

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Roy Crabtree, Division of Marine Fisheries, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-3.008 Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act.

(1) through (2) No change.

(3) This section intended to readopt certain provisions of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), as a Commission rule. As of the effective date of this section, the aforesaid Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), as readopted, shall read as follows:

(a) It is unlawful for any person, firm or corporation to harvest or attempt to harvest marine species of fish in the inland salt waters of Volusia County in any way or with any appliance other than with the ordinary cast net, rod and reel, pinfish trap meeting the specifications of s. 370.1105(1)(b), Florida Statutes, or hook and line except as provided otherwise in Rule 68B-3.008, F.A.C. Legal size flounders may be taken by the means of a barbed spear, with not more than three (3) prongs.

(b) through (g) No change.

(h) No person, firm or corporation shall set or place, or cause to be set or placed, any trap ~~or other device~~ for the taking of crabs for any purpose in the inland salt waters of Volusia County, unless such trap meets all the requirements of Rule Chapter 68B-45, F.A.C. ~~or device is buoyed with a device other than glass, attached to each such trap or device used for taking crabs, buoy to be of sufficient strength and buoyancy to continuously remain afloat and must be of such hue and brilliancy as to be easily seen and located. Provided further, that each crab trap or device used for taking crabs must have a permit number attached permanently both to the trap and to the buoy. This permit number shall be issued by the Department of Environmental Protection (formerly the Department of Natural Resources) upon the receipt of application for such number by the owner of such trap or device. The design of the application and of the permit numbers shall be determined by said department. The trap permit number must be painted in legible figures not less than three (3) inches high on each buoy marking the set of any trap or other device used for taking crabs.~~ A person may use traps for taking crabs for personal consumption if such person meets all the requirements for blue crab harvest with a trap for other than commercial purposes as established by Rule Chapter 68B-45, F.A.C. ~~without a buoy and without a permit if the traps or lines attached to the traps~~

~~are held by the person and provided the size of the traps does not exceed twenty-four (24) inches in their largest dimension when closed or forty-eight (48) inches in the largest dimension when open.~~ No trap may be abandoned or discarded in or along the shore of the waters of Volusia County. Not more than two hundred (200) crab traps shall be fished under one (1) permit. No buoyed crab traps shall be left unattended for more than seventy-two (72) hours, weather permitting. No buoyed crab traps shall be placed within one hundred (100) yards of any bridge or dock where fishing is legal from that bridge or dock except that persons with written permission of the owner of a dock may place legal traps closer to that dock.

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 10-19-89, Amended 1-9-91, 1-1-92, 7-1-92, 11-26-92, 10-3-94, 9-30-96, 7-30-97, Formerly 46-3.008, Amended

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

RULE TITLE: Uniform Primary and General Election Ballot  
 RULE NO.: 1S-2.032

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prescribe additional requirements for uniform primary and general election ballots.

SUMMARY: The rule provides guidance on clear and unambiguous ballot instructions and directions, individual race layout and overall ballot layout.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 101.151(8) FS.

LAW IMPLEMENTED: 101.151(8) FS.

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

TIME AND DATE: 3:00 p.m. – 5:00 p.m., August 9, 2002

PLACE: Room 100, Collins Building, 107 West Gaines St., Tallahassee, FL 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Sarah Jane Bradshaw, (850)245-6200, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, Division of Elections, Department of State, Room 100 Collins Building, 107 West Gaines St., Tallahassee, Florida 32399-0250, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.032 Uniform Primary and General Election Ballot.

(1) No change.

(2) The title shall be printed across the top of an optical scan ballot and on the first ballot screen of a touchscreen ballot in all caps bold.

(a) The title of the presidential preference primary ballot shall read as follows:

~~Line one~~ OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY BALLOT

~~Line two~~ \_\_\_\_\_ PARTY

~~Line three~~ \_\_\_\_\_ COUNTY, FLORIDA

~~Line four~~ \_\_\_\_\_ (date) \_\_\_\_\_

(b) The title of the primary ballot shall read as follows:

~~Line one~~ OFFICIAL PRIMARY BALLOT

~~Line two~~ \_\_\_\_\_ PARTY

~~Line three~~ \_\_\_\_\_ COUNTY, FLORIDA

~~Line four~~ \_\_\_\_\_ (date) \_\_\_\_\_

(c) The title of the general election ballot shall read as follows:

~~Line one~~ OFFICIAL GENERAL ELECTION BALLOT

~~Line two~~ \_\_\_\_\_ COUNTY, FLORIDA

~~Line three~~ \_\_\_\_\_ (date) \_\_\_\_\_

(3) Ballot instructions shall be printed directly under the title on the front side of an optical scan paper ballot. For a touchscreen ballot, the ballot instructions may appear at any point before the listing of candidates or may be prominently posted in each voting booth.

(a) For optical scan voting systems, the following shall apply:

1. The ballot instructions for those certified voting systems using ovals to be filled in next to the voter's choice, shall read as follows:

a.

- TO VOTE, COMPLETELY FILL IN THE OVAL ? NEXT TO YOUR CHOICE.
- Use only the marking device provided or a number 2 pencil.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

b. In a general election, if there are write-in candidates, add the following:

- To vote for a candidate whose name is not printed on the ballot, fill in the oval, and write in the candidate's name on the blank line provided for a write-in candidate.

2. The ballot instructions for those certified voting systems using an arrow to point to the voter's choice, shall read as follows:

a.

- TO VOTE, COMPLETE THE ARROW ? POINTING TO YOUR CHOICE.
- Use only the marking device provided or a number 2 pencil.
- If you make a mistake, don't hesitate to ask for a new ballot. If you erase or make other marks, your vote may not count.

b. In a general election, if there are write-in candidates, add the following:

- To vote for a candidate whose name is not printed on the ballot, complete the arrow, and write in the candidate's name on the blank line provided for a write-in candidate.

(b) For certified touch screen voting systems the following shall apply:

1. For the Global ES 2001 Blended system, the instructions shall be as follows:

a.

- Make your selection by touching the screen on the candidate's name or anywhere in the candidate area or on the Yes or No position until the X appears.
- If you change your mind, touch the candidate's name or the Yes or No position again to undo the mark.
- Touch ~~the~~ NEXT ~~button~~ at the bottom right of the screen to move to the next ballot page.
- Touch ~~the~~ PREVIOUS ~~button~~ at the bottom left of the screen to move back one page.
- Touch ~~the~~ CAST BALLOT ~~button~~ on the last ballot screen to record your vote.
- To begin voting, touch ~~the~~ START ~~button~~. (This instruction may be modified to instruct the voter to touch ~~the~~ NEXT ~~button~~, if necessary, because of the placement of the instructions.)

b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:

- To vote for a candidate whose name is not printed on the ballot, touch WRITE-IN and a touch keyboard will appear. Key in the candidate's name on the keyboard and then touch RECORD WRITE-IN.

2. For the ES&S iVotronic, the instructions shall be as follows:

a.

- Make your selection by touching your choice on the screen on the box to the right of the candidate or response of your choice or anywhere in the candidate area until it becomes highlighted the X appears.
- If you change your mind, touch the new choice and the highlight X will appear on your new choice or If you change your mind, touch the same choice again to undo the highlight, as appropriate.

- Touch ~~the~~ NEXT or NEXT PAGE button at the bottom right of the screen to move to the next ballot page.
- Touch ~~the~~ PREVIOUS or PREVIOUS PAGE button at the bottom ~~left right~~ of the screen to move back one page.
- Touch REVIEW or REVIEW BALLOT on the last ballot page to review your selections.
- Press the flashing red VOTE button ~~at the top of the machine~~ to cast your ballot.
- ~~To begin voting, touch the NEXT button.~~
  - b. In a general election, if there are write-in candidates, add the following prior to the cast ballot instruction:
    - To vote for a candidate whose name is not printed on the ballot, touch ~~the~~ WRITE-IN ~~candidate box~~ and a touch keyboard will appear. ~~Type~~ Key in the candidate's name and then touch ACCEPT.
- 3. For the Sequoia AVC Edge, the instructions shall be as follows:
  - a.
    - Insert your Voter Card into the bright yellow slot located at the bottom left of the voting machine. Push it all the way in until you feel it "click."
    - Touch anywhere in the box that contains the name of your choice. Confirm that a green check mark appears in the circle located in the box in which your choice appears.
    - You may change your vote by touching the same selection again. The candidate is unselected and all circles for that contest appear again.
    - Write-in a qualified candidate, during a General Election only, by touching Write-In on the candidate list. When the on-screen keyboard appears, key in the candidate's name, then touch OK. The write-in candidate's name now appears on the list of candidates.
    - Continue to the following page by touching NEXT at the bottom right of the screen.
    - To return to the previous page, touch BACK at the bottom left of the screen.
    - Review a summary of all your votes on the REVIEW page. To make a change, touch the office or issue to return to the ballot page for that race.
    - Complete your voting by touching the yellow square on the final screen. Your ballot is now cast. Your voter card will eject. Return it to a poll worker.
  - ~~Make your selection by touching the screen on the circle to the right of the candidate or response of your choice or anywhere in the candidate area until the check mark appears.~~
  - ~~If you change your mind, touch the check mark again to undo the mark.~~
  - ~~Touch the NEXT button at the bottom right of the screen to move to the next ballot page.~~
  - ~~Touch the BACK button at the bottom left of the screen to move back one page.~~

- ~~Touch the yellow CAST VOTE button in the middle of the last screen to cast your ballot.~~
- ~~To begin voting, touch the NEXT button.~~
  - b. ~~In a general election, if there are write-in candidates, add the following prior to the cast vote instruction:~~
    - ~~To vote for a candidate whose name is not printed on the ballot, touch WRITE-IN on the bottom of the list of candidates and a touch keyboard will appear. Key in the candidate's name on the keyboard, then touch OK.~~
      - (4) Following the instructions, the headings, office titles, and candidates shall be listed in the order provided in s. 101.151, F.S. Nonpartisan offices shall appear following the partisan offices and before constitutional amendments or other issues. The headings and office titles shall be in all caps bold. The last name of the candidate shall be in all caps. The first name shall be in upper and lower case.

