

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kerey Carpenter, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLES:	RULE NOS.:
Standards of National Fire Protection Association Adopted	5F-11.002
Installation of Containers on Roofs of Buildings Out of Service Account Procedure	5F-11.028
Dispensing Units	5F-11.043
	5F-11.045

PURPOSE AND EFFECT: The purpose of this rule revision is to adopt the 2001 edition of National Fire Protection Association Standard #58, The LP-Gas Code and to revise references within the rules to be consistent with the 2001 edition.

SUMMARY: This rule adopts the 2001 edition of the National Fire Protection Association Standard #58, The LP-Gas Code, and amends sections of the rule to conform to the requirements of this code; eliminates outdated rule language.

SUMMARY OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared as costs are anticipated to be negligible.

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: 527.06 FS.

LAW IMPLEMENTED: 527.06, 527.062 FS.

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

TIME AND DATE: 1:00 p.m., July 17, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.002 Standards of National Fire Protection Association Adopted.

(1) The standards of the National Fire Protection Association for the storage and handling of liquefied petroleum gases as published in NFPA No. 58, LP-Gas Code ~~2001~~ 1998 edition, and for gas appliances and gas piping as published in NFPA No. 54, American National Standard National Fuel Gas Code, 1999 edition, shall be the accepted standards for this state, subject to such additions and exceptions as are set forth in these rules. Reference to NFPA 58 and NFPA 54 in these rules shall be to the most recent edition as adopted herein.

~~(a) The compliance date referenced in Section 2-3.1.5, NFPA 58, with regard to equipping cylinders with an overfill prevention device is extended to July 1, 1999.~~

~~(b) The compliance date referenced in Section 3-2.10.11, NFPA 58, with regard to installation of manually operated remote emergency shutoff devices is extended to September 1, 1999.~~

~~(c) Tentative Interim Amendment 98-1 to the 1998 edition of NFPA 58, issued by the National Fire Protection Association Standards Council in regard to Section 5-4 entitled "Storage Outside of Buildings" and the related appendices, is hereby adopted.~~

~~(a)(d)~~ Section ~~3.2.10~~ 3-2.5 of NFPA 58, ~~2001~~ 1998 edition, titled "Installation of Containers on Roofs," is hereby excluded from adoption.

(2) Each of the NFPA publications listed in subsection (1) above is incorporated by reference in each rule within this rule chapter in which reference is made to the publication. In each instance, the publication becomes a part of the rule, in the entirety of the publication, or in part thereof, as the rule provides or the context of the rule may require.

(3) "NFPA" is the recognized abbreviation for the National Fire Protection Association, Inc., and generally the abbreviation is used in these rules in identifying the publications of the association. The public may obtain a copy of any NFPA publication by writing the association, whose address is: National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History--New 8-7-80, Formerly 4A-1.01, Amended 7-18-85, Formerly 4B-1.01, Amended 10-8-86, 2-6-90, 8-9-92, Formerly 4B-1.001, Amended 7-20-95, 7-23-97, 6-8-99, 5-23-00,_____.

5F-11.028 Installation of Containers on Roofs of Buildings.
Installation of containers on roofs of buildings as referenced in NFPA 58, Section ~~3.2.10~~ 3-5.2 is prohibited.

Specific Authority 527.06 FS. Law Implemented 527.06, 527.062 FS. History--New 6-8-99, Amended 5-23-00,_____.

5F-11.043 Out of Service Account Procedure.

(1) All licensed suppliers of LP gas shall:

(a) Identify those accounts where stationary, company-owned tanks with a 100 gallon or more container capacity have been out of service for a period of 12 months, and within 60 days, initiate appropriate container abandonment procedures pursuant to Section 3.2.9.1 (f) ~~3-2.4.8(h)~~ of NFPA 58. Alternatively, licensed suppliers may provide for the safe removal of the container or containers, install a suitable mechanical device that prevents the system from being activated or have a pressure leak safety check pursuant to Appendix D of NFPA 54 performed every 12 months. The supplier shall provide reasonable notice to the customer prior to initiating such procedures.

(b) In the event an account is reactivated, the supplier shall perform an appropriate pressure leak safety check. Each supplier shall maintain records of such inactive accounts suitable for inspection by the Department.

(2) All consumers, end users or owners of LP gas containers shall:

(a) Within 60 days initiate the safety procedures outlined in subparagraph (1)(a) above, ~~pursuant to Section 3-2.4.8(h) of NFPA 58~~ for any stationary LP gas tank with a 100 gallon or more container capacity which has not been in use for a period of 12 months.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 7-23-86, Amended 2-6-90, Formerly 5F-11.044, Amended 4-30-96, _____.

5F-11.045 Dispensing Units.

(1) through (4) No change.

(5) The requirements for an actuated liquid withdrawal valve pursuant to Section 2.2.3 ~~2-2~~ of NFPA 58 as incorporated by reference in Rule 5F-11.002, F.A.C., shall not apply to dispensing units when such units are equipped with a bottom outlet valve piped for liquid withdrawal or other method of liquid withdrawal that is permanently in place. In such cases, the actuated liquid withdrawal valve may be replaced with an approved valve pursuant to the requirements of NFPA 58.

Specific Authority 527.06 FS. Law Implemented 527.06 FS. History—New 6-8-88, Formerly 4B-1.032, Amended 3-15-94, 7-20-95, 6-5-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vicki O’Neil

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Installer Licenses

RULE NO.: 5F-11.012

PURPOSE AND EFFECT: The purpose of this rule revision is to provide a separate licensing category for persons engaged in the installation of propane cylinders at certain defined consumer sites. This will address new activities emerging within the industry along with developing technologies.

SUMMARY: This rule outlines criteria for a new specialty installer license for the purpose of installation of propane cylinders at certain consumer sites, which meet the criteria of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared as costs are anticipated to be negligible.

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: 527.06, 527.01(11) FS.

LAW IMPLEMENTED: 527.01(11), 527.02(2) FS.

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

TIME AND DATE: 9:00 a.m., July 17, 2002

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Vicki O’Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-8001

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-11.012 Installer Licenses.

(1) The following license types are established under the Specialty Installer category:

(a) through (c) No change.

(d) Installer E is any person engaged in the liquefied petroleum gas business whose services include installing portable propane cylinders of no more than 40 lbs. water capacity at a consumer site for the sole purpose of fuel for outdoor appliances and equipment; servicing, altering, or modifying outdoor appliances, equipment, piping, or tubing to convey liquefied petroleum gas to such outdoor appliances or equipment and selling or offering to sell, leasing or offering to lease, outdoor appliances or equipment for the use of liquefied

petroleum gas. The scope of work that may be performed by an Installer E does not include installing, servicing, altering, or modifying liquefied petroleum gas motor fuel systems, liquefied petroleum gas equipment, appliances or systems on recreational vehicles, permanently installed liquefied petroleum gas containers or container assemblies, or liquefied petroleum gas equipment, piping, appliances or systems installed in the interior of any permanent building or structure.

Specific Authority 527.01(11), 527.06 FS. Law Implemented ~~527.01(10), 527.01(11), 527.02(2) FS. History--New 8-31-93. Formerly 4B-1.036 Amended~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vicki O'Neil

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Types
RULE NO.: 19B-5.001

PURPOSE AND EFFECT: To revise the rules governing the Florida Prepaid College Program to permit purchase of dormitory contracts for beneficiaries who were adopted from the Department of Children and Families after May 5, 1997, without purchase of a tuition contract.

SUMMARY: This rule change permits the purchase of dormitory contracts in the Florida Prepaid College Program for beneficiaries who were adopted from the Department of Children and Families after May 5, 1997 without the purchase of a tuition contract.

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: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., July 8, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.001 Contract Types.

The program offers purchasers three different types of tuition and local fee plan contracts, respectively, with an addendum dormitory plan to the university plan or community college plus university plan. However, a purchaser may purchase a dormitory plan contract for a beneficiary who was adopted from the Department of Children and Family Services after May 5, 1997, without purchasing a tuition plan contract for that beneficiary. All types of tuition plans cover the matriculation fee, the building fee, the capital improvement fee and the financial aid fee. Local fee contracts cover the activity and service, health, and athletics fees imposed by the state universities and the student activity fee imposed by the community colleges. Local fee contracts purchased after July 1, 1999 also cover the technology fee imposed by the community colleges.

(1) Tuition plans consist of three separate plans:

(a) University Plan – The university plan specifies that 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Plan – The community college plan specifies that 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary. For community college plans purchased prior to the 1996- 97 application period, the number of credit hours purchased through the community college plan shall be the number specified in the advance payment contract.

(c) Community College Plus University Plan – The community college plus university plan specifies that 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary. For community college plus university plans purchased prior to the 1996-97 application period, the number of credit hours purchased through the community college plus university plan shall be the number specified in the advance payment contract.

Tuition plans do not cover institutionally-imposed fees such as health, athletic, activity and service, technology or student activity fees.

(2) Local fee plans consist of three separate plans:

(a) University Local Fee Plan – The university local fee plan specifies that local fees for 120 credit hours at a state university are purchased for the benefit of the qualified beneficiary.

(b) Community College Local Fee Plan – The community college plan specifies that local fees for 60 credit hours at a state community college are purchased for the benefit of the qualified beneficiary.

(c) Community College Plus University Local Fee Plan – The community college plus university plan specifies that local fees for 60 credit hours at a state community college and 60 upper division level credit hours at a state university are purchased for the benefit of the qualified beneficiary.

