

A HEARING ON THE PROPOSED RULE DEVELOPMENT WILL BE HELD IN CONJUNCTION WITH THE COMMISSION'S REGULARLY SCHEDULED PUBLIC MEETINGS AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. each day, November 20-22, 2002

PLACE: Hawk's Cay Resort, 61 Hawk's Cay Boulevard, Duck Key, Florida 33050

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Timothy A. Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-3831; James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-6.001 Performance Specifications and Standards for Motor Vehicle Brake Fluid.

(1) The performance specifications and standards for brake fluid adopted by the United States Department of Transportation and contained in Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001 ~~March 15, 1994~~, are hereby adopted as rules of the Department of Agriculture and Consumer Services.

(2) The violation of any provisions or standards of this rule is subject to penalties, provided in Chapter 526, Part II, Florida Statutes.

Specific Authority 526.52(1) FS. Law Implemented 526.53(1)(2), 526.54 FS. History--New 5-8-78, Formerly 5F-6.01, Amended 12-9-98.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE: Performance Specifications and Standards for Motor Vehicle Brake Fluid

RULE NO.: 5F-6.001

PURPOSE AND EFFECT: The purpose of Rule 5F-6.001, F.A.C., is to adopt the most recent version of Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001.

SUMMARY: Proposed Rule 5F-6.001, F.A.C., will specify that the Motor Vehicle Safety Standard No. 116, Motor Vehicle Brake Fluid, revised October 1, 2001, is the accepted standard for implementation of Chapter 526, Florida Statutes.

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: 526.52(1) FS.

LAWS IMPLEMENTED: 526.53(1),(2), 526.54 FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 21, 2002

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Eric Hamilton

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE CHAPTER TITLE: Local Government Comprehensive Planning Certification Program

RULE CHAPTER NO.: 9J-35

RULE TITLES:	RULE NOS.
Purpose	9J-35.001
Definitions	9J-35.002
Application Period	9J-35.003
Application Submission	9J-35.004
Application Review	9J-35.005
Identification of Eligible Applicants	9J-35.006
Certification Agreement	9J-35.007

PURPOSE AND EFFECT: The proposed rulemaking implements requirements of section 163.3246(6), F.S. The effect of the rulemaking is a proposed new rule chapter to set forth procedures governing local government applications for participation in the Local Government Comprehensive Planning Certification Program and the review and evaluation of those applications by the Department of Community Affairs, Division of Community Planning.

SUMMARY: The proposed rule implements requirements of section 163.3246(6), Florida Statutes, creating a new rule chapter to set forth program procedures, including the following: an annual application period from January 5 to February 4; the application submission process; application review and assessment by the Department within 90 days of receipt, local government response to the assessment within 30 days of receipt, and Departmental determination of an applicant's eligibility for certification within 45 days of the local response; prioritization of eligible applications in the order received and providing that the first eight qualifying applications will be eligible to become certified that fiscal year; procedures regarding Department action to offer the next eligible applicant the opportunity to become certified when an eligible applicant withdraws or is disqualified through administrative challenge; procedures giving highest priority for certification in subsequent fiscal years to applications that meet eligibility criteria but are not included in the first eight for which agreements are executed in a fiscal year; and procedures for such applicants to renew their applications during the subsequent application cycle.

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

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

SPECIFIC AUTHORITY: 163.3246(6) FS.

LAW IMPLEMENTED: 163.3246 FS.

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

TIME AND DATE: 10:00 a.m., October 21, 2002

PLACE: Department of Community Affairs, Kelley Training Center, Room 305, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the workshop because of a disability or physical impairment should contact Beth Frost, Senior Analyst, Division of Community Planning, 2555 Shumard Oak Boulevard, (850)488-4925, Suncom 278-4925, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James L. Quinn, State Planning Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-4925

THE FULL TEXT OF THE PROPOSED RULES IS:

9J-35.001 Purpose.

