Specific Authority 100.371(3), 101.161(2) FS. Law Implemented 100.371, 101.161 FS. History—New 7-2-79, Formerly 1C-7.09, Amended 7-7-86, Formerly 1C-7.009, Amended 3-5-96, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.601  
 RULE TITLE: Food Stamp Program Definitions  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 28, No. 11, on March 15, 2002, issue of the Florida Administrative Weekly. The specific changes were made in response to comments received from an Economic Self-Sufficiency Services Program Policy reviewer that an additional definition should be added to the amendment to define the community spouse in relation to the Food Stamp Program standard filing unit. Therefore, Florida is executing the option found at 7CFR 273.1(c) to determine when an individual is a separate household or member of another household for food stamp purposes.

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., July 1, 2002  
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Services, Program Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700

Specific changes are as follows:

- (1) through (2) No change.
- (3) is added to read:

(3) Spouses – Two people who are married to each other by law or represent themselves as husband and wife to relatives, friends, neighbors, or trades people. Spouses must be included in the same food stamp filing unit.

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## Section IV Emergency Rules

**NONE**

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## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from BellSouth Telecommunications, Inc. in Docket No. 020421-TL, filed May 14, 2002, seeking waiver from paragraph 25-4.073(1)(f), Florida Administrative Code. The rule states that menu-driven, automated, interactive answering systems shall not contain promotional or merchandising material unless the customer selects and chooses to receive such information.

A copy of the petition can be obtained from the Division of the Commission Clerk and Administrative Services.

Comments on the petition should be filed with the Commission's Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice.

For additional information, please contact Linda H. Dodson, Office of the General Counsel, at the above address or telephone (850)413-6216.

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NOTICE IS HEREBY GIVEN that on December 20, 2001, the Florida Public Service Commission granted a petition from Florida Power & Light Company, in Docket No. 011199-EQ, seeking waiver from paragraph 25-17.0832(4)(e), Florida Administrative Code. The rule provides that standard offer contracts for the purchase of firm capacity and energy from qualifying facilities must specify a minimum ten year term. By Order No. PSC-01-2488-PAA-EQ, the Petition for waiver was granted. No protests against this Order were received.

A copy of the Order may be obtained from: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, or by calling (850)413-6770.

For additional information, please contact Katherine Echternacht, Office of the General Counsel, at the above address or by telephone, (850)413-6199.

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NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Florida Power & Light Company's emergency petition for waiver of Rule 25-22.080, Florida Administrative Code, filed April 29, 2002, in Docket Nos. 020262-EI and 020263-EI was approved by the Commission at its May 21, 2002, Agenda Conference. Order No. PSC-02-0703-PCO-EI, issued May 23, 2002, memorialized the decision. The rule addresses the time frame for an administrative hearing on an electric utility's petition for determination of need for a new electric power plant. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the Florida Administrative Weekly on May 10, 2002.

A copy of the Order can be obtained from either the Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

Docket Nos. 020262-EI and 020263-EI.

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### **WATER MANAGEMENT DISTRICTS**

NOTICE IS HEREBY GIVEN that on May 16, 2002, South Florida Water Management District (District) received a petition for waiver from Richard Dispennette, for utilization of Works or Lands of the District known as the Hillsboro Canal, Broward County. The petition seeks relief from subsections 40E-6.011(4),(5) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the placement of permanent and semi-permanent structures within forty feet of the top of canal bank within Works or Lands of the District. Petitioner is seeking waiver of this criteria to allow an existing fence enclosure to remain.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail at [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

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