Local fee plans may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the application is filed.

(3) Dormitory Plan:

(a) The dormitory plan may be purchased only for those contract beneficiaries four (4) or more years away from their anticipated matriculation date at the time that the contract application is filed. Effective for enrollment periods beginning after July 1, 1997, the dormitory plan is not available unless the sale of dormitory contracts is specifically authorized by the Board prior to the enrollment period for that year and the sale of dormitory plan contracts will not adversely affect the status of the program as a “qualified state tuition program” under s. 529 of the Internal Revenue Code.

(b) A dormitory plan purchased in conjunction with or as an addendum to the community college plus university plan is intended for use after the beneficiary is admitted to a state university. A dormitory plan may only be transferred for use at a community college pursuant to Rule 19B-9.004, F.A.C.

(4) The contracts do not cover fees and costs related to books, meals, transportation, graduate school, and institutionally-imposed fees such as laboratory fees.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 5-17-92, 8-23-92, Formerly 4G-5.001, Amended 5-31-95, 6-20-96, 10-20-96, 8-18-97, 2-18-99, 2-8-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Requirements RULE NO.: 19B-5.003

PURPOSE AND EFFECT: To permit a second contract in the Florida Prepaid College Program to be purchased for a beneficiary as a scholarship by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., and to provide that, if a second

contract is purchased for a beneficiary as a scholarship, the Board will provide a refund for the first contract pursuant to Rule 19B-11.001, F.A.C.

SUMMARY: This rule change authorizes the purchase of a second Prepaid Program contract for beneficiaries by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., and a refund for the first Prepaid Program contract.

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: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., July 8, 2002

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.003 Contract Requirements.

(1) Purchasers must name the qualified beneficiary in the application, provided however, that the board’s direct support organization and organizations operating scholarship programs pursuant to Rule 19B-5.007, F.A.C., shall be permitted to leave the qualified beneficiary’s name blank until April 1 of the anticipated enrollment year.

(2) Only one qualified beneficiary is allowed per contract, and a specific beneficiary can be named in only one contract; provided however, a second prepaid contract may be purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C. If a second prepaid contract is purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the purchaser of the original prepaid contract may receive a refund pursuant to Rule 19B-11.001(1), F.A.C. In the event duplicate contracts for the same beneficiary are processed and the second prepaid contract was not purchased by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the contract processed first shall be deemed valid and the remaining contract shall be deemed terminated.

(3) The purchaser does not have to designate the postsecondary institution that the beneficiary will attend.

(4) The contract may be used within three years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize a contract prior to the selected matriculation date, the purchaser must pay the contract in full before changing such matriculation date.

(5)(a) The benefits of a contract may be received for up to a ten-year period after the matriculation date. This ten-year limitation will be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all contract plans. The matriculation date is the projected college enrollment year of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application form, or similar information received subsequently by the Board from the purchaser. The right to use the benefits from a contract shall expire on December 31, ten years after the matriculation date, or any extension thereof.

(b) When the benefits from a contract have not been used on December 31, nine years after the matriculation date or one year prior to the expiration of any extension of the expiration date for the use of contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The purchaser must request in writing that the Board extend the time period for the use of contract benefits or to obtain a refund for the contract;

2. That the right to use the contract benefits will expire on December 31, ten years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

Such notice shall be mailed not later than 180 days prior to the expiration of the contract benefits. An alphabetical list of the names of purchasers of such accounts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with a contract for which the benefits have not been used by December 31, ten years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Accounts that are composed of tuition and local fee contracts will only be paid if both the tuition account and local fee account are in good standing. Local fee payments shall not be remitted to pay tuition for any beneficiary.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

REGIONAL PLANNING COUNCILS

North Central Florida Regional Planning Council

RULE TITLE: Strategic Regional Policy Plan RULE NO.: 29C-9.001

PURPOSE, EFFECT AND SUMMARY: The Council proposes to amend the North Central Florida Strategic Regional Policy Plan to incorporate the recommendations of its evaluation and appraisal report (EAR) completed in accordance with Section 186.511, Florida Statutes.

SPECIFIC AUTHORITY: 186.505, 186.507, 186.511, 120.54 FS.

LAW IMPLEMENTED: 186.511 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: 8:00 p.m., July 25, 2002

PLACE: Holiday Inn Restaurant, Lake City, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Charles F. Justice, Executive Director, North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603

THE FULL TEXT OF THE PROPOSED RULE IS:

29C-9.001 Strategic Regional Policy Plan.

There is hereby adopted, for the North Central Florida Region, the Strategic Regional Policy Plan of the North Central Florida Regional Planning Council, dated ~~May 23, 1996,~~ ~~amended October 16, 1997,~~ which is incorporated herein by reference and copies of which are kept at the Council office at: 2009 N. W. 67 Place, Suite A, Gainesville, FL 32653-1603.

Specific Authority 186.508(1), 186.511 FS. Law Implemented 120.535(1), 186.507, 185.501(1), 186.511 FS. History--New 7-14-96, Amended 10-16-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles F. Justice, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: North Central Florida Regional Planning Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 12, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: School Records; Class Roster
RULE NO.: 61J2-17.012

PURPOSE AND EFFECT: The purpose of this proposed rulemaking is to repeal the above referenced rule because it lacks statutory authority.

SUMMARY: Repeals rule relating to data submissions by education providers for the purpose of monitoring compliance with education requirements.

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

Any person who wishes to provide information regarding the Statement of Estimated Regulatory Costs, or to provide 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: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475 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: 8:30 a.m. or as soon thereafter as possible, July 17, 2002

PLACE: Division of Real Estate, Commission Meeting Room 301, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-17.012 School Records; Class Roster.

Specific Authority 455.2123, 475.05 FS. Law Implemented 455.2123, 475.04, 475.17, 475.175, 475.451, 475.5015 FS. History—New 2-25-93, Formerly 21V-17.012, Amended 11-24-97, 10-15-00, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2002

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Certification of Public Records
RULE NO.: 64B3-1.014

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

SUMMARY: This repeals the Board rule setting a fee of \$25.00 for certification of documents.

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

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

SPECIFIC AUTHORITY: 456.025(8), 483.805, 483.807(1) FS.

LAW IMPLEMENTED: 119.07(1), 483.807(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNED IN THE FAW:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-1.014 Certification of Public Records.

Specific Authority 456.025(8), 483.805, 483.807(1) FS. Law Implemented 119.07(1), 483.807(1) FS. History—New 3-15-93, Formerly 21KK-1.014, 61F3-1.014, 59O-1.014, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2002

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: TESTING SERVICE
RULE NOS.: 64B3-7.002

EXAMINATION PASSING SCORES
64B3-7.003

EXAMINATION FAILURE
64B3-7.004

SECURITY AND MONITORING PROCEDURES FOR

Licensure Examination
64B3-7.005

EXAMINATION REVIEW PROCEDURES
64B3-7.006

COMPETENCY AREAS AND WEIGHTING
64B3-7.007

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

SUMMARY: The Board is repealing rules related to examinations including, testing services; passing scores; examination failure; examination security; review procedures; and competency areas.

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

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

SPECIFIC AUTHORITY: 456.017, 483.809(2) FS.

LAW IMPLEMENTED: 456.017, 483.809(2), 483.811, 483.821 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD SCHEDULED AND ANNOUNED IN THE FAW:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULES IS:

64B3-7.002 Testing Service.

Specific Authority 456.017, 483.809(2) FS Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 59O-7.002, Repealed.

64B3-7.003 Examination Passing Scores.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 59O-7.003, Repealed.

64B3-7.004 Examination Failure.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2), 483.821 FS. History--New 12-5-95, Formerly 59O-7.004, Amended 3-19-98, 4-10-01, Repealed.

64B3-7.005 Security and Monitoring Procedures for Licensure Examination.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 59O-7.005, Repealed.

64B3-7.006 Examination Review Procedures.

Specific Authority 456.017, 483.809(2) FS. Law Implemented 456.017, 483.809(2) FS. History--New 12-5-95, Formerly 59O-7.006, Amended 6-22-99, Repealed.

64B3-7.007 Competency Areas and Weighting.

Specific Authority 456.017, 483.809 FS. Law Implemented 456.017, 483.811 FS. History--New 12-5-95, Formerly 59O-7.007, Amended 7-5-98, 6-22-99, 11-24-99, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2002

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Confidential Information; Disclosure RULE NO.: 64B3-10.001

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

SUMMARY: The Board is repealing the rule relating to confidential information.

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

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.825(4) 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-10.001 Confidential Information; Disclosure.

Specific Authority 483.805(4) FS. Law Implemented 483.825(4) FS. History--New 2-7-95, Formerly 59O-10.001, Amended 9-20-98, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2002

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B3-12.001

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

SUMMARY: The Board proposes to amend the penalties provided to include the first and subsequent violations of all applicable offenses listed in the practice act and in section 456.072, Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.079, 483.825, 483.827 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-12.001 Disciplinary Guidelines.

(1) Purpose. The Board provides within this rule disciplinary guidelines which shall be imposed upon applicants, registrants or licensees whom it regulates under Chapter 483, Part III, Florida Statutes. The purpose of this rule is to notify applicants, registrants and licensees of the ranges of penalties which will routinely be imposed unless the Board finds it necessary to deviate from the guidelines for the stated reasons given within this rule. The ranges of penalties provided below are based upon a single count violation of each provision listed and also are provided for repeat violations; multiple counts of the violated provisions or a combination of the violations may result in a higher penalty than that for a single, isolated violation. Each range includes the lowest and highest penalty and all penalties falling between. The purposes of the imposition of discipline are to punish the applicants, registrants or licensees for violations and to deter them from future violations; to offer opportunities for rehabilitation, when appropriate; and to deter other applicants, registrants or licensees from violations.