This rule chapter sets forth procedures governing local government applications for participation in the Local Government Comprehensive Planning Certification Program and the review and evaluation of those applications by the Department of Community Affairs, Division of Community Planning.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.002 Definitions.

(1) "Agreement" means a written instrument between the Department and one or more local governments that certifies all or part of the local government(s) and includes the components specified in section 163.3246(5), F.S.

(2) "Applicant" means one or more local governments that submit an application for certification pursuant to the Local Government Comprehensive Planning Certification Program.

(3) "Application" means a written request for certification in which an applicant provides all necessary information and documentation to demonstrate that it meets the eligibility criteria of section 163.3246(2), F.S., and that the area sought to be certified meets the criteria of section 163.3246(5), F.S.

(4) "Certification" means the selection of local governments for participation in the Local Government Comprehensive Planning Certification Program by execution of a written Agreement.

(5) "Local Government Comprehensive Planning Certification Program" means the program established in section 163.3246, F.S.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.003 Application Period.

Local governments may submit applications for certification only during the period beginning January 5 (or the first business day following January 5) and ending February 4 (or the first business day following February 4) each year. Applications received prior to 8:00 a.m. (EST) January 5 or after 5:00 p.m. (EST) February 4 will not be considered for certification in the subsequent state fiscal year and will be returned to the applicant local government(s), unless the application has been previously determined to be eligible for certification pursuant to subsection 9J-35.006(2), F.A.C.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History--New _____.

9J-35.004 Application Submission.

(1) Applications for certification shall be submitted in accordance with sections 163.3246(2) and (4), F.S., and must provide all information and address all eligibility criteria listed in those sections.

(2) Applications shall be mailed or delivered to: Plan Review and Processing Administrator, Florida Department of Community Affairs, Division of Community Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Facsimile transmissions will not be accepted.

(3) Applications must be transmitted by cover letter on the applicant's letterhead. This cover letter must bear an original signature by the chief elected official or designee, must affirm the accuracy of the information contained in the application, and must identify the employee or representative who will serve as the contact person for the applicant.

(4) Applicants must submit three (3) complete sets of application materials, at least one of which must contain a cover letter with an original signature. Applicants are encouraged to provide access to the application through their official local government websites as a means of encouraging public awareness of the application, if desired.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History–New _____.

9J-35.005 Application Review.

(1) Each application shall be time and date stamped when received by the Plan Review and Processing Administrator.

(2) The identified contact person for each applicant will be notified in writing of the receipt and timeliness of the application.

(3) Within ninety (90) days of receipt, the Division shall prepare a written assessment of each application. The assessment will state whether the application demonstrates that the applicant meets the eligibility criteria of section 163.3246(2), F.S., and whether the area sought to be certified meets the criteria of section 163.3246(5), F.S. The assessment will describe the basis for finding that the applicant does or does not meet the eligibility criteria, and the basis for finding that the area does or does not qualify for certification. Each applicant shall be provided a copy of the assessment.

(4) Within thirty (30) days of the date of an assessment indicating one or more eligibility criteria have not been satisfied, the applicant may submit written explanations of information contained in its application to demonstrate that the application meets the questioned criteria. Such clarifying information may be submitted only in response to the Division's assessment. No new information may be submitted.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History–New _____.

9J-35.006 Identification of Eligible Applicants.

(1) Not later than forty-five (45) days after receipt of any information submitted pursuant to subsection 9J-35.005(4), F.A.C., or after expiration of the 30-day period to submit such information, whichever occurs first, the Director of the Division of Community Planning shall determine whether the application demonstrates that the applicant meets the eligibility

criteria of section 163.3246(2), F.S., and whether the area sought to be certified meets the criteria of section 163.3246(5), F.S.

(2) The Division shall prioritize applications meeting eligibility criteria in the order received. Local governments submitting the first eight qualifying applications will be eligible to become certified in any fiscal year.