(5) through (13) No change.

(14) If in any election there are more candidates than will fit in one column or screen, or a candidate's name is so long that the party abbreviation will not fit to the right of the candidate's name, or a candidate's name is too long to fit on one line in the minimum font size, the supervisor of elections shall certify that fact and provide a copy of the proposed ballot to the Division of Elections for approval prior to the printing or distribution of the ballot. Likewise, if circumstances dictate that a supervisor of elections must deviate from the rule in any other respect, the supervisor must certify the facts of the circumstances and obtain the approval of the Division of Elections prior to the printing or distribution of the ballot.

(15) through (24) No change.

Specific Authority 101.151(8) FS. Law Implemented 101.151(8) FS. History—New 6-7-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Operations and Management Consultant, Division of Elections, Department of State  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: L. Clayton Roberts, Director, Division of Elections, Department of State  
 DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2002  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Offender Orientation  
 RULE NO.: 33-302.109  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise an incorporated form for consistency with Rule 33-302.101, F.A.C.

SUMMARY: The proposed rule revises Form DC3-246 to provide correct information as to the filing of supervised offender grievance appeals in accordance with Rule 33-302.101, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-302.109 Offender Orientation.

(1) through (5) No change.

(6) The correctional probation officer shall instruct on and review the information contained in the Instructions to the Offender, Form DC3-246. Form DC3-246 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is           July 19, 2001          .

(a) through (c) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 7-19-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 28, 2002

**DEPARTMENT OF CORRECTIONS**

RULE TITLE:

Elderly Offender Housing

RULE NO.:

33-601.217

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth criteria for the assignment of elderly offenders to the department's geriatric facility designated by s. 944.804, F.S.

SUMMARY: The proposed rule sets forth criteria for the assignment of elderly offenders to the department's geriatric facility designated by s. 944.804, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.804 FS.

LAW IMPLEMENTED: 944.09, 944.804 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.217 Elderly Offender Housing.

(1) Definitions.

(a) Institutional Classification Team (ICT) – refers to the team consisting of the warden or assistant warden, classification supervisor and chief of security, responsible for making work, program, housing and inmate status decisions at a facility and for making other recommendations to the State Classification office (SCO).

(b) State Classification Office (SCO) – refers to a staff member at the central office level who is responsible for the review of inmate classification decisions. Duties include approving or rejecting ICT recommendations.

(c) Elderly Offender – an inmate age 50 or older in a state correctional institution or facility operated by the Department of Corrections or the Correctional Privatization Commission.

(d) River Junction Work Camp – a geriatric facility designated by s. 944.804, F.S., for generally healthy elderly offenders who can perform general work appropriate for their physical and mental condition.

(e) Inmate Support Group – a group of inmates under the age of 50 who are needed to supplement the elderly inmate work assignments.

(2) Placement criteria. Inmates shall be recommended for placement at River Junction Work Camp through routine classification assignment.

(a) Inmates shall meet the following criteria for housing at RJCI:

1. Age 50 or older (other than inmate support group inmates);

2. Medium, minimum or community custody;

3. Have not received three or more major disciplinary reports within the last six months;

4. Are not otherwise deemed to be security risk for placement; and

5. Medical profile that will allow the inmate to perform meaningful work activities.

(b) The following inmates shall not be eligible for housing at RJCI:

1. Close or maximum custody;

2. Have a current or prior conviction for any sex offense;

3. Have a current or prior conviction for first degree murder;

4. Have an escape history or escape arrest with unknown disposition;

5. Have a violent felony or INS detainer;

6. Have an ex-death sentence;

7. Have a life sentence without parole eligibility;

8. Have been released from close management status within the last six months; or

9. Have a special medical need which cannot be accommodated in the work camp setting.

Specific Authority 944.09, 944.804 FS. Law Implemented 944.09, 944.804 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Vaughan

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002 (Numbered in notice of rule development as 33-602.601)

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural RULE CHAPTER NO.: 40D-1

RULE TITLES: Permit Applications – General and Noticed General Permits RULE NOS.: 40D-1.600

Permits Required 40D-1.602

Permit Application Procedures 40D-1.603

Permit Processing Fee 40D-1.607

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to satisfy the statutory requirement that the District establish a process for referring denials of general permits to the Governing Board for final action. The proposed rule amendments will satisfy the statutory requirement by providing that general permits are issued by staff but go before the Governing Board for denial.

SUMMARY: The proposed amendments are to the District’s procedural rules. In addition to sending denials of general permits to the Governing Board for final action, these proposed

amendments will clarify language in portions of the rules by deleting the term “standard” and making consistent references to either General Permits or Noticed General Permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-1.600, 40D-1.602, 40D-1.603, and 40D-1.607, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS.

LAW IMPLEMENTED: 373.106, 373.109, 373.116, 373.118, 373.171, 373.216, 373.219, 373.229, 373.308, 373.323, 373.413, 373.414, 373.4136, 373.416, 373.418, 373.426, 380.06(9) 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 RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-1.600 Permit Applications – General and Noticed General Permits.

(1) General Permits issued pursuant to Sections 373.118 and 373.414, F.S., under Chapters 40D-2, 40D-4, and 40D-40, ~~and 40D-400~~, Florida Administrative Code, are issued ~~or denied~~ by staff or denied by the Governing Board.

(2) Noticed General Permits are issued or denied by staff ~~as Noticed General and Standard General Permits~~.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.118 FS. History--New 10-1-84, Amended 12-22-94, 7-2-98, \_\_\_\_\_.

40D-1.602 Permits Required.

Unless expressly exempt by law or District rule, the following permits shall be obtained from the District prior to commencement of the following activities:

(1) through (2) No change.

(3) A Surface Water, Individual, ~~or~~ General, or Noticed General permit under Chapter 40D-4, 40D-40 or 40D-400, must be obtained prior to construction, alteration, abandonment, operation, or removal, of any surface water management system, dam impoundment, reservoir,

appurtenant work or works, including dredging or filling, as prescribed by District rules. An Individual Permit is required for the establishment and operation of mitigation banks.

(4) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.4136, 373.414, 373.418 FS. Law Implemented 373.106, 373.118, 373.171, 373.216, 373.219, 373.308, 373.323, 373.413, 373.4136, 373.416, 373.426, 373.414, 373.418, 380.06(9) FS. History—New 10-1-84, Amended 12-22-94, 10-16-96, 2-14-00, \_\_\_\_\_.

40D-1.603 Permit Application Procedures.

(1) No change.

(2) No later than 30 days after receipt of an initial or modification of an application for an individual surface water management permit, an individual Environmental Resource Permit or an individual water use permit application for withdrawals of 500,000 gpd annual average daily or greater pursuant to Chapter 40D-2, F.A.C., the District shall publish notice thereof in a newspaper having general circulation as defined in Chapter 50, Florida Statutes. Upon receipt of an application for an initial or modification of a ~~standard~~ general Environmental Resource Permit pursuant to Chapter 40D-40, F.A.C., a general surface water management permit pursuant to Chapter 40D-40, F.A.C., (January 11, 1993) or a noticed general surface water management permit pursuant to Chapter 40D-400, F.A.C. (January 11, 1993) or for a general water use permit for less than 500,000 gpd annual average daily pursuant to Chapter 40D-2, F.A.C., the District shall post notice thereof in the District’s headquarters and in each of the District’s service offices. In the event that after posting of notice an application for a general permit is modified such that it is an application for an individual permit, notice of the application shall be published in a newspaper as provided above. In addition, the District shall provide a letter giving notice of receipt of the application to any person who has filed a written request within the immediately preceding six months for notification of any pending applications affecting the particular designated area. Each notice and letter shall state that interested persons shall have the opportunity to inspect a copy of the application and submit written comments concerning the application. The District may request persons submitting objections or comments to furnish additional information. In addition, each notice and letter will advise that if notice of agency action or opportunity to request an administrative hearing pursuant to Chapter 120, Florida Statutes, regarding a permit application is desired, a written request referencing the permit application number must be filed with and received by the Processing and Records Section by the date specified in the letter, newspaper notice or the posted notice as applicable pursuant to this subsection. The date specified in such notice or letter to obtain notice of agency action or to request a hearing shall be no less than 14 days from the date of mailing, publication or posting as applicable. Upon request, the District will provide the applicant with a copy of all objections and comments received.