(2) Violations and Range of Penalties. For applicants, all violations are sufficient for refusal to certify an application for licensure. For registrants or licensees, the imposition of probation as a penalty shall ordinarily require compliance with conditions such as restitution, continuing education and/or training, indirect or direct supervision by a Board-approved monitor, restrictions on practice, submission of reports, appearances before the Board, and/or hours of community service. As appropriate, such conditions of probation also shall be required following any period of suspension. In addition to any other discipline imposed, the Board shall assess the actual costs related to the investigation and prosecution of a case. In imposing discipline upon applicants, registrants and licensees, in proceedings pursuant to Section 120.57(1) and (2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty as authorized by Section 456.072(2), Florida Statutes, within the range corresponding to the violations set forth below. Offense

identifications are descriptive only; the full language of each statutory provision must be considered in order to determine the conduct included.

(a) 483.825(1)(a) or 456.072(1)(h): Attempting to obtain, obtaining, or renewing a license or registration under this part by bribery; – from a minimum fine of \$500 and/or up to two years of probation to a maximum of revocation. After the first offense, from a minimum fine of \$5,000 up to a maximum fine of \$10,000 and/or revocation.

Fraudulent ~~fraudulent~~ misrepresentation, ~~or through~~ – from six months probation and a fine of \$10,000 to a maximum of revocation and a fine of \$10,000. For a second offense, a fine of \$10,000 and revocation.

Error ~~an error~~ of the Department or the Board: – from a minimum letter of concern ~~Denial or revocation~~ and/or a \$500 fine up to a maximum of suspension for one year followed by two years of probation and a fine of \$5,000. For a second offense, from a minimum fine of \$3,000 to revocation of license. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(b) 483.825(1)(b): Engaging in or attempting to engage in, or representing oneself as entitled to perform, any clinical laboratory procedure or category of procedures not authorized pursuant to the license: – from a minimum fine of \$300 and/or one year of probation to a maximum fine of \$5,000 and/or two years of probation. After the first offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or ~~Denial or revocation and a \$500 fine.~~

(c) 483.825(1)(c) or 456.072(1)(aa): Demonstrating incompetence or making consistent errors in the performance of clinical laboratory examinations or procedures or erroneous reporting: – from a minimum fine of \$300 and/or two ~~From 2~~ years probation to a maximum fine of \$5,000 and/or six months suspension. For a second offense, from a minimum fine of \$750 and one year of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, a fine of \$10,000 and/or revocation ~~or denial and a fine ranging from \$100 to \$500.~~

(d) 483.825(1)(d): Performing a test and rendering a report thereon to a person not authorized by law to receive such services: – from a minimum fine of \$500 and/or six months of probation to a maximum fine of \$1,500 and one year of ~~From public reprimand to~~ suspension and a fine ranging from \$100 to \$500. For a second offense, from a minimum fine of \$750 and six months of probation to a maximum fine of \$5,000 and/or up to three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

(e) 483.825(1)(e) or 456.072(1)(c): Having been convicted of a ~~felony or of any crime~~ relating to the practice or ability to practice or involving moral turpitude ~~under the laws of any state or of the United States: From~~ – from a minimum fine of \$500 and/or one year of probation to a maximum fine of \$6,000 and/or ~~probation to revocation or denial and a fine~~

~~ranging from \$100 to \$500. After the first offense, from a minimum fine of \$1,000 and/or two years of probation to a maximum fine of \$10,000 and/or revocation.~~

~~(f) 483.825(1)(f): Having been adjudged mentally or physically incompetent: From – from a minimum of supervised probation to a maximum of denial or indefinite suspension until licensee is 1) able to demonstrate ability to practice with reasonable skill and safety and 2) has completed appropriate remedial education based on the length of time that the licensee has been unable to practice.~~

~~(g) 483.825(1)(g), 483.825(1)(w), 456.072(1)(b) or 456.072(1)(cc):~~

~~1. Violating or aiding and abetting in the violation of any provision of Chapter 456 or Chapter 483, Part III, Florida Statutes, or the rules adopted thereunder: From – from a minimum fine of \$500 and/or a reprimand to a maximum fine of up to \$8,000 and/or revocation. For a second offense, from a minimum fine of \$1,000 and/or six months of probation to a maximum fine of \$10,000 and/or revocation. After the second offense, from a minimum fine of \$1,500 and/or one year of probation to a maximum fine of \$10,000 and/or revocation or denial and a fine ranging from \$100 to \$500.~~

~~2. 456.072(1)(e) or 456.072(1)(s): In the case of noncompliance with a continuing education or HIV/AIDS or domestic violence course requirement, which is not a citation offense under Section 456.072(3), Florida Statutes – from a minimum of suspension until the required continuing education hours are earned and/or a fine of \$500 up to a maximum fine of \$5,000 and/or revocation, the following guidelines apply:~~

~~a. The usual recommended penalty for licensees who do not respond to a continuing education audit shall be suspension until such time as the licensee demonstrates to the Board that a response has been made to the audit by the licensee and until the licensee has demonstrated that the required number of approved continuing education hours are earned, a public reprimand and an administrative fine of \$500.~~

~~b. The usual recommended penalty for licensees who respond to a continuing education audit and have accrued no approved continuing education hours during the audited biennium shall be a public reprimand, suspension until the licensee has demonstrated that the required number of approved continuing education hours are earned and an administrative fine of \$500.~~

~~c. The usual recommended penalty for licensees who respond to a continuing education audit and have earned a partial fulfillment of the required number of hours of less than 75% of the required number of hours during the audited biennium shall be a public reprimand, suspension until the licensee has demonstrated that the required number of approved continuing education hours are earned and an administrative fine of \$250.~~

~~d. The usual recommended penalty for licensees who respond to a continuing education audit and have earned a partial fulfillment of the required number of hours of 75% or more of the required number of hours during the audited biennium shall be a public reprimand, suspension until the licensee has demonstrated that the required number of approved continuing education hours are earned and an administrative fine of \$100.~~

~~e. The usual recommended penalty for licensees who do not submit alternate provider information prior to the end of the biennium in which the offering was taken shall be suspension until the information is submitted, and a public reprimand.~~

~~f. The usual recommended penalty for licensees who have not earned 1 hour of continuing education per licensed specialty during the audited biennium shall be a public reprimand, suspension until the licensee has demonstrated that the required number of approved continuing education hours are earned and an administrative fine of \$100 per delinquent specialty.~~

~~(h) 483.825(1)(h): Reporting a test result when no laboratory test was performed on a clinical specimen: – from a minimum fine of \$500 and/or six months of probation to a maximum fine of \$2,000 and one year of suspension. For a second offense, from a minimum fine of \$1,000 and six months of probation to a maximum fine of \$7,500 and/or up to three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation. Revocation or denial and a \$500 fine.~~

~~(i) 483.825(1)(i) or 456.072(1)(m): Knowingly advertising false services or credentials or making fraudulent misrepresentations or employing a trick or scheme: From – from six months of probation and a fine of \$10,000 per count or offense up to a maximum of one year suspension to revocation or denial and a fine ranging from \$250 to \$500, followed by a two years of probation. After the first offense, from a minimum of two years of probation with a fine of \$10,000 per count or offense up to a maximum of revocation and a \$10,000 fine per count or offense.~~

~~(j) 483.825(1)(j) or 456.072(1)(f): Having a license revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another jurisdiction: From – Imposition imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the jurisdiction in which disciplinary action was originally taken is final and a fine ranging from \$100 to \$500. After the first offense, action consistent with the disciplinary guidelines for a repeat offense had the violation occurred in Florida.~~

~~(k) 483.825(1)(k) or 456.072(1)(w): Failing to report to the Board in writing within 30 days of conviction, adjudication of incompetency, or if disciplinary action has been taken~~

against one's license as clinical laboratory personnel in another state, territory or country: ~~From – from a minimum fine of \$750 and/or a letter of concern up to a maximum fine of \$5,000 and/or three months suspension followed by probation. After the first offense, from a minimum fine of \$3,000 up to a maximum fine of \$10,000 and/or revocation imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida to suspension or denial of the license until the action in the jurisdiction in which the disciplinary action was originally taken is final; and a fine ranging from \$100 to \$500.~~

(l) 483.825(1)(l), 456.072(1)(y) or 456.072(1)(z): Being unable to perform or report clinical laboratory examination with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition or testing positive for use of drugs: ~~From – from a minimum referral for a PRN evaluation up to 5 years probation to revocation for non-compliance. After the first offense, from a minimum referral for a PRN evaluation up to maximum of revocation and/or a \$3,000 fine.~~

(m) 483.825(1)(m), 456.072(1)(j) or 456.072(1)(p): Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows, or has reason to know, that such person is not qualified by training, experience, or licensure to perform them or aiding unlicensed person to practice: ~~From – from a minimum fine of \$800 and/or six months of probation up to a maximum fine of \$5,000 and three years suspension of license followed by up to 2 years probation. For a second offense, from a minimum fine of \$1,000 and one year of probation up to a maximum fine of \$7,500 and/or revocation. After the second offense, from a minimum fine of \$2,000 and/or six months suspension followed by probation up to a maximum of revocation and/or a \$500 fine of \$10,000.~~

(n) 483.825(1)(n) or 456.072(1)(q): Violating an order or failing to comply with subpoena – from a minimum fine of \$500 and a reprimand up to a maximum fine of \$5,000 and/or three years suspension of license followed by a term of probation. For a second offense, from a minimum fine of \$1,500 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$5,000 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation of license.