(3) The Division shall notify each applicant whether its application satisfies eligibility criteria and whether it is included among the eight applicants selected to become certified.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History–New _____.

9J-35.007 Certification Agreement.

(1) Following the selection of applications described above, the Division shall certify all or part of each selected local government through a written agreement containing the components specified in section 163.3246(5), F.S.

(2) If an applicant selected for certification in section 9J-35.006, F.A.C., chooses not to become certified or is disqualified through a challenge filed under section 120.569, F.S., or the Division and a selected applicant fail to reach an agreement, the Division shall offer the next eligible applicant, as determined pursuant to subsection 9J-35.006(2), F.A.C., the opportunity to become certified through a written agreement.

(3) Local government applications that meet eligibility criteria but are not included in the first eight for which agreements are executed in a fiscal year will be given highest priority, in the order received, for certification in the subsequent fiscal year. Local governments wishing to retain such priority shall, during the application period described in section 9J-35.003, F.A.C., submit the following to the Plan Review and Processing Administrator pursuant to section 9J-35.004, F.A.C.:

(a) A letter of intent to renew the application, which is submitted on the applicant's letterhead and signed by the chief elected official or designee;

(b) Documentation of the public hearing on the renewal of the application held pursuant to section 163.3246(2)(d), F.S.; and

(c) Three (3) complete sets of materials that provide the information needed to update the application to reflect any changes within the jurisdiction, including amendments to the local government comprehensive plan or implementing regulations that were adopted subsequent to the submittal of the original application.

Specific Authority 163.3246(6) FS. Law Implemented 163.3246 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James L. Quinn, State Planning Administrator
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: H.E. "Sonny" Timmerman,
Director, Division of Community Planning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 9, 2002

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE TITLES:	RULE NOS.:
Lottery Intercept	12E-1.011
Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full Collection Services	12E-1.014
Financial Institution Data Matches	12E-1.029

PURPOSE AND EFFECT: A) The purpose of the proposed amendments to Rule 12E-1.011, F.A.C., is to describe current departmental policies and procedures concerning the method that is used to intercept the lottery prize winnings of obligors who owe past-due child support. The effect of the proposed amendments is to provide: definitions of obligor and past-due support; procedures for certification of the amount of past-due support that is owed; notification that is received by the obligor prior to the lottery prize winnings being intercepted; methodology required to be used for the notification; time period for when the lottery prize winnings will be applied to past-due support; methodology for requesting an administrative hearing; and methodology for application of the lottery prize winnings if the obligor has multiple support cases. B) The purpose of the proposed amendments to Rule 12E-1.014, F.A.C., is to describe current departmental policies and procedures concerning the method that is used to intercept Internal Revenue Service income tax refunds, refer obligors who owe past-due child support for passport denial, explain that we do not participate in the Administrative Offset Program, and refer cases for Internal Revenue Service full collection services. The effect of the proposed amendment is to provide definitions of "offset" and "past-due" support for the offset program; methodology for certifying cases to the offset program; methodology of sending notification of pending offset; methodology for contesting certification; ability to request an administrative review; methodology for hearing when the obligor lives out of state; distribution of the offset; holding offsets for six months to allow for injured spouse claims; amounts and methodology of certification for passport denial; notification to obligor of passport denial; methodology to restore passport eligibility; choice to not participate in the Administrative Offset Program; ability to request full collection services from the Internal Revenue Service. C) The purpose of proposed Rule 12E-1.029, F.A.C., is to establish procedures for conducting data matches on obligors who owe past-due support by entering into memorandums of agreement with financial institutions. The effect of the proposed rule is to establish: methodology for entering into memorandums of

agreement with financial institutions; require certain terms to be included in the memorandums of agreement; ability to participate in the Federal Office of Child Support Enforcement's national data match; methodology for selecting cases for data match; and amount and methodology of paying fees to financial institutions for conducting data matches.