(3) through (7) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.116, 373.118, 373.229, 373.413 FS. History—New 10-1-84, Amended 5-10-88, 12-22-94, 10-19-95, 3-31-96, 12-16-97, 7-2-98, 7-22-99, 11-8-00, \_\_\_\_\_.

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

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

~~7. Application for Noticed General Permit pursuant to Chapter 40D-40, F.A.C. \$200.00~~

~~7.8. Application for Standard General Permit for Minor Surface Water Systems \$200.00~~

~~8.9. Application for Standard General Permit for Minor Surface Water System Modification \$100.00~~

10. through 14. renumbered 9. through 13. No change.

(b) through (c) No change.

(2) through (3)(d) No change.

(e) SINGLE FAMILY DWELLING UNITS: Applications for Chapter 40D-40 ~~Standard~~ General or Chapter 40D-400.475(f) Noticed General Permits for construction of a single family dwelling unit involving wetlands that is not part of a larger common plan of development or sale proposed by the applicant.

(f) No change.

(4) For projects grandfathered pursuant to Section 373.414, F.S., the conceptual, individual or general surface water management permit application fee shall be the same as the conceptual, individual or ~~standard~~ general environmental resource permit application fees listed in this subsection.

(5) through (10) No change.

(11) Chapter 40D-40, F.A.C., ~~standard~~ general site conditions assessment permit:

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

2. Modification to convert to a Chapter 40D-4 or 40D-40, F.A.C., construction permit:

a. When the construction permit applicant is the original permittee for a valid site conditions assessment permit, the processing fee amount due shall be the full application fee for a Chapter 40D-4, F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., ~~standard~~ general construction permit,

as applicable; if a construction permit is issued, a credit equal to the basic fee amount paid in connection with the site conditions assessment permit shall be reimbursed after submittal of the project Statement of Completion and as-built information by the original permittee, and operation approval by the District.

b. When the construction permit applicant is not the original permittee, and the applicant has a valid site conditions assessment permit that was transferred, the processing fee amount due shall be the full application fee for a Chapter 40D-4 , F.A.C., individual construction permit or a Chapter 40D-40, F.A.C., ~~standard~~ general construction permit, as applicable; but the permit application processing fee credit in subparagraph 2.a. shall not apply.

(12) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use of Water      RULE CHAPTER NO.: 40D-2

RULE TITLE: Publications Incorporated by Reference      RULE NO.: 40D-2.091

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to amend provisions in the District’s water use permitting rules to make them consistent with proposed amendments to the District procedural rules that establish a process for referring denials of general permits to the Governing Board for final action.

SUMMARY: The proposed amendments address the application review process set forth in Section 1.6 of the Basis of Review for Water Use Permit Applications, which is incorporated by reference into Rule 40D-2.091, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rule 40D-2.091,

F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.091 Publications Incorporated by Reference.

The “Basis of Review for Water Use Permit Application” \_\_\_\_\_ April 14, 2002, is hereby incorporated by reference into this Chapter and is available from the District upon request.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History-New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02.

Water Use Permit Information Manual Basis of Review

**1.6 APPLICATION REVIEW PROCESS**

Once the permit application and appropriate information supplements are received, District staff will identify any deficiencies in the application and request any needed information within 30 days of receipt. District staff will evaluate the application in terms of water needs and potential impact and may request clarification of the information submitted. District staff will work with the Applicant to obtain all of the information necessary to support the application. However, it is the Applicant’s responsibility to provide the information requested. Staff will notify the Applicant when all information has been received and the application is complete. Once the application is complete, the District must issue or deny the permit within 90 days. Typically, permits authorizing withdrawals < 500,000 gpd will be issued or denied within 60 days.

The District has established two procedures for issuing permits, based on the quantity of water permitted. The Governing Board must approve all permits authorizing annual

average withdrawals  $\geq$  500,000 gpd. District staff typically issues permits authorizing withdrawals of  $<$  500,000 gpd unless the permit involves unusual circumstances. Permits which do not require Governing Board approval may be issued in a shorter period of time than those which must be approved by the Governing Board.

If a permit requires Governing Board approval, District staff will prepare a staff report and recommendation. This information is delivered to the permit applicant and interested persons and constitutes proposed agency action. Any person whose substantial interest may be affected by action on a permit and objects to it may file a petition for hearing within 14 days of receipt of the proposed agency action. Procedures for filing a petition for hearing are described in Part V of Chapter 40D-1, F.A.C. (See Rules 40D-1.521 and 40D-1.571). If no objection is filed, the permit will be acted on at the next Governing Board meeting indicated in the notice. If a valid objection is received, a hearing may be scheduled or the objection may be resolved through negotiations.

For permits which do not require Governing Board approval, District staff prepares the permit which constitutes final agency action. Objectors may file a petition for hearing within 14 days of receipt of final agency action. If no request for hearing is timely filed, the permit stands as issued by District staff.

General water use permits may be issued by District staff for applications which meet the following criteria:

1. The average annual daily withdrawal is less than 500,000 gpd;
2. The application meets the Conditions for Issuance set forth in Section 40D-2.301.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Individual Environmental Resource Permits	40D-4
RULE TITLES:	RULE NOS.:
Definitions	40D-4.021
Permits Required	40D-4.041
Conditions for Issuance of Permits	40D-4.301
Additional Conditions for Issuance of Permits	40D-4.302

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to satisfy the statutory requirement that the District establish a process for referring denials of general permits to the Governing Board for final action.

SUMMARY: The proposed rule amendments will satisfy the statutory requirement by providing that general permits are issued by staff but go before the Governing Board for denial. In addition, the proposed amendments will clarify language in portions of the rules by deleting the term "standard" and making consistent references to either General Permits or Noticed General Permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-4.021, 40D-4.041, 40D-4.301 and 40D-4.302, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.042, 373.403, 373.409, 373.413, 373.414, 373.416, 373.419, 373.426, 373.427 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 RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-4.021 Definitions.

When used in this Chapter and Chapters 40D-40 and 40D-400: (1) through (14) No change.

(15) "Noticed General Permit" means an Environmental Resource Permit issued or denied by staff.

~~(16)(15) "General Permit" means an Environmental Resource Permit issued or denied by District staff or denied by the Governing Board. General Permits are issued as either Noticed General or Standard General permits.~~

(17)(16) "Individual Permit means an Environmental Resource Permit issued or denied by the District Governing Board.

(17) through (21) renumbered (18) through (22) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.403, 373.419 FS. History--Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02,



40D-4.041 Permits Required.

(1) No change.

(2) The District issues the following types of Environmental Resource Permits:

(a)1. ~~Standard~~ General permits are issued pursuant to Chapter 40D-40, F.A.C.

2. through (c) No change.

(d) Site conditions assessment permits are optional ~~standard~~ general permits issued pursuant to Chapters 40D-4 and 40D-40, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, as the first phase of construction permitting which identify and document the boundaries of certain existing topographic and environmental site conditions existing within a project area. At a minimum, all site conditions assessment permits shall evaluate, and identify if present, the landward extent of wetlands and other surface waters; the level and landward extent of the 100 year floodplain; seasonal high water levels and existing watershed delineations. In the permit application, the applicant may request that the District evaluate additional site conditions boundaries. A site conditions assessment permit does not authorize construction, alteration, operation, or abandonment of a surface water management system or establishment of a mitigation bank. However, a currently valid site conditions assessment permit can be formally modified by the permittee to apply for either an individual or a general construction and operation permit.

(3) No change.

(4) A ~~Standard~~ General Permit for Minor Surface Water Management Systems is required for a surface water management system, otherwise exempt from permitting under subsections 40D-4.051(3) or (4), unless the system is exempt by statute or rule from storm water quality regulation or has received storm water quality review and approval by the District or by a DEP permit, license or certification.

(5) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171 FS. Law Implemented 373.413, 373.416, 373.426, 373.427 FS. History-Readopted 10-5-74, Amended 12-31-74, 9-4-77, 6-7-78, Formerly 16J-4.04, 16J-4.10(1),(2),(4), Amended 10-1-84, 3-1-88, 10-3-95, 7-23-96, 10-16-96, 4-17-97, 10-11-01,\_\_\_\_\_.

40D-4.301 Conditions for Issuance of Permits.

(1) In order to obtain a ~~standard~~ general, individual, or conceptual permit under this chapter or Chapter 40D-40, F.A.C., an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal or abandonment of a surface water management system:

(a) through (4) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.042, 373.403, 373.413, 373.416, 373.426, 373.427 FS. History-Readopted 10-5-74, Amended 12-31-74, 6-7-78, Formerly 16J-4.06(3),(4),(5),(6),(8), Amended 10-1-84, 6-2-85, 4-2-87, 3-1-88, 10-3-95, 10-16-96,\_\_\_\_\_.

40D-4.302 Additional Conditions for Issuance of Permits.

(1) In addition to the conditions set forth in ~~Rule section~~ 40D-4.301, F.A.C., in order to obtain a ~~standard~~ general, individual, or conceptual permit under this chapter an applicant must provide reasonable assurance that the construction, alteration, operation, maintenance, removal, and abandonment of a system:

(a) through (2) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.042, 373.409, 373.413, 373.414, 373.416, 373.426 FS. History-New 10-3-95, Amended\_\_\_\_\_.