(o) 483.825(1)(o) or 456.072(1)(i): Failing to report a person in violation of part III of chapter 483, chapter 456, Florida Statutes, or the applicable rules – from a minimum fine of \$800 and a letter of concern up to a maximum fine of fine of \$2,000 and/or six months suspension followed by probation. After the second offense, from a minimum of six months probation and/or a fine of \$1,000 up to a maximum fine of \$10,000 and/or revocation.

(p)1. 483.825(1)(p) or 456.072(1)(l): Negligent filing of false report – from a minimum fine of \$500 and a letter of concern up to a maximum \$3,000 fine and/or up to three years of probation. For a second offense, from a minimum fine of \$1,500 and a reprimand to a maximum fine of \$10,000 and/or two years suspension followed by probation. After the second offense, up to a maximum fine of \$10,000 and/or revocation.

2. 483.825(1)(p), 456.072(1)(g), or 456.072(1)(l): Willful filing of false report, impeding, or inducing another to file a false report – from a minimum fine of \$2,000 and/or suspension of license for three months followed by six months of probation up to a maximum fine of \$8,000 and/or revocation of license. After the first offense, up to a maximum fine of \$10,000 and/or revocation; however, regardless of whether it is an initial or repeat occurrence, if the violation is for fraud or knowingly making a false or fraudulent representation, the fine portion of the discipline imposed shall be \$10,000 per count or offense.

(q) 483.825(1)(q): Paying or receiving a kickback, bonus, or split fee arrangement – from a minimum fine of \$1,000 and/or one year probation up to a maximum fine of \$10,000 and/or revocation. After the first offense, from a minimum fine of \$1,500 and two years of probation up to a maximum fine of \$10,000 and/or revocation.

(r) 483.825(1)(r) or 456.072(1)(n): Exercising influence or exploitation for financial gain – from a minimum fine of \$1,000 and/or restitution of improper gains and six months of probation to a maximum fine of \$10,000 and/or revocation. After the first offense, up to a maximum fine of \$10,000 and/or revocation.

(s) 483.825(1)(s) or 456.072(1)(o): Practicing or offering to practice beyond the scope permitted or competent to perform – from a minimum fine of \$1,000 and/or one year of probation up to a maximum suspension of the license for two years followed by probation and a fine of \$8,000. After the first offense, up to a maximum fine of \$10,000 and/or revocation.

(t) 483.825(1)(t) or 456.072(1)(a): Misrepresenting or concealing a material fact or fraudulent representations – from a minimum of six months of probation and a fine of \$10,000 per count or offense up to a maximum of revocation and a fine of \$10,000 per count or offense. After the first offense, from a fine of \$10,000 per count or offense as well as a minimum of one year of suspension followed by probation up to a maximum of revocation.

(u) 483.825(1)(u) or 456.072(1)(r): Improperly interfering with an investigation or disciplinary proceeding: – from a minimum fine of \$1,000 and/or one year of probation up to a maximum fine of \$10,000 and/or revocation. After the first offense, from a minimum fine of \$2,000 and two years of probation up to a maximum fine of \$10,000 and/or revocation.

(v) 483.825(1)(u) or 456.072(1)(u): Engaging or attempting to engage in sexual misconduct: from a minimum reprimand and/or referral for PRN evaluation up to a maximum

fine of \$10,000 and/or revocation. After the first offense, from a minimum year of probation and fine of \$1,500 to a maximum fine of \$10,000 and/or revocation.

(w) 456.072(1)(k): Failing to perform any legal obligation – from a minimum fine of \$500 and/or a reprimand to a maximum fine of up to \$8,000 and/or revocation. After the first offense, from a minimum fine of \$1,000 and/or one year of probation to a maximum fine of \$10,000 and/or revocation.

(3) Aggravating and Mitigating Circumstances. Based upon consideration of aggravating and mitigating factors present in an individual case, the Board may deviate from the penalties recommended above. If the Board finds aggravating factors, the Board shall impose a more severe action against the license and a higher administrative fine. If the Board finds mitigating factors, the Board shall impose a less severe action against the license and a lower administrative fine. The Board shall consider as aggravating or mitigating factors the following:

- (a) The severity of the violation, including the probability that death or serious harm to the health or safety of any person will result or has resulted;
 - (b) The severity of the actual or potential harm;
 - (c) The extent to which the provisions of Chapter 483 were violated;
 - (d) Actions taken by the licensee to correct the violation or to remedy complaints;
 - (e) Any previous discipline imposed for violation of a different guideline by the licensee;
 - (f) The financial benefit to the licensee of committing or continuing the violation.
 - (g) Any other relevant mitigating or aggravating factors.
- (4) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.072, 456.079, 483.825, 483.827 FS. History–New 8-3-93, Formerly 61F3-12.001, Amended 2-7-95, 5-3-95, 12-4-95, Formerly 59O-12.001, Amended 3-19-98, 9-20-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 1, 2002

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE TITLES:	RULE NOS.:
Application for Board Approved Provider Status	64B15-13.004
Standards for Board Approved Providers	64B15-13.0045

PURPOSE AND EFFECT: The Board proposes to promulgate new rules to address applications for approval of provider status and standards for approved providers.

SUMMARY: The Board proposes to promulgate a new rule to set an application fee and to address criteria for approval of provider status in offering continuing education. The Board proposes to promulgate a new rule that details standards for approved providers.

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

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

SPECIFIC AUTHORITY: 456.027, 459.005, 459.0055 FS.

LAW IMPLEMENTED: 456.027, 459.0055 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Eaton, Executive Director, Board of Osteopathic Medicine, MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-13.004 Application for Board Approved Provider Status.

(1) Entities or individuals who wish to become approved providers of continuing education must submit the approval fee set forth in subsection 64B15-10.010(1), F.A.C., and an application which contains the following information, and which is accompanied by the following documentation:

(a) The name of the contact person who will fulfill the reporting and documentation requirements for approved providers and who will assure the provider’s compliance with Rule 64B15-13.0045, F.A.C.; and

(b) The qualifications of all instructors, which may be evidenced by a curriculum vitae or professional licensure in the subject area taught.

(2) If granted, provider approval will be granted for a period not to exceed the time from the date of approval to the end of the next successive licensure biennium after approval was obtained. Application for renewal of provider status shall be made at least 90 days prior to the end of the biennium in which approval expires and must be accompanied by the biennial renewal fee set forth in subsection 64B15-15.010(2), F.A.C. Renewal applications shall contain all information required for initial provider approval as well as course outlines and information evidencing compliance with Rule 64B15-13.0045, F.A.C., for each course offered during the provider status.

Specific Authority 456.027, 459.0055 FS. Law Implemented 456.025, 456.027, 459.0055 FS. History—New

64B15-13.0045 Standards for Board Approved Providers. Approved continuing professional education providers and providers authorized pursuant to Rule 64B15-13.004, F.A.C., shall comply with the following requirements:

(1) All courses shall reflect appropriate didactic and clinical training for the subject matter and shall be designed to meet specifically stated educational objectives.

(2) Instructors shall be adequately qualified by training, experience or licensure to teach specified courses.

(3) Facilities and equipment for each course in which patients are treated during instruction shall be adequate for the subject matter and method of instruction.

(4) Course length shall be sufficient to provide meaningful education in the subject matter presented. One half hour or one hour of continuing education credit shall be awarded for each 25 or 50 minutes of actual classroom or clinical instruction, respectively. No continuing education credit shall be awarded for participation of less than 25 minutes.

(5) Providers shall provide written certification to each participant who completes a continuing education course or portion of that course which consists of at least 25 minutes of instruction. Certification shall include the participant's name and license number, the provider's name and number, the course title, instructor, location, date offered and hours of continuing education credit awarded, and validation through the signature of the provider, official representative or instructor.

(6) Providers shall maintain records of each course offering for 4 years following each licensure biennium during which the course was offered. Course records shall include a course outline which reflects its educational objectives, the instructor's name, the date and location of the course, participants' evaluations of the course, the hours of continuing education credit awarded for each participant and a roster of participants by name and license number.

(7) Providers' records and courses shall be subject to Board review. Failure to maintain the standards set forth in this rule shall subject the provider to the suspension or rescission of the providership.

(8) Providers shall comply with rules promulgated by the Department of Health concerning the electronic transmission of course attendance information necessary to implement the electronic tracking system.

Specific Authority 456.027, 459.0055 FS. Law Implemented 456.025, 456.027, 459.0055 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 26, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Umbrella Trust Fund	65-19
RULE TITLES:	RULE NOS.:
Definitions	65-19.002
Individual Trusts	65-19.004
Distribution of Earnings	65-19.006
Fees	65-19.007
Umbrella Trust Fund Agreement	65-19.008
Specific Categories of Expenditures	65-19.009

PURPOSE AND EFFECT: Rule Chapter 19-65 is being repealed. Section 3, Chapter 2000-337 Laws of Florida repealed the provisions of Chapter 402.175(1)-402.175(8) effective June 20, 2000.

SUMMARY: Rule Chapter 65-19 is being repealed.

SPECIFIC AUTHORITY: 402.175(5) FS.

LAW IMPLEMENTED: 402.175 FS.

STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory cost, or to provide a proposal for 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: 9:00 a.m., July 10, 2002

PLACE: Building 2, Room 403, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barney Ray, Accounting Services and Systems, Building 1, Room 402F, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65-19.002 Definitions.

Specific Authority 402.175(5) FS. Law Implemented 402.175 History—New 6-24-86, Amended 4-12-87, Formerly 10-19.002, Repealed

65-19.004 Individual Trusts.

Specific Authority 402.175(5) FS. Law Implemented 402.175(3)(a) History—New 6-24-86, Amended 4-12-87, Formerly 10-19.004, Repealed

65-19.006 Distribution of Earnings.

Specific Authority 402.175(5) FS. Law Implemented 402.175(4)(b), 402.175(7)(a) History—New 6-24-86, Formerly 10-19.006, Repealed

65-19.007 Fees.

Specific Authority 402.175(5) FS. Law Implemented 402.175(6), History–New 6-24-86, Formerly 10-19.007, Repealed.

65-19.008 Umbrella Trust Fund Agreement.

Specific Authority 402.175(5) FS. Law Implemented 402.175(5)(2)(c), History–New 6-24-86, Formerly 10-19.008, Repealed.

65-19.009 Specific Categories of Expenditures.

Specific Authority 402.175(5) FS. Law Implemented 402.175(5)(a), 402.175(7)(a) History–New 6-24-86, Formerly 10-19.009, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barney Ray, Supervisor, Accounting Services and Systems
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Elwood McElhane, Comptroller,
Department of Children and Family Services
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 21, 2001

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Manatees

RULE TITLE: Citrus and Associated County (Parts of

RULE NO.:

Levy and Hernando) Zones 68C-22.011

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to improve protection of manatees and manatee habitat in the Blue Waters area of the Homosassa River in Citrus County. Improved protection would be provided by adding two small seasonal safe haven zones in the Blue Waters area.

SUMMARY: Two seasonal (November 15 – March 31) No Entry zones would be established in the Blue Waters area of the Homosassa River. Access would still be allowed to part of the Blue Waters area when the zones were in effect and the entire area would remain accessible during the warmer months.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(h),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(h),(j),(m),(n) FS.

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

TIME AND DATE: 5:30 p.m., Wednesday, July 17, 2002

PLACE: Lecanto Government Building, Room 166, 3600 West Sovereign Path, Lecanto, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the

hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

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

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002
PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.011 Citrus and Associated County (Parts of Levy and Hernando) Zones.

(1) For the purpose of protecting manatees and manatee habitat in regulating the speed and operation of motorboats ~~within~~ Citrus County and within closely associated portions of Levy and Hernando counties, the following year-round and seasonal zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels, and boat basins, unless otherwise designated or excluded: (Seasonal limits, if they apply, are specified within each zone classification.)

(a) through (h) No change.

(i) IDLE SPEED ZONE (Year-round)

1. No change.

2. Homosassa River Area:

a. through b. No change.

c. That part of the Homosassa River easterly of the easterly line of Section 29, Township 19 South, Range 17 East, except as otherwise designated under (1)(m);

d. through f. No change.

3. No change.

(j) through (l) No change.

(m) NO ENTRY ZONE (November 15 through March 31)/IDLE SPEED (Remainder of Year) – Blue Waters Area of the Homosassa River:

1. Those waters southwest of a line bearing 145° from a point (approximate latitude 28° 47' 51.7" North, approximate longitude 82° 35' 23.4" West) on the southeastern shoreline of the peninsula on the north side of Blue Waters to a point (approximate latitude 28° 47' 49.9" North, approximate longitude 82° 35' 22.0" West) on the southeastern shoreline of Blue Waters (said line runs between the existing Restricted

Area signs posted by the Homosassa Springs State Wildlife Park and north of a line beginning at a point (approximate latitude 28° 47' 50.4" North, approximate longitude 82° 35' 27.2" West) on the southwestern shoreline of the peninsula on the north side of Blue Waters and bearing 139° for a distance of 117 feet to a point (approximate latitude 28° 47' 50.4" North, approximate longitude 82° 35' 27.2" West) in the water, and then bearing 91° for a distance of approximately 224 feet to the line's terminus at a point (approximate latitude 28° 47' 49.5" North, approximate longitude 82° 35' 23.2" West) on the southeastern shoreline of Blue Waters north of the River Pavilion of the Homosassa Springs State Wildlife Park;

2. Those waters south of a line 40 feet north of and parallel to the general contour of the southern shoreline of the Homosassa River at Blue Waters, east of a north-south line from the point (approximate latitude 28° 47' 54.0" North, approximate longitude 82° 35' 30.2" West) where the southern shoreline of the Homosassa River at Blue Waters intersects the

eastern shoreline of the first canal downstream of Blue Waters, and west of a line bearing 21° from a point (approximate latitude 28° 47' 52.8" North, approximate longitude 82° 35' 24.4" West) on the southern shoreline of the Homosassa River at Blue Waters approximately 270 feet northwest of the West Fishbowl Drive Bridge.

(2) No change.

(3) The zones described in subsection Rule 68C-22.011(1), F.A.C. herein are depicted on the following maps labeled "Citrus and Associated Counties Manatee Protection Zones." The maps, Maps 1-5, inclusive of associated maps, and dated November 1991 for identification: (Maps provided are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions two, the above descriptions shall prevail. The November 1991 maps shall become effective for purposes of this rule concurrent with its effective date.)

(INSERT MAPS – 1 MAP)

Specific Authority 370.12(2)(f),(h),(m),(n) FS. Law Implemented 370.12(2)(d),(f),(h),(j),(m),(n) FS. History—New 3-19-79, Amended 2-23-81, 12-4-85, Formerly 16N-22.11, Amended 1-27-92, Formerly 16N-22.011, 62N-22.011, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Bradley J. Hartman, Director of the Office of Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 30, 2002

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Hillsborough County Zones
RULE NO.: 68C-22.013

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to improve protection of manatees and manatee habitat in the Alafia River area of Hillsborough County. Improved protection would be provided by replacing the existing winter season manatee protection zones in Hillsborough Bay and the Alafia River with year-round zones on the Alafia River that would limit allowable motorboat speed and operation on a larger portion of the river than the existing seasonal zone.

SUMMARY: The existing winter season (November 15 – March 31) zone in the shipping channel leading to the Alafia River (in Hillsborough Bay) would be removed and the existing winter season Idle Speed zone in the Alafia River west of U.S. Highway 41 would be replaced with a year-round Slow Speed zone that allows speeds up to 25 MPH in the marked channel. A 25 MPH zone would be created on the Alafia River between U.S. Highway 41 and Interstate 75.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(m) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m) FS.

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

TIME AND DATE: 5:30 p.m., Monday, July 8, 2002

PLACE: East Bay High School Auditorium, 7710 Big Bend Road, Gibsonton, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the

hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

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

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002

PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 68C-22.013 follows. See Florida Administrative Code for present text.)

68C-22.013 Hillsborough County Zones.

(1) The Commission hereby designates the waters within Hillsborough County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under paragraph 370.12(2)(j), F.S.) with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) SLOW SPEED (All Year) Alafia River: All waters in the Alafia River outside of the main marked channel east of a line bearing 360° from a point (approximate latitude 27° 51' 10.0" North, approximate longitude 82° 23' 55.2" West) on the southern shoreline of the Alafia River at the river's confluence with Hillsborough Bay, and west of the centerline of the U.S. Highway 41 Bridge.

(b) 25 MPH (All Year)

1. Alafia River, West of U.S. Highway 41: All waters in the main marked channel of the Alafia River east of a line bearing 360° from a point (approximate latitude 27° 51' 10.0" North, approximate longitude 82° 23' 55.2" West) on the

southern shoreline of the Alafia River at the river's confluence with Hillsborough Bay, and west of the centerline of the U.S. Highway 41 Bridge.

2. Alafia River, U.S. Highway 41 to Interstate 75: All waters of the Alafia River east of the centerline of the U.S. Highway 41 Bridge and west of the centerline of the Interstate 75 Bridge.

(3) The zones described in subsection 68C-22.013(2), F.A.C., are depicted on the following map, labeled "Hillsborough County Manatee Protection Zones." The map is intended as a depiction of the above-described zones. In the event of conflict between the map and descriptions, the descriptions shall prevail.

(INSERT MAPS – 1 MAP)

Specific Authority 370.12(2)(f),(m) FS. Law Implemented 370.12(2)(d),(f),(j),(m) FS. History—New 3-19-79, Formerly 16N-22.13, 16N-22.013, 62N-22.013, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 30, 2002

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Manatee County Zones RULE NO.: 68C-22.014

PURPOSE AND EFFECT: The purpose of the proposed rule is to protect manatees and manatee habitat in the Terra Ceia Bay area of Manatee County. Protection would be provided through the establishment of manatee protection zones that would limit allowable motorboat speed and operation in the affected areas.

SUMMARY: Slow Speed shoreline buffer zones would be established throughout most of Terra Ceia Bay and Terra Ceia Bayou, with the waters outside of the buffer in the western portion of the bay, including Flounder Pass, having a 25 MPH speed limit. Shore-to-shore Slow Speed regulation would be established in Peterson Bayou and the portions of Terra Ceia Bay immediately south of Terra Ceia Bayou and immediately north of Snead Cut to the vicinity of the fresh water outfall. Snead Cut, which connects Terra Ceia Bay to the Manatee River, would be designated as an Idle Speed zone.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(m) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m) FS.