SUMMARY: The proposed amendment to Rule 12E-1.011, F.A.C., provides definitions for the terms "obligor" and "past-due support;" requires the department to certify the amount of past-due support that is owed to the Department of the Lottery; requires the department to give notice of the intercept by certified mail to the obligor; provides for requesting a hearing based on a mistake of fact; provides for refusal of service of the certified mail as being proper service; provides that a second notice be sent by regular mail if there is no response to the first notice within 30 days; provides for application of the lottery prize winnings after 30 days if there is no response to the second letter; provides requirements for requesting an administrative hearing and where the request should be sent; and explains that if the obligor has more than one child support case, the prize will be applied based on the ratio of past-due support owed in each case. The proposed amendment to Rule 12E-1.014, F.A.C., provides definitions for the terms "offset" and "past-due support." The proposed rule requires the department to certify cases for income tax refund offset and passport denial, revocation, restriction, or limitation using federally established criteria; establishes notice requirements to the obligor when certifying cases; provides for the obligor to pay off past-due support within 30 days in order to avoid offset; explains that notice of offset will only be sent once and will be sent by the Federal Office of Child Support Enforcement; explains that certification continues until past-due support has been paid in full; explains that to contest certification the obligor must contact the department; explains that an administrative hearing can be requested; provides a method for the obligor to request that the hearing be held in the state which issued the support order; provides for withdrawing or amending the certification amount if the administrative hearing is found in the obligor's favor; provides for a second notice to be sent when the offset has occurred and the money has been transferred to the department; explains how the money will be distributed when the offset is completed; explains that the distribution will be delayed six months from the receipt date to allow for the filing of an obligor's spouse claim; explains that past-due amounts over \$5000 will be certified to the U. S. Department of State for passport denial, revocation, restriction, or limitation; explains that the department must be contacted if a passport is needed; explains how the obligor can restore passport eligibility by reducing the amount owed, proving it was an error, or providing emergency documentation of death or illness; provides that the department can request that certification be withdrawn; states that the department does not participate in the Administrative Offset Program; and allows the department to make a request to the

Federal Office of Child Support Enforcement for full collection services through the Internal Revenue Service. The proposed new Rule 12E-1.029, F.A.C., provides that the department shall send a memorandum of agreement for the operation of the data match system to each financial institution doing business in the state that has elected not to participate in the Federal Office of Child Support Enforcement's national data match program; incorporates the memorandum of agreement by reference in the rule; lists the major provisions set forth in the memorandum of agreement; provides that a financial institution's data match records shall be prepared according to the Federal Office of Child Support Enforcement's specifications; incorporates the federal specification handbook by reference in the rule; explains that the department has selected the Federal Office of Child Support Enforcement to be its agent to enter into written agreements for data matching with multi-state financial institutions for the data match but not for the amount of fees the department will pay; explains what amounts must be past-due in Temporary Aid for Needy Families and non-Temporary Aid for Needy Families cases in order to be submitted for data matching; explains the fees that will be paid to financial institutions for conducting data matches, with fees being based on whether the department or the financial institution performs the data match and whether the financial institution participates in the national data match program; and provides that the department will pay the fees quarterly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Because these proposed rules create no new regulatory costs, no statement of estimated regulatory cost has been prepared.

Any person who wants to provide information regarding a statement of estimated regulatory costs must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.2557(3)(i), 409.25657(6) FS.

LAW IMPLEMENTED: 24.115(4), 61.17, 409.2564, 409.25657 FS.

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

TIME AND DATE: 9:00 a.m., October 22, 2002

PLACE: Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-3150

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mike Vergenz, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding is asked to advise the department at least five (5) calendar days before such proceeding by contacting Lynn D. Chang, (850)922-9573. If you are hearing or speech impaired, please contact the department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE FULL TEXT OF THE PROPOSED RULES IS:

12E-1.011 Lottery Intercept.