Environmental Resource Permitting Manual Basis of Review.

CHAPTER ONE – INTRODUCTION

1.2 Application Review Process – The District issues three types of environmental resource permits as authorized by Part IV of Chapter 373, Florida Statutes: individual including conceptual, ~~standard~~ general, and noticed general permits.

Noticed general permits and general permits are issued by staff, while Governing Board action is required for individual permits.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:

Governing Board of the Southwest Florida Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: General Environmental Resource Permits

RULE CHAPTER NO.: 40D-40

RULE TITLES: Policy and Purpose

RULE NOS.: 40D-40.011

General Environmental Resource Permits

40D-40.040

General Permit for Site Condition Assessment

40D-40.044

Content of Application for General Permits

40D-40.112

Conditions for Issuance of General Permit

for Minor Surface Water

Management Systems

40D-40.301

Conditions for Issuance of General Permits

40D-40.302

Duration of Permits

40D-40.321

Modification of Permits

40D-40.331

General Conditions

40D-40.381

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to clarify language in portions of the rules by deleting the term “standard” and making consistent references to either General Permits or Noticed General Permits.

SUMMARY: The proposed amendments delete the term “standard” from references to General Permits in Rule Chapter 40D-40, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District’s determination that the proposed revisions to Rules 40D-40.011, 40D-40.040, 40D-40.044, 40D-40.112, 40D-40.301, 40D-40.302, 40D-40.321, 40D-40.331, 40D-40-381, F.A.C., will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

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

LAW IMPLEMENTED: 373.103(1), 373.117, 373.413, 373.413(1), 373.414, 373.416, 373.419, 373.427, 373.429 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 RULES IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

40D-40.011 Policy and Purpose.

The rules in this chapter grant ~~standard~~ general environmental resource permits for certain specified surface water management systems which have been determined to be not harmful to the water resources of the District and to be not inconsistent with the objectives of the District. The purpose of this chapter is to set forth the requirements for qualifying for a ~~standard~~ general permit and the conditions under which they may be exercised. Non-exempt surface water management systems which do not qualify for a noticed general environmental resource permit pursuant to Chapter 40D-400, F.A.C., or a ~~standard~~ general permit under this chapter are required to obtain individual permits. The District reserves the right to require an individual permit for any surface water management system which: does not comply with the provisions of this chapter; may be harmful to the water resources of the District; or is inconsistent with the overall objectives of the District.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.103(1), 373.413(1), 373.416, 373.419, 373.429 FS. History—New 10-1-84, Amended 3-1-88, 10-3-95, \_\_\_\_\_.

40D-40.040 ~~Standard~~ General Environmental Resource Permits.

(1) Three types of ~~Standard~~ General Environmental Resource Permits are issued pursuant to this Chapter and Chapter 40D-4, F.A.C. They are:

(a) ~~Standard~~ General Environmental Resource Permit for Minor Surface Water Management Systems. The conditions for issuance for this permit are contained within section 40D-40.301;

(b) ~~Standard~~ General Environmental Resource Permit for Surface Water Management Systems. The conditions for issuance of this permit are contained within section 40D-40.302; and

(c) ~~Standard~~ General Environmental Resource Permit for Site Conditions Assessment. The conditions for issuance of this permit are contained within section 40D-40.302.

(2) ~~Standard~~ General Environmental Resource Construction and Operation Permits are required prior to the construction, alteration, removal, maintenance, operation or abandonment of certain surface water management systems.

(3) Site Conditions Assessment Permits are optional ~~standard~~ general permits that are issued as the first phase of construction permitting which identify and document the boundaries of certain existing site conditions found within a project area. At a minimum, all site conditions assessment permits shall evaluate, and identify if present, the landward extent of wetlands and other surface waters; the level and landward extent of the 100 year floodplain; seasonal high water levels; and existing watershed delineations. Additional site conditions boundaries may be requested by the applicant and evaluated for permitting by the District. A site conditions assessment permit does not authorize construction, alteration, operation, or abandonment of a surface water management system or establishment of a mitigation bank, but it can be formally modified by the permittee to apply for either an individual or a general construction and operation permit.

(4) An activity which requires both a ~~standard~~ general environmental resource permit or a permit under subsections 373.414(11)-(16), F.S., and a proprietary authorization under Chapter 253 or 258, F.S., shall be subject to the requirements and procedures in Section 373.427, F.S., Chapters 18-20 and 18-21, F.A.C., and Rules 62-312.065 and 62-343.075, F.A.C.

Specific Authority 373.044, 373.113, 373.118, 373.421(2) FS. Law Implemented 373.413, 373.414, 373.416, 373.419, 373.427 FS. History—New 10-3-95, Amended 7-23-96, 10-16-96, 7-2-98, \_\_\_\_\_.

40D-40.044 ~~Standard~~ General Permit for Site Conditions Assessment.

(1) This ~~standard~~ general permit identifies and documents the boundaries of certain existing topographic and environmental site conditions within the applicant’s project area that are measurably associated with waters, as described in the application.

(2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History–New 7-23-96, Amended.

40D-40.112 Content of Application for ~~Standard~~ General Permits.

(1) To apply for a ~~standard~~ general permit, including an application for a ~~standard~~ general permit for minor surface water management systems, the applicant shall file with the District the Application form identified in Chapter 40D-1, F.A.C., and other required documents, information and fees.

(2) No change.

(3) A complete application for a ~~standard~~ general permit for construction and operation shall also constitute an application for certification of compliance with state water quality standards where necessary pursuant to Section 401, Public Law 92-500, 33 U.S.C. Section 1341. Issuance of the construction and operation permit shall constitute certification of compliance with water quality standards unless the permit is issued pursuant to the net improvement provision of Section 373.414(1)(b), F.S., or the permit specifically states otherwise.

(4) If a ~~standard~~ general permit application involves activities located in, on, or over wetlands or other surface waters, as delineated by the methodology authorized in subsection 373.421(1), F.S., then, within three business days of receipt of the application, the District shall forward a copy to the appropriate office of the U.S. Army Corps of Engineers unless specifically authorized by the Corps to do otherwise.

(5)(a) through (d) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History–New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 10-16-96, \_\_\_\_\_.

40D-40.301 Conditions for Issuance of ~~Standard~~ General Permit for Minor Surface Water Management Systems.

(1) To obtain this ~~standard~~ general permit, an applicant must provide reasonable assurance that the following conditions are met and certify that:

(a) through (j) No change.

(2) Applicants required to obtain a permit by subsection 40D-4.041(4) may obtain this ~~standard~~ general permit if the applicant provides reasonable assurance and certifies that the conditions in paragraphs 40D-40.301(1)(f), (i), (j) and 40D-4.301(4) are met.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.427 FS. History–New 3-1-88, Amended 10-3-95, 10-16-96, \_\_\_\_\_.

40D-40.302 Conditions for Issuance of ~~Standard~~ General Permits.

In order to qualify for a ~~standard~~ general permit for construction and operation under this chapter, the applicant must give reasonable assurances that the surface water management system meets all conditions of subsection 40D-40.302(1) and all thresholds and conditions of at least one other subsection. To obtain a ~~standard~~ general site conditions assessment permit under this chapter, the applicant must provide reasonable assurances that all conditions of subsection 40D-40.302(5) are met.

(1) through (5) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.414, 373.416, 373.419 FS. History–New 10-1-84, Amended 3-1-88, 5-10-88, 9-13-88, 10-3-95, 7-23-96, \_\_\_\_\_.

40D-40.321 Duration of Permits.

Unless revoked or otherwise modified, the duration of a ~~standard~~ general permit issued pursuant to this Chapter is as specified in Rule 40D-4.321, F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416, 373.419(2) FS. History–New 10-1-84, Amended 3-1-88, 10-3-95, \_\_\_\_\_.

40D-40.331 Modification of Permits.

A request for modification to renew or extend a permit issued under this chapter shall be made in accordance with this rule. Requests to modify permits shall be made:

(1) In accordance with Rules 40D-4.091, 40D-4.331, 40D-40.040, 40D-40.112, 40D-40.301 and 40D-40.302 for ~~standard~~ general construction and operation permits and as applicable for all site conditions assessment permits; or

(2) By letter for ~~standard~~ general construction and operation permits provided the requested modification does not exceed the conditions of subsection 40D-4.331(2)(b).

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History–New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 4-17-97, \_\_\_\_\_.

40D-40.381 General Conditions.

The ~~standard~~ general permits issued pursuant to this chapter shall be subject to the following limiting conditions:

(1) through (2) No change.