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

TIME AND DATE: 5:30 p.m., Tuesday, July 9, 2002

PLACE: Board Chamber Room, 1112 Manatee Avenue, West, Bradenton, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

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

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002

PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.014 Manatee County Zones.

(1) The Commission hereby designates the waters within Manatee County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.) with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded.

(a) IDLE SPEED (All Year) Snead Cut: All waters of the waterway commonly referred to as "Snead Cut" (connecting Terra Ceia Bay and the Manatee River) northeast of the northern shoreline of the Manatee River and southwest of the southwestern shoreline of Terra Ceia Bay.

(b) SLOW SPEED (All Year)

1. Western Terra Ceia Bay Area: All waters within 500 feet of the general contour of the following shorelines:

a. South Side of Rattlesnake Key: East of a line bearing 203° from a point (approximate latitude 27° 32' 52.2" North, approximate longitude 82° 37' 49.6" West) on the southeastern shoreline of Terra Ceia Point and west and northwest of a line bearing 221° from the easternmost point (approximate latitude 27° 33' 19.4" North, approximate longitude 82° 36' 13.9" West) of Rattlesnake Key at Flounder Pass.

b. North Side of Snead Island: All shorelines of the unnamed mangrove island immediately north of Snead Island and, on the northern and eastern sides of Snead Island, east of a line bearing 23° from a point (approximate latitude 27° 32' 19.5" North, approximate longitude 82° 38' 04.3" West) on the northern shoreline of Snead Island west of Emerson Bayou and north and west of Snead Cut, except as otherwise designated under (2)(a) and (2)(b)2.b.

2. Terra Ceia Bay Area:

a. All waters within 500 feet of the general contour of all shorelines of Bird Key, the northern shoreline of Terra Ceia Bay east of a line bearing 153° from the southwesternmost point (approximate latitude 27° 33' 21.1" North, approximate longitude 82° 36' 10.9" West) of the peninsula at the southeastern end of Flounder Pass, and the southeastern and eastern shorelines of Terra Ceia Bay east and north of Snead Cut, except as otherwise designated under (2)(a) and (2)(b)2.b.

b. All waters of Terra Ceia Bay south of a line bearing 296° from a point (approximate latitude 27° 31' 50.5" North, approximate longitude 82° 35' 48.5" West) on the southeastern shoreline of Terra Ceia Bay; All waters of Terra Ceia Bay north of a line bearing 320° from a point (approximate latitude

27° 33' 40.5" North, approximate longitude 82° 34' 12.2" West) on the northeastern shoreline of Terra Ceia Bay and south of Terra Ceia Bayou, and; All waters of Peterson Bayou.

3. Terra Ceia Bayou: All waters within 500 feet of the general contour of the shorelines of Terra Ceia Bayou, including those waters of Frog Creek southeast of the centerline of the Terra Ceia Road Bridge and those waters of McMullen Creek west of the centerline of the Bayshore Road Bridge.

(c) 25 MPH (All Year) Western Terra Ceia Bay Area: All waters east of a line bearing 203° from a point (approximate latitude 27° 32' 52.2" North, approximate longitude 82° 37' 49.6" West) on the southeastern shoreline of Terra Ceia Point and west of a line beginning at a point (approximate latitude 27° 32' 33.3" North, approximate longitude 82° 36' 22.0" West) on the eastern shoreline of the unnamed mangrove island immediately north of Snead Island and bearing 46° to a point (approximate latitude 27° 32' 56.0" North, approximate longitude 82° 35' 56.4" West) in Terra Ceia Bay southeast of Bird Key, and then bearing 333° (over Bird Key) to the line's terminus at the southwesternmost point (approximate latitude 27° 33' 21.1" North, approximate longitude 82° 36' 10.9" West) of the peninsula at the southeastern end of Flounder Pass, except as otherwise designated under (2)(b)1. and (2)(b)2.a.

(3) The zones described in subsection 68C-22.014(2), F.A.C., are depicted on the following map, labeled "Manatee County Manatee Protection Zones." The map is intended as a depiction of the above-described zones. In the event of conflict between the map and descriptions, the descriptions shall prevail.

(INSERT MAPS – 1 MAP)

Specific Authority 370.12(2)(f),(m) FS. Law Implemented 370.12(2)(d),(f),(j),(m) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2002

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Charlotte County (and Part of DeSoto County) Zones

RULE NO.: 68C-22.015

PURPOSE AND EFFECT: The purpose of the proposed rule is to protect manatees and manatee habitat in the Lemon Bay, Turtle Bay, and Peace River sections of Charlotte County, and a portion of the Peace River system in DeSoto County. Protection would be provided through the establishment of manatee protection zones that would limit allowable motorboat speed and operation in the affected areas.

SUMMARY: Slow Speed zones would be established in the Lemon Bay area from the Sarasota County line south to the Boca Grande Causeway, with the Intracoastal Waterway channel and the marked channel through Stump Pass allowing speeds up to 25 MPH. Two Idle Speed zones would be established in Turtle Bay, while the rest of the bay would have a 25 MPH speed limit. A combination of Slow Speed shoreline buffers, shore-to-shore Slow Speed zones (some with 25 MPH channels), and shore-to-shore 25 MPH zones would be created on the Peace River system east of US Highway 41 and south of State Road 761 in DeSoto County. Most of Shell Creek and all of Deep Creek would be included in the shore-to-shore Slow Speed designation. Much of the main marked channel in the Peace River would have a 25 MPH limit, with all remaining sections left unregulated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(m) FS.

LAW IMPLEMENTED: 370.12(2)(d),(j),(m) FS.

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

TIME AND DATE: 5:30 p.m., Thursday, July 11, 2002

PLACE: Best Western Waterfront, Tarpon Room, 300 West Retta Esplanade, Punta Gorda, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed rule. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

THE FINAL PUBLIC HEARING WILL BE HELD BY THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002

PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.015 Charlotte County (and Part of DeSoto County) Zones.

(1) The Commission hereby designates the waters within Charlotte County and DeSoto County, as described below, as areas where manatee sightings are frequent and where it can be assumed that manatees inhabit on a regular, periodic or continuous basis. The Commission has further determined that a likelihood of threat to manatees exists in these waters as a result of manatees and motorboats using the same areas. The primary purpose of this rule is to protect manatees from harmful collisions with motorboats and from harassment by regulating the speed and operation of motorboats within these designated areas. A secondary purpose is to protect manatee habitat. In balancing the rights of fishers, boaters, and water skiers to use these waterways for recreational and commercial purposes (as applicable under Section 370.12(2)(j), F.S.) with the need to provide manatee protection, the Commission has examined the need for unregulated areas or higher speed travel corridors through regulated areas. Such areas or corridors are provided in those locations where the Commission determined, on the basis of all available information, that (1) there is a need for the area or corridor and (2) the area or corridor will not result in serious threats to manatees or their habitat. Unregulated areas or higher speed corridors are not provided in locations where both of the above findings were not made.

(2) The following zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, and boat basins unless otherwise designated or excluded. As used in this rule, ICW means the Intracoastal Waterway.

(a) IDLE SPEED (All Year)

1. Turtle Bay, Southeast Entrance: Those waters east and southeast of a line beginning at the easternmost point (approximate latitude 26° 46' 23.2" North, approximate longitude 82° 10' 30.8" West) of a small unnamed island in the Gallagher Keys (at the southern end of Turtle Bay) and bearing 360° for a distance of approximately 2605 feet to a point (approximate latitude 26° 46' 49.1" North, approximate longitude 82° 10' 31.0" West) in Turtle Bay, and then bearing 68° to a point (approximate latitude 26° 47' 01.1" North, approximate longitude 82° 09' 59.0" West) on the eastern shoreline of Turtle Bay north of Cape Haze, and north and northwest of a line beginning at said easternmost point of a small unnamed island in the Gallagher Keys and bearing approximately 128° to the southwesternmost point (approximate latitude 26° 46' 20.1" North, approximate longitude 82° 10' 26.4" West) of the small unnamed island to the southeast, and then bearing 106° for a distance of approximately 960 feet to a point (approximate latitude 26° 46' 17.5" North, approximate longitude 82° 10' 16.2" West) in Charlotte Harbor, and then bearing 40° to a point (approximate latitude 26° 46' 50.5" North, approximate longitude 82° 09' 46.4" West) on the shoreline east of Cape Haze, excluding the waters in the embayment north of this point.

2. Turtle Bay, Mid-bay Area: Those waters inside of a polygon defined by the following coordinates: latitude 26° 47' 10.3" North, longitude 82° 10' 54.5" West (southwest); latitude 26° 47' 22.3" North, longitude 82° 10' 50.5" West (northwest); latitude 26° 47' 19.7" North, longitude 82° 10' 40.5" West (northeast), and; latitude 26° 47' 07.6" North, longitude 82° 10' 44.4" West (southeast).