(1) Pursuant to s. Section 24.115(4), F.S., the department child support enforcement program shall intercept the Florida lottery prize of any obligor who owes past-due support and noncustodial parent who claims or is awarded a lottery prize or a portion of a lottery prize when the total lottery prize equals wins \$600 or more. The and use the prize shall be applied toward any past-due support or costs owed by the obligor for a Title IV-D case, not to exceed the enforce an obligation amount which is owed.

(2) Definitions. As used in this rule:

(a) "Obligor" means a person responsible for making payments pursuant to an order establishing, enforcing, or modifying an obligation for child support, spousal support, or for child and spousal support when enforced by the department.

(b) "Past-due support" means the amount of support owed pursuant to an order for child support, spousal support, or for child and spousal support when enforced by the department that has not been paid. Also included in past-due support are amounts that are owed to the department for court or administrative costs.

(3) Certification of Past-Due Support. Prior to the payment of a prize of \$600 or more to any obligor owing past-due support, claimant having such an outstanding obligation, the Department of the Lottery shall verify check the information computer terminal provided to it by the department to determine if the lottery prize claimant has a child past-due support is owed, delinquency. If the lottery prize claimant has a child support arrearage, Upon the request of the Department of the Lottery, shall contact CSE and ask them to verify whether the lottery prize claimant is a noncustodial parent who has an arrearage. the department The Department of Lottery shall request CSE to provide written certification that the obligor owes past-due support claimant has an arrearage and to specify the amount owed of the arrearage. Upon receipt of such the written certification from the department, CSE that the lottery prize claimant has an arrearage and the amount of the arrearage, the Department of the Lottery shall transmit the prize money, not to exceed the amount certified as past-due support, to the department Comptroller, Department of Banking and Finance, who shall make the intercept.

(4) Notification of Intercept.

(a) The department Comptroller shall notify inform the obligor by certified mail, return receipt requested, that the prize money is being intercepted and will be applied to the balance of past-due support. The certified mail will be sent to the address provided by the obligor to the Department of the Lottery. The notice will state affected individuals that the obligor may request they have a right to an administrative hearing as set forth in Chapter 120, F.S. Florida Statutes, to

contest a mistake of fact regarding the amount of past-due support or the identity of the obligor. Refusal of the notice sent to the obligor by certified mail, return receipt requested, shall constitute proper service of the notice.

(b) If a return receipt is not received within 30 days from the mailing date of the notice specified in paragraph (4)(a) above, if the notice is returned unclaimed, or if no written petition for a hearing is received, the department shall send the notice to the obligor by regular mail to the address provided to the Department of the Lottery and to the last known address according to the department's records. If there is no response from the obligor to the second notice as provided for in this paragraph, the prize received from the Department of the Lottery will be applied to the obligor's past-due support 30 days from the mailing date of the second notice.

(c) A written petition for an administrative hearing must be received by The Department of Revenue, Child Support Enforcement Program, Deputy Agency Clerk, P. O. Box 5556, Tallahassee, FL 32314-5556, within 21 days of the date the obligor received or refused the notice sent by certified mail, or within 30 days from the date of mailing of the notice sent by regular mail. If a return receipt request is received from the certified notice and no petition for administrative hearing is received within 21 days, the obligor will be deemed to have waived the right to a hearing and the intercept will be applied to the obligor's past-due support obligation. Administrative hearings will be conducted pursuant to Chapter 120, F.S.

(5) Application of Lottery Prize when Obligor owes Past-Due Support on Multiple Cases. If the obligor owes past-due support on more than one Title IV-D case, the prize shall be applied to each case based on the ratio of the past-due amount for each individual case to the total past-due support owed by the obligor for all Title IV-D cases.

Specific Authority 409.2557(3) 409.026 FS. Law Implemented 24.115(4) FS. History--New 6-17-92, Amended 7-20-94, Formerly 10C-25.008, Amended

(Substantial Rewording of Rule 12E-1.014 follows. See Florida Administrative Code for present text.)