(3) All ~~standard~~ general permits shall be subject to other reasonable conditions as are necessary to assure that the permitted system will not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.117, 373.413, 373.414, 373.416, 373.419 FS. History–New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack Pepper, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 28, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

**LAND AND WATER ADJUDICATORY COMMISSION**

**Bartram Springs Community Development District**

RULE CHAPTER TITLE: Bartram Springs Community Development District      RULE CHAPTER NO.: 42HH-1

RULE TITLES: Establishment      RULE NOS.: 42HH-1.001

Boundary      42HH-1.002

Supervisors      42HH-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district (CDD), the Bartram Springs Community Development District ("District"), pursuant to Chapter 190, F.S. The petition to establish the District, filed by SouthStar Development Partners, Inc., requests that the Commission establish by rule the Bartram Springs CDD. A Notice of Receipt of Petition for the District was published in the May 17, 2002, edition of the Florida Administrative Weekly. The land area proposed to be served by the District will consist of approximately 1,025 acres. All proposed lands in the District are within the boundaries of the City of Jacksonville, Florida, a consolidated government which has jurisdiction over and extends to the limits of Duval County. The proposed District is generally located west of U.S. 1, east of Interstate 95, and south of St. Augustine Road in Duval County. There are no out-parcels located within the external boundaries of the parcel of land to be included within the District. The lands to be included within the proposed District are zoned Planned Unit Development/Multi-Use. The proposed District is bounded by office, commercial, multi-family, and agricultural uses. The future general distribution, location and extent of the public and private land uses under the Planned Unit Development/Multi-Use designation (City of Jacksonville Comprehensive Plan) currently include residential, recreation, and commercial elements. The proposed land uses within the District are subject to the approved Bartram Park Development of Regional Impact (DRI) Development Approval issued by the City of Jacksonville, and, to the extent applicable, the Bartram Park Development of Regional Impact Development Order issued by St. Johns County. The proposed commercial development within the District contemplates the construction of facilities on approximately three acres of land. Approximately 1,400 single-family residential units and 300 multi-family units are presently planned for development within the District. The Petitioner either owns or has written

consent to establish the District from the owners of 100% of the real property located within the District. The District, if established, intends to participate in the construction of certain road and entranceway improvements. The District is also expected to provide certain stormwater and recreation amenity improvements for the lands within the District, as well as wetland restoration and funding for a roadway planning, development, and engineering study.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Petitioner has prepared a Statement of Estimated Regulatory Costs (SERC). The complete text of the SERC is contained as Exhibit 11 to the petition to establish the District. The Petitioner, SouthStar Development Partners, Inc., presently intends for the District to participate in the construction of certain road and entranceway improvements as contemplated in the Bartram Park Development of Regional Impact Development Order. The District is also expected to provide certain stormwater, utility and recreation improvements for the lands within the District, as well as wetland restoration and funding for a roadway planning, development, and engineering study. The District intends to finance these infrastructure improvements through special assessment or other revenue bonds. Repayment of those bonds will be through non-ad valorem assessments levied against all benefitted properties within the District. The current and future property owner will be responsible for payment of these assessments on the basis of the amount of benefitted property owned. In exchange for payment of these special assessments, there are substantial potential benefits to be derived by the property owners. All of the current and future landowners within the boundaries of the proposed District will be required to comply with the administrative rule. The cost of implementing this rule to the City of Jacksonville, its residents and to all applicable state agencies for processing the documents is nominal. The City of Jacksonville was paid a \$15,000.00 processing fee to offset the cost of review of the petition to establish the District. Administrative costs will be incurred by the Florida Land and Water Adjudicatory Commission, the Division of Administrative Hearings, the Bureau of Local Government Finance/Office of the Comptroller, and the Florida Department of Community Affairs. Other than administrative costs, no costs will be incurred by the State of Florida or the general citizenry from the establishment or operations of the District. Adoption of the proposed administrative rule will have no negative impact on state or local revenues. The impact of District establishment and function on competition and the employment market is marginal and generally positive, as is the impact on small business. None of the reasonable public or private alternatives, including an assessment of less costly and less intrusive methods and of probable costs and benefits of not adopting the

rule, is as economically viable as establishing the District. Creation of the District should not have a negative impact on small counties because Duval County is not a "small county" as defined by Section 120.52, F.S. Analysis provided by the SERC is based on a straightforward application of economic theory, especially as it relates to tracking the incidence of regulatory costs and benefits. Inputs were received from the Developer's Engineer and other professionals associated with the Developer.

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 twenty-one (21) days of this notice.

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

TIME AND DATE: 10:00 a.m., Monday, August 12, 2002

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cheryl G. Stuart, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

42HH-1.001 Establishment.

The Bartram Springs Community Development District is hereby established.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History-New \_\_\_\_\_.

42HH-1.002 Boundary.

The boundaries of the District are as follows:

A portion of Sections 28, 29, 32 and 33, together with a portion of Section 48, of the Christopher Minchin Grant, all lying in Township 4 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the corner common to said Sections 32 and 33, Township 4 South, Range 28 East, said Duval County and Sections 4 and 5, Township 5 South, Range 28 East, St. Johns County, Florida, said corner also lying on the county line dividing said Duval and St. Johns Counties; thence North 89° 04' 41" East, along said county line, 3281.18 feet; thence North 00° 55' 19" West, departing said county line, 5.00 feet to the Point of Beginning.

From said Point of Beginning, thence South 89° 04' 41" West, 3281.22 feet to a point lying on the line common to said Sections 32 and 33; thence South 89° 33' 42" West, departing said common line, 699.85 feet to the Easterly limited access right of way line of State Road No. 9B, a variable width right of way as established on State Road Department Right of Way Map Section 72002-2513, dated 09-08-92; thence Northwesterly and Northeasterly, along said Easterly limited access right of way line, the following courses: (1) North 40° 25' 37" West, 2161.10 feet to the Point of Curvature of a curve, concave Northeasterly having a radius of 2744.79 feet; (2) along the arc of said curve, through a central angle of 14° 47' 23", an arc length of 708.51 feet to the Point of Tangency of said curve, said arc being subtended by a chord bearing and distance of North 33° 01' 55" West, 706.55 feet; (3) North 25° 38' 14" West, 2143.97 feet to the Point of Curvature of a curve, concave Easterly having a radius of 1789.86 feet; (4) along the arc of said curve through a central angle of 37° 18' 23", an arc length of 1165.41 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 06° 59' 02" West, 1144.93 feet; (5) North 10° 17' 40" East, along a non-tangent bearing, 500.14 feet; (6) North 11° 40' 10" East, 1913.60 feet to a point lying on the Southerly line of the North 1/2 of said Section 29; thence North 88° 42' 41" East, departing said Easterly limited access right of way line and along last said line, 2914.25 feet to the Southwest corner of the Northwest 1/4 of said Section 28; thence North 89° 02' 27" East, along the Southerly line of the Northwest 1/4 of said Section 28, a distance of 233.49 feet to a point lying on the Westerly right of way line of the Florida East Coast Railroad, a 100 foot right of way as now established; thence South 41° 00' 02" East, along said Westerly right of way line, 1203.71 feet to a point lying on the Westerly line of the Easterly 1/4 of the Northwest 1/4 of the Southwest 1/4 of said Section 28; thence South 00° 59' 05" East, departing said Westerly right of way line and along said Westerly line of the Easterly 1/4, a distance of 424.47 feet to the Southwest corner of said East 1/4 of the Northwest 1/4 of the Southwest 1/4; thence North 88° 54' 34" East, along the Southerly line of said East 1/4, a distance of 355.82 feet to a point lying on the aforementioned Westerly right of way line; thence South 41° 00' 02" East, along said Westerly right of way line, 6946.50 feet; thence South 81° 44' 38" West, departing said Westerly right of way line, 1239.95 feet; thence North 89° 51' 10" West, 1102.07 feet; thence South 10° 16' 03" West, 955.68 feet to the Point of Beginning. Containing 1025.40 acres, more or less.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History-New \_\_\_\_\_.

42HH-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: J. Thomas Gillette, III, L. Alfredo Rodriguez-Walling, Walter Kehoe, Thaddeus D. Rutherford, and Leo W. Johns.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS.  
History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 5, 2002

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE TITLE: Pari-Mutuels RULE NO.: 61D-7.020

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to interpret Florida Statutes which relate wagering activities on pari-mutuel events.

SUMMARY: This proposed rule implements Florida Statutes necessary to ensure proper oversight on pari-mutuel wagering within the State of Florida.

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 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: 550.0251(3),(7), 550.105(2)(c), 550.155(1), 550.495(4) FS.

LAW IMPLEMENTED 550.0251, 550.0425, 550.105, 550.155, 550.495 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., August 13, 2002  
PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, Room 130, 1940 N. Monroe Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 5 calendar days before the hearing by contacting: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Written comments or suggestions on the proposed rule may be submitted to Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035, within 21 days of this notice for inclusion in the record of this proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-7.020 Pari-Mutuels.

(1) Pari-mutuel wagers may be sold in not less than \$1 denominations, and may be sold only in \$1 increments, except when a guest track in Florida commingles into the pools of an-out-of state host and the out-of-state host offers a lower incremental minimum.

(2) A permitholder that serves as a totalisator hub shall provide a work area for use by division personnel. The work area shall be located adjacent to or within a reasonable proximity to the totalisator room, and provide visibility of the tote console, printer, and field totalisator boards. The work area shall include functioning power outlets and adequate space for locking file cabinets or other storage facility that can store records for a period of one year. State personnel shall have possession of any keys or combinations required to access storage facilities used for storing state equipment or records. Where the totalisator is located at a site other than a pari-mutuel facility, the responsibilities of this paragraph shall be borne by the totalisator company. Each permitholder shall provide a work area for use by division pari-mutuel wagering specialists. This work area shall accommodate state auditing personnel, be located within or adjacent to the totalisator room, or remote totalisator communications area, provide a view of the totalisator console, printer and field totalisator boards and shall include a functioning public address speaker, power outlets to operate electronic equipment and space for locking file cabinets within the work area or other proper storage facilities which can store and secure computer printouts for a period of 1 year. The pari-mutuel wagering specialist shall have possession of any keys or combinations used to unlock any storage facilities used for storing state equipment and records. Where the totalisator is located at a site other than a pari-mutuel wagering facility, the responsibilities of this paragraph shall be borne by the totalisator company.