(b) SLOW SPEED (All Year)

1. Lemon Bay Area: All waters of Lemon Bay south of the Sarasota/Charlotte County line, north of the Boca Grande Causeway, and west of State Road (SR) 775 (south of SR 776 on Gottfried Creek), excluding the ICW channel and the marked channel through Stump Pass as designated under (2)(c)1. Also excluded from this zone are the portion of the waterway known as "Ski Alley" south of a line bearing 258° from the northernmost point (approximate latitude 26° 54' 47.3" North, approximate longitude 82° 21' 03.7" West) of Peterson Island, and the areas described below:

a. The following portion of the Stump Pass area is excluded from the zone designated under (2)(b)1.: Those waters southeast of "Ski Alley" and a line bearing 45° from a point (approximate latitude 26° 54' 03.6" North, approximate longitude 82° 20' 26.5" West) on the southeastern end of Peterson Island, southwest of a line bearing 106° from a point

(approximate latitude 26° 54' 16.1" North, approximate longitude 82° 20' 21.2" West) on Whidden Key to the northernmost point (approximate latitude 26° 54' 12.8" North, approximate longitude 82° 20' 07.3" West) of the unnamed island southeast of Whidden Key, and northwest of a line bearing 49° from the northernmost point (approximate latitude 26° 53' 53.1" North, approximate longitude 82° 20' 17.9" West) of Thornton Key to a point on said unnamed island southeast of Whidden Key;

b. The following portion of the Gasparilla Pass area is excluded from the zone designated under (2)(b)1.: Those waters southwest of a line beginning at a point (approximate latitude 26° 49' 26.2" North, approximate longitude 82° 16' 56.3" West) on Little Gasparilla Island and bearing 142° to a point (approximate latitude 26° 49' 12.3" North, approximate longitude 82° 16' 44.0" West) on Bird Key, then following the general contour of the northern and northeastern shorelines of Bird Key to a point (approximate latitude 26° 49' 03.6" North, approximate longitude 82° 16' 34.1" West) on the eastern shoreline of Bird Key, and then bearing 105° to the line's terminus at the southernmost point (approximate latitude 26° 49' 01.2" North, approximate longitude 82° 16' 24.0" West) of the middle causeway island of the Boca Grande Causeway.

2. Peace River, US 41 Bridge to Interstate 75 (I-75) Bridge: Those waters within 1000 feet of the general contour of shorelines of the Peace River east of the centerline of the southbound US 41 Bridge and west of the centerline of the southbound I-75 Bridge, including all waters northeast of a line beginning at a point (approximate latitude 26° 57' 39.5" North, approximate longitude 82° 01' 15.2" West) on the southbound I-75 Bridge (approximately 1000 feet south of Bird Key) and then bearing 289° to a point (approximate latitude 26° 57' 58.7" North, approximate longitude 82° 02' 18.3" West) on the northern shoreline of the Peace River.

3. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters east of the centerline of the southbound I-75 Bridge, south and southwest of a line bearing 310° through Channel Marker "23," and west of Shell Creek, excluding the main marked channel of the Peace River as designated under (2)(c)3, and the waters east of a line beginning at a point (approximate latitude 26° 58' 01.0" North, approximate longitude 81° 59' 24.3" West) on the southern shoreline of the Peace River (northeast of Harbor Avenue) and bearing 345° for a distance of approximately 1216 feet to the southernmost point (approximate latitude 26° 58' 12.8" North, approximate longitude 81° 59' 27.8" West) of the peninsula to the north.

4. Shell Creek: All waters of Shell Creek east of the Peace River and west of the dam located approximately two miles upstream (east) of the US 17 Bridge over Shell Creek, including the cut that connects Shell Creek to the Peace River north of Channel Marker "23" but excluding that portion of Shell Creek otherwise designated under (2)(c)5.

5. Hunter Creek: All waters of Hunter Creek and associated waterways east of the general contour of the eastern shoreline of the Peace River.

6. Deep Creek: All waters of Deep Creek and associated waterways west of the general contour of the western shoreline of the Peace River.

(c) 25 MPH (All Year)

1. Lemon Bay Area: Those waters in the ICW channel south of the Sarasota/ Charlotte County line and north of the Boca Grande Causeway, and; those waters in the marked channel in North Stump Pass northeast of a line bearing 106° from a point (approximate latitude 26° 54' 16.1" North, approximate longitude 82° 20' 21.2" West) on Whidden Key to the northernmost point (approximate latitude 26° 54' 12.8" North, approximate longitude 82° 20' 07.3" West) of the unnamed island southeast of Whidden Key.

2. Turtle Bay: All waters of Turtle Bay, except as otherwise designated under (2)(a)2., west and northwest of a line beginning at the easternmost point (approximate latitude 26° 46' 23.2" North, approximate longitude 82° 10' 30.8" West) of a small unnamed island in the Gallagher Keys (at the southern end of Turtle Bay) and bearing 360° for a distance of approximately 2605 feet to a point (approximate latitude 26° 46' 49.1" North, approximate longitude 82° 10' 31.0" West) in Turtle Bay, and then bearing 68° to a point (approximate latitude 26° 47' 01.1" North, approximate longitude 82° 09' 59.0" West) on the eastern shoreline of Turtle Bay, north of the northern shorelines of the unnamed islands in the Gallagher Keys and lines directly connecting said shorelines, and east of a line beginning at the northwesternmost point (approximate latitude 26° 46' 27.8" North, approximate longitude 82° 11' 24.9" West) of the westernmost of the unnamed islands in the Gallagher Keys and bearing 298° to the easternmost point (approximate latitude 26° 46' 28.6" North, approximate longitude 82° 11' 27.0" West) of the unnamed island to the northwest, then following said island's eastern shoreline to its northernmost point (approximate latitude 26° 46' 37.0" North, approximate longitude 82° 11' 33.0" West), then bearing 356° to the southernmost point of Eagle Nest Island

(approximate latitude 26° 46' 42.3" North, approximate longitude 82° 11' 33.0" West), then following said island's eastern shoreline to its easternmost point (approximate latitude 26° 47' 00.4" North, approximate longitude 82° 11' 25.3" West), then bearing 42° for a distance of approximately 2700 feet to a point (approximate latitude 26° 47' 20.2" North, approximate longitude 82° 11' 05.5" West) on the southern end of a large unnamed island on the west side of Turtle Bay, then following said island's eastern shoreline to a point (approximate latitude 26° 48' 10.7" North, approximate longitude 82° 10' 58.3" West) on the northern end of said island, then bearing 3° to the line's terminus on the western shoreline of Turtle Bay west of Cash Mound.

3. Peace River, Interstate 75 (I-75) Bridge to Harbor Heights Area: All waters in the main marked channel of the Peace River east of the centerline of the southbound I-75 Bridge, and southwest of Channel Marker "23."

4. Peace River, North of Harbor Heights Area: All waters of the Peace River and associated waterways, northeast of a line bearing 310° through Channel Marker "23" and south of the SR 761 Bridge in DeSoto County, except as otherwise designated under (2)(b)5. and (2)(b)6., and excluding those waters of Whidden Bay and the waterways associated with the bay west and northwest of the general contour of the western shoreline of the Peace River.

5. Shell Creek: All waters of Shell Creek west of the Railroad Trestle and east of a line bearing 172° from the southernmost point (approximate latitude 26° 58' 43.3" North, approximate longitude 81° 59' 28.6" West) of the peninsula on the eastern side of the cut that connects Shell Creek to the Peace River north of Channel Marker "23," excluding the embayments and associated waterways immediately north of Shell Creek.

(3) The zones described in subsection 68C-22.015(2), F.A.C., are depicted on the following maps, labeled "Charlotte County Manatee Protection Zones." The maps are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions, the descriptions shall prevail.

(INSERT MAPS – 1 MAP)

Specific Authority 370.12(2)(m) FS. Law Implemented 370.12(2)(d),(i),(m) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Bradley J. Hartman, Director of the Office of Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2002

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Sarasota and Associated County (Parts of Manatee and Charlotte) Zones

RULE NO.: 68C-22.026

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to improve protection of manatees and manatee habitat in the City Island and Warm Mineral Springs/Salt Creek sections of Sarasota County. Improved protection would be provided through the revision of an existing manatee protection zone in the City Island area that limits allowable motorboat speed and operation and the establishment of a manatee protection safe haven zone in the Warm Mineral Springs/Salt Creek area.

SUMMARY: The eastern boundary of the existing Slow Speed zone in the vicinity of City Island would be moved westward to make the boundary a line between the northwestern end of Bird Key and the eastern end of City Island. The currently unregulated area of water immediately northeast of Pansy Bayou would be changed to Slow Speed. A winter season (November 15 – March 31) No Entry zone would be added to a section of Salt Creek/Warm Mineral Springs north of U.S. Highway 41, while the existing Slow Speed zone north of the weir to the Warm Mineral Springs would be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(f),(m),(n) FS.

LAW IMPLEMENTED: 370.12(2)(d),(f),(j),(m),(n) FS.

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

TIME AND DATE: 5:30 p.m., Wednesday, July 10, 2002

PLACE: Mote Marine Laboratory, Martin-Selby Education Center, 1600 Ken Thompson Parkway, Sarasota, Florida

Commission staff will be available before public testimony is taken to answer questions about the proposed amendments. Both spoken and written comments will be accepted at the hearing. Written comments received by the Commission on or before the date of the final public hearing will also be considered and made a part of the rulemaking record.

THE FINAL PUBLIC HEARING WILL BE HELD BY THE COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m., Thursday, September 12, 2002

PLACE: Osceola County Administration Building, County Commission Chambers, Rm. 4000, One Courthouse Square, Kissimmee, Florida

If accommodation for a disability is needed to participate in either of the above hearings, please notify the contact person listed below at least five days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Environmental Specialist III, Florida Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.026 Sarasota and Associated County (Parts of Manatee and Charlotte) Zones.