12E-1.014 Internal Revenue Service Tax Refund Offset Program; Passport Denial; Administrative Offset Program; Internal Revenue Service Full Service Collection Services.

(1) Definitions. As used in this rule:

(a) "Offset" means the complete or partial interception of an Internal Revenue Service income tax refund or rebate.

(b) "Past-due support" means support owed as defined in 45 CFR 301.1.

(2) Certification for offset and passport denial. The department shall certify obligors for offset and passport denial to the federal Office of Child Support Enforcement when they meet the criteria in paragraphs (5)(b) and (6)(a).

(3) Notification that obligor has been certified for offset and passport denial. At the department's request, the Federal Office of Child Support Enforcement will send a notice to each obligor submitted by the department under subsection (2). The notice provides the obligor 30 days from the date of the notice to pay the past-due amount in full to the department in order to avoid certification for offset. No additional notice of certification for offset will be sent. The offset certification will continue until the past-due amount is paid in full. If the amount of past-due support increases, the increased amount will be certified to the Federal Office of Child Support Enforcement and is subject to offset. The notice also advises the obligor of the right to contest the determination of the amount of past-due support. To contest the determination of the amount of the past-due support owed, the obligor must contact the department at the address or telephone number provided in the notice within 30 days from the date of the notice.

(4) Right to informal review and administrative review.

(a) If the department is contacted by the obligor within 30 days from the date of the notice, the department will review the obligor's records and will attempt to resolve the obligor's concerns informally.

(b) If the department is unable to resolve the obligor's concerns through the informal review process, the obligor may request an administrative review.

1. If the past-due amount is based on a Florida order, the obligor can request an administrative review of the proposed certification in Florida. This review will be conducted by the Department of Children and Families, Office of Administrative Hearings, pursuant to Chapter 120, F.S.

2. If the past-due amount is based on an order issued by another state, the obligor can request that a hearing be held either in Florida or in the state which issued the order. If the obligor requests the review be held in the issuing state, the department will contact the state which issued the order within 10 days of receiving the obligor's request and the state which issued the order will notify the obligor of the date, time, and place of the administrative review.

(c) If an administrative review is held and a final order is issued in the obligor's favor, the Federal Office of Child Support Enforcement will be notified to withdraw the obligor's certification or amend the certification to reflect the correct past-due amount. If the final order is issued in the department's favor, the Federal Office of Child Support Enforcement shall notify the U. S. Department of the Treasury and the U.S. Department of State of the past-due support owed by the obligor.

(d) If the obligor fails to request a review within 30 days from the date of the notice, the obligor is deemed to have waived the right to contest the certification and the Federal Office of Child Support Enforcement shall notify the U. S. Department of the Treasury and the U.S. Department of State of the past-due support owed by the obligor.

(5) Internal Revenue Service Tax Refund Offset Program.

(a) As provided by 45 CFR 303.72, obligors who owe past-due support in Title IV-D cases are subject to offset.

(b) Certification for Offset. The department shall certify an obligor for offset if the obligor owes past-due support in amounts meeting either or both of the following criteria:

1. For support assigned to the State, the amount past-due is not less than \$150 and has been unpaid for three months or longer.

2. For support owed to the obligee, the amount past-due is not less than \$500.

(c) Notification of offset. Once offset occurs, the U. S. Department of the Treasury will send the obligor a notice that the tax refund will be forwarded to the department.

(d) Distribution of Offset.

1. Pursuant to 42 U.S.C. 657 (a)(1) and (a)(2)(B)(iv), the department shall retain federal income tax refund offset payments in current and former assistance cases up to the amount of past-due support assigned to the department as a condition of eligibility for temporary cash assistance, but not to exceed the total amount of temporary cash assistance provided to the family. After the amount of past-due support assigned to the department has been paid in full, the excess will be mailed to the obligee.