(3) All permitholders shall inform the patrons through the official program or shall post conspicuously throughout the facility the location and availability of the State of Florida pari-mutuel rules and statutes for their examination. Each

permitholder shall provide a current version of the pari-mutuel rules and statutes for patron examination at a convenient location on the permitholder's premises.

(4) The permitholder shall ensure that no minor is allowed to:

- (a) Wager or cash tickets;
- (b) Use patron-operated wagering devices; or
- (c) Participate in computerized account betting; ~~or~~
- ~~(d) Participate in messenger betting.~~

(5)(a) No pari-mutuel tickets shall be sold except through properly designated totalisator terminals or via the following authorized methods:

- ~~1. Messenger betting;~~
- ~~1.2. Advanced and future bets;~~
- ~~2.3. Computerized account betting;~~
- ~~3.4. Betting utilizing credit vouchers; and~~
- ~~4.5. Betting utilizing portable terminals.~~

(b) All ticket sales shall be for cash or cash equivalent.

(6) The duty of the licensed pari-mutuel tellers shall not be compromised and they shall not at any time serve as an agent or an employee of a patron with respect to pari-mutuel wagering. The permitholders shall inform their tellers of this and all applicable rules and statutes.

(7) Payment of winning and refundable pari-mutuel tickets shall be made only upon presentation and surrender of the tickets. Damaged tickets with complete and legible identification numbers or bar codes may be honored without presentation of a formal claim.

(8) Any claim by a person that a wrong ticket has been delivered to him must be made prior to the stop bet command being issued for the race for which the wrong ticket was sold.

(9) No later than the opening of the starting box at greyhound tracks, all pari-mutuel machines shall be locked by the division judge via a control linked to the totalisator system.

~~(10) At the start of the first serve motion in any jai alai game, the outcome upon which pari-mutuel wagers are made, all pari-mutuel machines shall be locked by the division judge via a control linked to the totalisator system.~~

~~(10)(11) No later than the opening of the starting gate at thoroughbred tracks or crossing of the starting line at harness tracks, all pari-mutuel machines shall be locked by the state steward via a control linked to the totalisator system.~~

~~(11)(12) As an alternate emergency procedure, if the division judge or steward fails to close pari-mutuel wagering, it shall become the responsibility of the permitholder's judges or stewards. A report of such circumstances shall be made to the division within 48 hours by all the participating judges or stewards.~~

(12) At the start of the first serve motion in any jai alai game, the outcome upon which pari-mutuel wagers are made, all pari-mutuel machines shall be locked by the permitholder's announcer via a control linked to the totalisator system.

(13) As an alternate emergency procedure, in any jai alai game, if the permitholder's announcer fails to close pari-mutuel wagering, it shall become the responsibility of the permitholder's pari-mutuel manager. The participating announcer and pari-mutuel manager shall make a report of such circumstances to the division within 48 hours.

~~(14)(13) If, then, the permitholder's judges, or stewards, jai alai announcer, or pari-mutuel manager fail to close the wagering or if the command is issued but fails to take hold, the responsibility shall fall to the totalisator operator at the facility conducting the live event or importing the contest from out of state as a primary guest. For this purpose the totalisator operator shall have the ability to monitor each contest being conducted live, or imported if a primary guest, at that facility.~~

~~(a) The pari-mutuel wagering specialist located in or adjacent to the room where the totalisator is located shall have the ability to monitor each contest being conducted live at the facility, each contest imported from out of state as a primary guest, and each intertrack wagering contest.~~

~~(b) The pari-mutuel wagering specialist shall monitor the start of each contest for the timely issuance of the stop bet command. In the event that the stop bet command is not implemented, the pari-mutuel wagering specialist shall direct the totalisator to close the wagering, and the totalisator operator shall do so.~~

~~(15)(e) The totalisator system shall be capable of identifying the source of the stop bet command and shall log the origin automatically.~~

~~(16)(14) Upon investigation, any wager which has been determined to have been purchased after the contest has started shall be disallowed and the bettor will not receive any winnings related to the disallowed wager. The disallowed winnings shall be treated as an underpayment to the public and within seven 7 days of the incident shall be added into the net wagering pool chosen by the permitholder and approved by the division. The add-in must be done prior to the stop bet of the race and the pool matrix shall not be affected in any way. If the addition to the pool is not possible because of the end of the meet, the underpayment shall be carried over to the next meet and added to the first performance.~~

~~(17)(15) Each permitholder must install and maintain in good working order a suitable communications system between the totalisator room and state judge's/steward's stand, or the announcer stand in jai alai and the office of mutuel operations and totalisator room.~~

~~(18)(16) With respect to the operation of the mutuels department, should any emergency arise not covered by these rules and an immediate decision is necessary, the Mutuels Manager shall make the decision and render a written report to the division within 48 hours concerning the incident.~~

~~(17) Betting through the use of licensed messengers is permitted. Seven days prior to the implementation of messenger wagering, the permitholder shall provide to the division a copy of the operational procedures.~~

~~(a) All messenger bets shall be recorded on messenger sales receipts.~~

~~(b) Permitholder messenger receipt specifications shall as a minimum contain the following:~~

- ~~1. Pre-printed sequential unique control numbers;~~
- ~~2. The name of the permitholder and, where applicable the intertrack and interstate host;~~
- ~~3. The date of the sale;~~
- ~~4. The race number;~~
- ~~5. A complete record and description of the wager sold, including the type of wager, denomination and total amount of the sale.~~

~~(c) Specific pari-mutuel terminals shall be designated for messenger sales.~~

~~(d) An issued messenger receipt shall be considered a valid wager regardless of whether the ticket was issued and the issuing messenger shall initial the receipt. The permitholder shall honor all winning receipts at the tote established price irrespective of whether or not the wager and its value entered the system. This caveat shall be legibly printed on the receipt.~~

~~(e) All cashed winning messenger receipts shall be attached with the corresponding receipt in the messenger receipt book.~~

~~(f) All losing tickets shall be attached to the corresponding receipt in the messenger receipt book.~~

~~(g) The permitholder shall maintain a log of the receipts issued to and returned by each messenger.~~

~~(h) The permitholder shall maintain as part of its messenger betting records the printing manifests evincing the beginning and ending numbers and the total amount of receipts printed for the printing order. The manifests shall be available to the division's representative upon request.~~

~~(i) The sale of or transfer to minors of messenger receipts is prohibited. This caveat shall be printed legibly on the receipt.~~

~~(j) At permitholder facilities where messenger betting is offered, an explanation of how to read a messenger receipt shall be printed in the official program or on the back of the messenger receipt.~~

Specific Authority 550.0251(3),(7), 550.105(2)(b), ~~550.105(2)(e)~~, 550.155(1), 550.495(4) FS. Law Implemented 550.0251, 550.0425, 550.105, 550.155, 550.495 FS. History--New 10-20-96, Amended 12-15-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Binkley-Seyer, Secretary, Department of Business and Professional Regulation

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2001

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: Sold Signs  
RULE NO.: 61J2-10.035

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 "sold" signs.

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: 475.05 FS.

LAW IMPLEMENTED: 475.25 FS.

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

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, August 21, 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:

61J2-10.035 Sold Signs.

Specific Authority 475.05 FS. Law Implemented 475.25 FS. History-New 11-16-93, 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 OF PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2001

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Notices, Current Address of Licensees  
RULE NO.: 64B3-1.006



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

SUMMARY: The Board makes technical corrections and requires each licensee to provide the Department with the current mailing address and primary practice location.

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: 456.035 FS.

LAW IMPLEMENTED: 456.073(1), 483.817, 483.819 FS.

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

64B3-1.006 Notices, Current Address of Licensees.

Each person holding a license issued pursuant to Chapter 483, Part III Florida Statutes, must maintain on file with the Department Board the current mailing address and primary practice location at which any notice required by law may be served by the Board or its agent. Within sixty days of changing this address, whether or not within this state, the licensee shall notify the Department Board in writing of the new address at which the licensee may be served with notices or other documents.

Specific Authority 456.035 FS. Law Implemented 456.073(1), 483.817, 483.819 FS. History--New 3-15-93, Formerly 21KK-1.006, 61F3-1.006, 590-1.006, Amended.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE:

Board Meetings

RULE NO.:

64B3-1.008

PURPOSE AND EFFECT: The Board proposes to delete unnecessary rule text.

SUMMARY: The Board is deleting (1) through (5) from this rule.

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: 456.011, 483.805 FS.

LAW IMPLEMENTED: 286.0105, 456.011 FS.

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

64B3-1.008 Quorum; Meetings; Board Meetings; Notice of Meetings; Agenda.