(1) The purpose of this rule is to protect manatees and manatee habitat ~~This rule is for the purpose of regulating the speed and operation of motorboats~~ in Sarasota County as well as in the waters of counties adjacent to Sarasota County in portions of Sarasota Bay and Big Slough. In addition to Sarasota County, waters within the following counties are regulated within the provisions of this rule: Manatee County (Sarasota Bay) and Charlotte County (Big Slough). (Provisions setting forth procedures for resident access to “No Entry” zones are given under Rule 68C-22.003, Florida Administrative Code.)

(2) For the purpose of establishing safe havens and regulating the speed and operation of motorboats within the coastal waters of Sarasota County and associated waters in Manatee County, the following year-round zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bends, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) SLOW SPEED ZONE

1. through 3. No change.

4. City Island Lagoon Area: All waters of Sarasota Bay, including the City Island Lagoon area, and inclusive of all channels, northwesterly of the general contour of the shoreline of Coon Key and the centerline of the John Ringling Boulevard Bridges (connecting Bird Key to Coon Key and Coon Key to

St. Armands Key), northeasterly of the general contour of the shoreline of St. Armands Key and the shoreline of City Island adjacent to John Ringling Parkway running northwesterly from St. Armands Key and the centerline of the John Ringling Parkway Bridge connecting St. Armands Key to City Island, southeasterly and easterly of the general contour of the shoreline of City Island, ~~and southwesterly southeasterly of a line described as the northeasterly extension of the northwesterly shoreline of City Island to its intersection with the southeasterly boundary of the main marked channel of the Intracoastal Waterway; thence northeasterly along said southeasterly line to Flashing Red Intracoastal Waterway Channel Marker "16" (latitude 27°20'25" North, longitude 82°33'57" West), westerly of a line bearing 147° from a point (approximate latitude 27° 20' 08.6" North, approximate longitude 82° 34' 21.1" West) on the eastern shoreline of City Island to a point (approximate latitude 27° 19' 31.6" North, approximate longitude 82° 33' 53.6" West) on Bird Key at the running northeasterly from the northwestern abutment of the John Ringling Causeway Bridge connecting Bird Key with Coon Key to the aforementioned Marker "16", excluding a "Watersports Area" described as follows: That portion of Sarasota Bay lying northwesterly of a line 150 feet northwesterly of and parallel with a line perpendicular to the John Ringling Parkway Bridge connecting St. Armands Key to City Island from the northwesterly end of said bridge, southwesterly of a line 750 feet northeasterly of and parallel with the centerline of John Ringling Parkway (running northwesterly from St. Armands Key), northwesterly of a line 1050 feet northwesterly of and parallel with a line perpendicular to the aforementioned John Ringling Parkway Bridge connecting St. Armands Key to City Island from the northwesterly end of said bridge, and southwesterly of a line 3250 feet northeasterly of and parallel with the centerline of the aforementioned John Ringling Parkway (running northwesterly from St. Armands Key);~~

5. through 18. No change.

(b) through (e) No change.

(3) For the purpose of establishing safe havens and regulating the speed and operation of motorboats within the Myakka River-Big Slough area of Sarasota County and associated waters of Charlotte County, the following year-round and seasonal slow speed zones are established, which shall include all associated and navigable tributaries, lakes, creeks, coves, bays, backwaters, canals, channels and boat basins, unless otherwise designated or excluded:

(a) SLOW SPEED ZONE

1. Myakka River Area: All waters of the Myakka River northwesterly of the Sarasota County/Charlotte County line and southwesterly of the westerly line of the Myakka River State Park, said line being the westerly line of Section 7, Township 38 South, Range 20 East, including any associated waters in and around the Warm Mineral Springs development,

and Deer Prairie Creek to its headwaters, excluding the section of Salt Creek and Warm Mineral Springs upstream (northeast) of the weir (approximate latitude 27° 03' 16.8" North, approximate longitude 82° 15' 51.7" West) located approximately 2300 feet downstream (southwest) of the headwaters of Warm Mineral Springs and also excluding the area otherwise designated for seasonal regulation under (3)(b) when said seasonal zone is in effect; and

~~2.(b) SLOW SPEED ZONE—~~ Big Slough Area: Those waters of Big Slough (Myakkahatchee Creek per various plats of Port Charlotte Subdivision recorded in the Public Records of Sarasota County, Florida), inclusive of all channels, northeasterly of the Myakka River, and southwesterly of the dam northerly of U.S. Highway 41 (State Route 45).

~~(b) NO ENTRY ZONE (November 15 – March 31) –~~ Warm Mineral Springs / Salt Creek Area: Those waters of Salt Creek and Warm Mineral Springs north of U.S. Highway 41, south of the weir (approximate latitude 27° 03' 16.8" North, approximate longitude 82° 15' 51.7" West) located approximately 2300 feet downstream (southwest) of the headwaters of Warm Mineral Springs, and west of a line bearing 7° from a point (approximate latitude 27° 02' 56.3" North, approximate longitude 82° 15' 42.9" West) on the southern shoreline of Salt Creek approximately 2600 feet east of the confluence with the Warm Mineral Springs run.

(4) No change.

~~(5) The following conditions shall apply to the "Watersports Area" so described as exempt from speed zone restrictions in subparagraph (2)(a)4.: The local government may adopt, by ordinance, provisions restricting and/or conditioning use of this area as appropriate to establish additional manatee protection and human safety measures within this area. Should a local ordinance not be adopted within one year from the effective date of this rule, then the Commission shall undertake measures to establish by rule conditions to promote manatee protection within this area.~~

~~(5)(6) No change.~~

~~(6)(7) The zones described in subsections Rule 68C-22.026(2) and (3), F.A.C. herein are depicted on the following maps labeled "Sarasota County Manatee Protection Zones." The maps, Coastal Waters, Sarasota and Manatee Counties," Map 1," Manatee Protection Zones, Coastal Waters, Sarasota County," Maps 2-7, "Manatee Protection Zones, Myakka River Basin, Sarasota County," Map A, and "Manatee Protection Zones, Myakka River Basin, Sarasota and Charlotte Counties," Map B, and dated November 1991 for identification. (Maps provided are intended as depictions of the above-described zones. In the event of conflict between the maps and descriptions ~~two~~, the ~~above~~ descriptions shall prevail. The November 1991 maps shall become effective for purposes of this rule concurrent with its effective date.)~~

(INSERT MAPS – 1 page)

Specific Authority 370.12(2)(f),(m),(n),(o) FS. Law Implemented 370.12(2)(d),(f),(i),(m),(n),(o) FS. History—New 1-27-92, Formerly 16N-22.026, 62N-22.026, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Bradley J. Hartman, Director of the Office of Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 29, 2002

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Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Historical Resources

RULE NO.: 1A-46.001
RULE TITLE: Standards and Guidelines for Reports

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 7, February 15, 2002, issue of the Florida Administrative Weekly.

ARCHAEOLOGICAL AND HISTORICAL REPORT STANDARDS AND GUIDELINES

1A-46.001 Standards and Guidelines for Reports.

(1) Purpose. This rule specifies criteria by which the Division of Historical Resources (Division) will review reports of cultural resource activities on federally assisted, licensed or permitted projects; on projects on state owned or controlled property or state assisted, licensed, or permitted projects; and on local projects for which the Division has review authority.

(2)(4) Definitions. The following words and terms shall have the meanings indicated:

(a) "Agency" or "Applicant" means any unit of federal, state, county, municipal or other local government; any corporation, partnership or other organization, public or private, whether or not for profit; or any individual or representative of any of the foregoing proposing undertakings.

(b) "Archaeological fieldwork" means actions undertaken for the purpose of recovering data about or from an archaeological site in order to evaluate and determine National Register eligibility; or to document through archaeological excavation the archaeological site prior to proposed alteration, damage or destruction.

(c)(b) "Archaeological site" means the complex of associated physical remains and features contained in the ground that evidence past use or modification by people.

(d) "Area of potential effect" means the geographic area or areas within which an undertaking may directly or indirectly cause changes in character or use of historic resources, if any such properties exist.

(e) "Certified Local Government" means a local government that has been certified to meet Federal and State standards, as set forth in the "Florida Certified Local Government Guidelines" (Form HR3E03204-02) herein incorporated by reference, and can participate in the nationwide program of financial and technical assistance to preserve properties.

(f)(e) "Completeness" means the inclusion in the report of archaeological and historical activities of all applicable sections of the prescribed content, but does not mean that said sections are sufficient in comprehensiveness of data or in quality of information provided.

(g) "Days" means calendar days.

(h) "Determination of eligibility" means the process of determining whether identified historical resources are deemed significant using the criteria for significance established by the National Park Service, U.S. Department of the Interior for the National Register of Historic Places.

~~(d) "Documentation activities" means actions, such as mitigation of potential impact, undertaken for the purpose of recovering data about or from archaeological sites to evaluate and determine significance or to document through archaeological excavation the archaeological site, fully or by means of representative samples, as it existed prior to proposed alteration, damage or destruction.~~

~~(e) "Evaluation activities" means actions, such as inventory and assessment, undertaken for the purpose of determining whether identified archaeological sites are historically significant.~~

~~(f) "Federally involved projects" means federal or federally assisted, licensed or permitted actions.~~

(i) "Federal undertaking" means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out with federal assistance; those requiring a federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a federal agency.

(j)(g) "Florida Master Site File" or "FMSF" means the record list of identified historical resources maintained by the Division all recorded archaeological and historical sites, buildings and other real properties of historical, archaeological or architectural value.

(k) "Historical fieldwork" means actions undertaken for the purpose of recovering data about or from a building(s) or structure(s) to evaluate and determine eligibility; or to