2. Pursuant to 42 U.S.C. 664 (a)(3)(B), the department has implemented the State option to delay distribution of a refund from a joint federal income tax return that is offset to satisfy non-assistance past-due support. In these instances, distribution will be delayed until one of the following occurs:

a. The department is provided a copy of the written verification received from the Internal Revenue Service that the obligor's spouse's claim to the tax refund has been resolved.

b. The obligor pays off all past-due amounts owed.

c. Six months has elapsed from notification of the offset.

(6) Passport Denial.

(a) In accordance with 42 U.S.C. 652(k), if the past-due amount exceeds \$5000, obligors certified under paragraph (2) of this rule are also submitted by the Federal Office of Child Support Enforcement to the U. S. Department of State who shall deny, and may revoke, restrict, or limit a U.S. passport.

(b) If an obligor needs a passport from the U.S. Department of State, the obligor must contact the department at the address or telephone number provided in the notice. In order to restore passport eligibility, the obligor must:

1. Reduce the amount of past-due support owed to \$5000 or less;

2. Prove that the obligor's name and/or the amount of past-due support was submitted in error; or

3. Provide written verification of a death or medical emergency requiring issuance of a passport.

(c) When one of the above occurs, the department will request that the passport certification be withdrawn.

(d) The U. S. Department of State will send the obligor a notice that the obligor is ineligible to receive a passport when the U. S. Department of State takes action to deny, revoke, restrict, or limit the obligor's passport.

(7) Administrative Offset Program. The department does not participate in the Administrative Offset program described in 31 U.S.C. 3716.

(8) Internal Revenue Service Full Collection Services. Pursuant to 45 CFR 303.71, the department may request the Federal Office of Child Support Enforcement to certify past-due support amounts owed to the Secretary of the Treasury for full collection services under the Internal Revenue Code.

Specific Authority 409.2557(3), 409-026 FS. Law Implemented 61.17, 409.2564 FS. History--New 6-17-92, Amended 7-20-94, Formerly 10C-25.011, Amended _____.

12E-1.029 Financial Institution Data Matches.

(1) Procedures for Entering into Agreements with Financial Institutions.

(a) The department shall send a Memorandum of Agreement (Form CS-EF100), incorporated herein by reference with a revision date of May 20, 2002, for the operation of the data match system described in s. 409.25657(2), F.S., to each financial institution doing business in the state that meets the definition of a financial institution in s. 409.25657(1)(a), F.S., and which has not elected to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) below. Members of the public may obtain a copy of the Memorandum of Agreement by writing to: Department of Revenue, Child Support Enforcement Program, Attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, FL 32314-8030.

(b) At a minimum, the Memorandum of Agreement specified in paragraph (a) above shall identify the records that will be compared, the methods of accomplishing the record comparisons, the methods for electronic or other transmission of records between the department and the financial institution, fees to be paid to the financial institution for services provided, and the financial institution's contact persons. The financial institution's electronic files containing data match records shall be prepared according to the specifications prescribed by the Federal Office of Child Support Enforcement's Financial Institution Data Match Specifications Handbook, incorporated herein by reference. Members of the public may view the Financial Institution Data Match Specifications Handbook or obtain a copy through the Internet at: <http://www.acf.dhhs.gov/programs/cse/ft/fidm/dataspecs.pdf>.

(c) The department has designated the Federal Office of Child Support Enforcement as its agent authorized to enter into operational agreements for data matching, on behalf of the

department, with financial institutions doing business in two or more states that elect to participate in the Federal Office of Child Support Enforcement's national data match process. The authorization extends to entering into agreements only with financial institutions doing business in this state and excludes the authority to negotiate fees to be paid to financial institutions for the costs of participating in the data match.

(2) Selecting Cases for Data Matching. The department shall include the following cases in the data match system provided by s. 409.25657(2), F.S.:

(a) Temporary cash assistance cases in which the amount of past-due support is equal to or greater than \$150;

(b) Non-temporary cash assistance cases in which the amount of past-due support is equal to or greater than \$500.