~~(1) Four appointed Board members shall constitute a quorum which shall be necessary to conduct official Board business. Fifty one percent or more of the appointed Board members of a committee shall constitute a quorum which shall be necessary to conduct official business of the committee. A majority vote of the members of a quorum shall be necessary for any official action by the Board or committee.~~

~~(2) The Board shall hold such meetings during the year as necessary, including an annual meeting at which the chairperson and vice chairperson shall be elected from the membership and shall serve for a term of one year. The chairperson or a quorum of the Board shall have authority to call other meetings.~~

~~(3) Except in an emergency, the Board shall give at least seven days notice to the public generally of any meeting by publication in the Florida Administrative Weekly. The notice shall state the date, time and place of the meeting, a brief description of the purpose of the meeting and the address and telephone number where persons may contact the Board to obtain a copy of the agenda. Each notice shall include the advice that, if a person decides to appeal any decision of the Board with respect to any matter considered at such meeting, he will need a record of the proceeding and that, for such purpose, he may need to insure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based.~~

~~(4) The Board shall prepare an agenda in time to ensure that a copy may be received at least seven days before the event by any person in the state who requests a copy and pays the reasonable cost per copy. After the agenda has been made available, change shall be only for good cause as determined by the presiding Board member and stated on the record. Notification of such change shall be at the earliest practicable time.~~

~~(5) Notwithstanding the provisions of subsections (2) and (3), the Board may hold an emergency meeting if an immediate danger to the public health, safety, or welfare requires emergency action.~~

~~(1)(6)~~ For purposes of Board member compensation pursuant to Section 456.011(4), Florida Statutes, "other business involving the Board" is defined to include:

- (a) Board meetings;
- (b) Meetings of committees of the Board;
- (c) Meetings of a Board member with staff at the request of the Board or the Department;
- (d) Probable cause panel meetings;
- (e) Attendance at legislative workshops or committee meetings at the request of the Board or Department;
- (f) Attendance at meetings of National Associations as an authorized representative of the Board;
- (g) Attendance at continuing education programs for the purpose of auditing a Board-approved provider when such attendance has been approved by the Board;
- (h) Attendance at any function authorized by the Board or Department.

~~(2)(7)~~(a) Board members shall attend all regularly scheduled Board meetings unless prevented from doing so by reason of court order, subpoena, business with a court which has the sole prerogative of setting the date of such business, death of a family member, illness of the Board member, or hospitalization of the member's immediate family.

(b) No Board member shall be absent from three consecutive regularly scheduled Board meetings unless the absence is excused for one of the reasons stated in paragraph (a) of this rule. An absence for any reason other than the reasons stated in paragraph (a) constitutes an unexcused absence for the purpose of declaring a vacancy on the Board. An otherwise excused absence is not excused if the Board member fails to notify the Board office of the impending absence prior to the regularly scheduled Board meeting at which the absence will occur or unless the failure to notify the Board office is the result of circumstances surrounding the reason for the absence which the Board itself excuses after the absence has occurred.

(c) "Family" consists of immediate family, nieces, nephews, cousins, and in-laws.

(d) "Immediate family" consists of spouse, child, parents, parents-in-law, siblings, grandchildren, and grandparents.

Specific Authority 456.011, 483.805 FS. Law Implemented 286.0105, 456.011 FS. History--New 3-15-93, Formerly 21KK-1.008, 61F3-1.008, Amended 2-7-95, Formerly 59O-1.008, Amended 3-20-01.

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 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Probable Cause Determinations

RULE NO.: 64B3-1.015

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

SUMMARY: The Board is deleting language relating to the composition of the probable cause panel.

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: 456.073, 483.805(4) FS.

LAW IMPLEMENTED: 456.073, 483.825 FS.

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

64B3-1.015 Probable Cause Determinations.

(1) The determination as to whether probable cause exists that a violation of the provisions of Chapters 456 and 483, Part III Florida Statutes, and the rules promulgated thereto has occurred shall be made by a majority vote of a probable cause panel of the Board.

(2) There shall be one probable cause panel of the Board. The probable cause panel shall be composed of two members, one of whom may be a licensee who was a past Board member who is not currently appointed to the Board and one of whom shall be a current consumer member of the Board.

(3) through (4) No change.

Specific Authority 456.073, 483.805(4) FS. Law Implemented 456.073, 483.825 FS. History--New 3-15-93, Formerly 21KK-1.015, 61F3-1.015, 59O-1.015, Amended \_\_\_\_\_.

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  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: General Requirements of Clinical Laboratory Personnel Training Programs  
RULE NO.: 64B3-3.001

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

SUMMARY: The Board is deleting a reference to the inspection of training programs. The Board is adding that accredited programs or those pending national accreditation need only submit proof of accreditation status with the application.

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

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.  
LAW IMPLEMENTED: 483.800, 483.809, 483.811 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE 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:

64B3-3.001 General Requirements of Clinical Laboratory Personnel Training Programs.

- (1) No change.
- (2) Each program and program affiliate shall be in compliance with the provisions of Chapter 483, Part I, F.S., and Chapter 59A-7, F.A.C.

~~(3) Each program is subject to on-site inspection by the Department.~~

~~(3)(a)(4)~~ Programs shall submit a self-study at the time of the initial application and shall update the self-study within six (6) months of any major change in curriculum, sponsorship, faculty, student enrollment or clinical sites. The self study document shall be prepared on a form provided by the Department entitled Clinical Laboratory Training Program Self Study Document, DH 1261 10/98, effective 1-11-99, which is hereby incorporated by reference and may be obtained from the Board office. If the program is accredited by the National Accrediting Agency for Clinical Laboratory Science (NAACLS), the Council on Accreditation of Allied Health Education Programs (CAAHEP), or the Accrediting Bureau of Health Education Schools (ABHES), proof of accreditation may be substituted in lieu of the self study document.

(b) Programs that are nationally accredited or pending national accreditation shall only be required to submit proof of accreditation status with the application.

- (5) No change.
- (6) Each training program shall:
  - (a) through (n) No change.
  - (o) Ensure that each student receives a copy of Chapter 483, Parts I and Part III, F.S., Chapter 456, F.S., and Chapters 59A-7 and 64B3, F.A.C.
- (7) No change.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.800, 483.809, 483.811 FS. History--New 12-28-94, Amended 7-12-95, 4-24-96, Formerly 59O-3.001, Amended 1-11-99, 11-15-99, \_\_\_\_\_.

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: June 21, 2002  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Scope of Practice Relative to Specialty of Licensure  
RULE NO.: 64B3-10.005

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

SUMMARY: Histology technicians shall be required to work under general supervision rather than direct supervision.

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: 483.813, 483.823, 483.825 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE 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 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (10) No change.

(11) The purpose of the specialty of histology is to process cellular and tissue components through methods of fixation, dehydration, embedding, microtomy, frozen sectioning, staining, and other related procedures and techniques employed in the preparation of smears, slides, and tissues. This specialty also encompasses methods for antigen detection and other molecular hybridization testing methods where the purpose is analysis and/or quantification of cellular and tissue components for interpretation by a qualified physician. Technicians licensed in histology are limited to the performance of specimen processing, embedding, cutting, routine and special histologic staining, frozen sectioning and mounting of preparations under the general ~~direct~~ supervision of a director, supervisor, or technologist.

(12) through (18) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History—New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, \_\_\_\_\_.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 21, 2002

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE: Continuing Education  
RULE NO.: 64B3-11.001

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

SUMMARY: The Board clarifies that the continuing education exemption is for “first time ever” licensees in the field of clinical laboratory personnel. An added category of licensure is exempt from one-hour of continuing education for that biennium. Unnecessary provisions are deleted.

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

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

SPECIFIC AUTHORITY: 456.013, 483.821 FS.

LAW IMPLEMENTED: 456.013, 483.821 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-11.001 Continuing Education.

(1) through (3) No change.

(4) Applicants initially licensed (first time ever) are exempt from the continuing education requirements for that biennium, with the exception of completing any statutorily mandated courses. Licensees adding a category to an existing license are exempt from the required 1 contact hour of continuing education in that category ~~Individuals initially licensed by a state or national examination taken within the biennium are exempt from the continuing education requirements for that biennium.~~

(5) Only agencies of the state or federal government that offer courses in those subject areas listed in subsection 64B3-11.002(1)(2), F.A.C., shall be deemed as alternate providers. A licensee that intends to use a course offered by such an alternate provider toward his or her continuing

education requirements is responsible for maintaining documentation to verify the date, location, attendance, and subject matter of such course.

(6) Courses intended for use as continuing education taken at a regionally accredited college or university are to be submitted to the Board and shall be:

- (a) Documented by an official transcript.
- ~~(b) Designated by the licensee in a letter to the board office.~~
- ~~(c) Received by March 31 of even numbered years.~~
- ~~(b)(d)~~ Successfully completed.
- ~~(c)(e)~~ In the subject matter areas specified in subsection 64B3-11.002(1)(2), F.A.C.

~~(f) In noncompliance with the renewal requirements of Rule 64B3-8, F.A.C., if submitted after the biennium ends.~~

~~(d)(g)~~ Credited as one semester hour equals 15 contact hours and one quarter hour equals 10 contact hours.

(7) No change.

~~(8) A licensee who does not complete the continuing education requirement or comply with an audit request shall be disciplined for failure to complete the continuing education requirements.~~

Specific Authority 456.013, 483.821 FS. Law Implemented 456.013, 483.821 FS. History--New 2-22-94, Amended 7-13-94, Formerly 61F3-11.001, Amended 12-11-94, 3-28-95, 12-4-95, 7-1-97, Formerly 590-11.001, Amended 3-19-98, 12-13-99, 3-20-01,\_\_\_\_\_.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 21, 2002

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: RULE NO.:

Removal of Amalgam Fillings 64B5-17.014

PURPOSE AND EFFECT: The Board proposes a new rule to address the removal of amalgam fillings.

SUMMARY: The rule will require any dentist removing amalgam fillings for the purported purpose of providing alternative or complementary health care to comply with the disclosure provisions of Section 456.41, 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 to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.028(1),(l),(w),(x),(y), 456.41 FS. IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.014 Removal of Amalgam Fillings.

(1) The Board of Dentistry has determined that claims regarding amalgam fillings as a causal factor in systemic illnesses are not supported by the Food and Drug Administration, the U.S. Public Health Service, or the National Institutes of Health. The Board therefore deems that the removal of amalgam fillings for the purported purpose of curing or preventing systemic illness constitutes alternative or complementary health care. In compliance with Section 456.41, Florida Statutes, any dentist performing such alternative or complementary health care treatment shall inform the patient of the following:

(a) The nature of the treatment and the benefits and risks associated with the treatment; and

(b) The dentist's education, experience and credentials regarding the complementary or alternative treatment option.

(2) Each dentist shall indicate on the patient's record the method(s) by which the requirements of Section 456.41, Florida Statutes, were met.

Specific Authority 466.004 FS. Law Implemented 466.028(1),(l),(w),(x),(y), 456.41 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 4, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: June 14, 2002

**DEPARTMENT OF HEALTH**

**Division of Environmental Health and Statewide Programs**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Biomedical Waste 64E-16

RULE TITLES: RULE NOS.:

Permits 64E-16.011

Enforcement and Penalties 64E-16.013

PURPOSE AND EFFECT: The amendments to paragraphs 64E-16.11(1)(b) through (e), F.A.C., will incorporate application forms that must be submitted to obtain a



PURPOSE AND EFFECT: The proposed rule amendments will inform the public how to file a complaint regarding noncompliance of the Florida Clean Indoor Air Act. Also, the amendments will outline procedures for conducting onsite investigations that will be more coherent than they are now.

SUMMARY: The proposed rule amendments will outline procedures to be followed by DOH personnel when investigating Florida Clean Indoor Air Act complaints and notifying alleged violators. Informs the public how to make a complaint regarding violations of the rule.

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

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

SPECIFIC AUTHORITY: 386.207 FS.

LAW IMPLEMENTED: 381.0012, 386.205, 386.206 FS.

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

TIME AND DATE: 2:00 p.m., Friday, August 9, 2002

PLACE: Division of Environmental Health, Bureau of Facility Programs, 4042 Bald Cypress Way, Conference Room 240P, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Arnold, Bureau of Facility Programs

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-25.001 Procedures to be Followed by DOH Personnel When Investigating Florida Clean Indoor Air Act Complaints and Notifying Alleged Violators.

(1) During inspections, DOH environmental health personnel ~~department inspectors~~ shall: ~~(a) Document all observed violations of the Florida Clean Indoor Air Act (FCIAA) according to the requirements of Chapter 64E-25, F.A.C., and~~

~~(b) Issue a letter of complaint to the proprietor or other person in charge of a public place observed to be in violation on Form DOH 1026, a copy of which may be obtained from the Department of Health, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710, and which is incorporated herein by reference.~~

(2) Upon completion of the onsite inspection, environmental health personnel will complete the required sections of the Request for Inspection Form, DH 1026, 1/97, and which is incorporated herein by reference, reporting that: Should observed violations not be corrected in writing to the Department within 30 days of the next inspection, in the

~~absence of good cause shown, an administrative penalty shall be assessed in accordance with Chapter 120, F.S., and Section 64E-25.004, F.A.C.~~

~~(a) The facility is not in compliance with the FCIAA and an extension should be granted, or~~

~~(b) The facility is not in compliance with the FCIAA and administrative proceedings should be initiated, or~~

~~(c) The facility is in compliance with the FCIAA and the case should be closed.~~

(3) The county health department director will forward the completed inspection form to the Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710.

(4) Upon receipt of the county health department director's report the Bureau of Facility Programs will:

(a) Grant an extension citing the period of the extension and the action needed to comply with the FCIAA. Should observed violations not be corrected within 7 days of the next inspection, in the absence of good cause shown, an administrative penalty shall be assessed in accordance with Chapter 120, F.S., and Section 64E-25.004, F.A.C., or

(b) Initiate administrative procedures according to the provisions of Chapter 120, F.S., or

(c) Close the case.

Specific Authority ~~120.535~~, 386.207 FS. Law Implemented ~~120.535~~, 381.0012, 386.205, 386.206 FS. History—New 2-27-94, Amended 4-2-96, Formerly 10D-105.008, Formerly 64D-1.001, Amended \_\_\_\_\_.

64E-25.002 On-Site Investigations of Public Places.

During inspections or investigations of any Clean Indoor Air Act complaint, DOH personnel shall document all observed violations of Section 386.205 or 386.206, F.S. Such violations include the following:

(1) through (11) No change.

(12) If smoking is allowed in common areas (section 386.203(6), F.S.) of a public place then a violation of Section 386.205(2)(a), F.S., exists and will be documented as: "Smoking areas designated in common areas expected to be used by the public."

Specific Authority ~~120.535~~, 386.207 FS. Law Implemented 386.205, 386.206 FS. History—New 2-27-94, Amended 2-19-96, 4-2-96. Formerly 10D-105.009, Formerly 64D-1.002, Amended \_\_\_\_\_.

64E-25.003 DOH Procedures for Responding to Complaints and Complaint Referrals Involving Public Places.

(1) To report a violation of the Florida Clean Indoor Air Act, the public may call the FCIAA office at 1-800-337-3742 or correspond via e-mail <http://www9.myflorida.com/environment/facility/fciao/fciaareq/htm>. If mailing a complaint, the FCIAA program office will need the following information: Name of public place (where violation is occurring), mailing address, city, and zip code, nature of

violation(s), and if possible, the name of the person in charge. Mail to the Bureau of Facility Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-1710.

(2)(4) In responding to complaints concerning alleged violations of Sections 386.205 or 386.206, F.S., in public places not inspected by DBPR, DOH personnel will, by certified mail:

(a) Issue a letter of noncompliance complaint to the proprietor or other person in charge of the affected public place indicating that alleged complaints have been received.

(b) through (d) No change.

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

(4) ~~Upon completion of the on-site inspection, inspectors will complete the required sections of the Inspection Form, reporting that:~~

~~(a) The facility is not in compliance with the FCIAA and an extension should be granted, or~~

~~(b) The facility is not in compliance with the FCIAA and administrative proceedings should be initiated, or~~

~~(c) The facility is in compliance with the FCIAA and the case should be closed.~~

~~(5) The county health department director will forward the completed inspection form to the Bureau of Facility Programs, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1710.~~

~~(6) Upon receipt of the county health department director's report the Bureau of Facility Programs will:~~

~~(a) Issue a letter of extension citing the period of the extension and the action needed to comply with the FCIAA or,~~

~~(b) Initiate administrative procedures according to the provisions of Chapter 120, F.S., or~~

~~(c) Close the case.~~

Specific Authority ~~120.535~~, 386.207 FS. Law Implemented ~~120.535~~, 381.0012, 386.205, 386.206 FS. History—New 2-27-94, Amended 4-2-96, Formerly 10D-105.010, Formerly 64D-1.003, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Donna Arnold

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Grimm, Chief, Bureau of Facility Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2002

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BANKING AND FINANCE

##### Division of Finance

RULE NO.: 3D-20.0022  
RULE TITLE: Proof of Ownership and Entitlement to Unclaimed Property

##### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 22, May 31, 2002, Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF INSURANCE

RULE NOS.: 4-204.001, 4-204.002, 4-204.004, 4-204.006, 4-204.010, 4-204.012, 4-204.022, 4-204.025  
RULE TITLES: Purpose and Scope, Definitions, Form Filings, Forms Review, Viatical Settlement Contracts and Forms Related Thereto, Viatical Settlement Purchase Agreements, Required Business Records in General, Department Forms

##### NOTICE OF ADDITIONAL HEARING

PROPOSED RULE DEVELOPMENT PUBLICATION: Vol. 26 No. 41, October 13, 2001

PROPOSED RULE HEARING PUBLICATION: Vol. 27, No. 45, November 9, 2001

PURPOSE AND EFFECT: To promulgate a rule chapter to implement the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule is mandatory.

SUMMARY: This rule is mandated by the Viatical Settlement Act, Part X of Chapter 626, Florida Statutes. The rule contains, among other things, definitions of terms used in the act, disclosure for purchases of viatical settlements, record keeping requirements related to executed viatical settlement contracts and viatical settlement purchase agreements, collection of data, advertising and reporting of life expectancies. There have been to (2) previous workshops on this matter.