(3) Fees for Conducting Data Matches. The department shall pay quarterly fees to financial institutions doing business in the state that submit an invoice to the department for payment of the costs of conducting the data match during a quarter, as follows:

(a) To financial institutions that enter into the Memorandum of Agreement specified in paragraph (a) of subsection (1) of this rule:

1. Not more than \$250 per quarter if the financial institution performs the data match provided by s. 409.25657(2)(a), F.S.; or

2. Not more than \$50 per quarter if the financial institution selects the option provided by s. 409.25657(2)(b), F.S., to have the department match each individual who maintains an account at the financial institution.

(b) To financial institutions that elect to participate in the Federal Office of Child Support Enforcement's national data match process specified in paragraph (c) of subsection (1) of this rule, not more than \$100 per quarter.

(c) The department shall not pay quarterly fees to financial institutions not doing business in this state.

Specific Authority 409.2557(3)(i), 409.25657(6) FS. Law Implemented 409.25657 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynn D. Chang, Government Analyst II, (850)922-9573 (for Rules 12E-1.011 and 12E-1.014, F.A.C.); Mike Vergenz, Government Analyst II, (850)922-9568 (for Rule 12E-1.029, F.A.C.), Department of Revenue, P. O. Box 8030, Tallahassee, FL 32314-8030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Mato, Chief Counsel, Child Support Enforcement Program Legal Section, Department of Revenue, P. O. Box 8030, Tallahassee, FL 32314-8030; (850)414-9966

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on January 11, 2002 (Vol. 28, No. 2, pp. 67-71). The workshop was held on January 28, 2002. No one appeared at the workshop. The department received no written comments on the proposed rule amendments.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application
RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To clarify that Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C, apply to advance payment contracts for the prepayment of postsecondary registration, local fees and or dormitory residency fees under the Florida Prepaid College Program, to adopt The Florida Prepaid College Plan and Florida College Investment Plan New Account Application by reference and establish the effective date of the form, and to update the Master Covenant for the Florida Prepaid College Program and establish the effective date of the form.

SUMMARY: This rule change is being made to provide greater clarity for the rules that apply to the Florida Prepaid College Program, to adopt The Florida Prepaid College Plan and Florida College Investment Plan New Account Application and to update the Master covenant for the Florida Prepaid College Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(7)(a) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.
Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C.
~~These rules~~ apply to purchasers of advance payment contracts for the prepayment of postsecondary registration, local fees and/or dormitory residency fees under the Florida Prepaid College Program, the "Program". The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchases pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule ~~and master covenant~~ shall be mailed to the purchaser. The advance payment contract shall be composed of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Plan and Florida College Investment Plan New Account Application Program, Form No. FPCB 2002-1 FPCP 2001-1, is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October 21, 2002 ~~October 15, 2001~~. The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2002-2 FPCP 2001-2 is hereby incorporated by reference with an effective date of October 21, 2002 ~~October 15, 2001~~.

Specific Authority 240.551(6),(7)(a), 240.553(6),(7) FS. Law Implemented 240.551, 240.553 FS. History--New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-7-01, 10-9-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Payment Options
 PURPOSE AND EFFECT: To provide that payments for advance payment contracts may be made through check, automated clearinghouse check, money order and employer payroll deductions, and may not be made by means of credit card, electronic funds transfer, rollover distributions, third party checks of \$10,000.00 or more, traveler's checks or cashier's checks.

RULE NO.: 19B-4.003

SUMMARY: This rule change adds provisions to the rule to specify the forms of payment that are acceptable for advance payment contracts and the forms of payment that are not acceptable.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.003 Payment Options.

Purchasers may make payments through a variety of means. Checks, automated clearinghouse checks, money orders, employer payroll deductions or payments via coupon books will be acceptable. State employees may elect payroll deduction from the commencement of the contract application period. Other organizations and entities may apply to the Board to establish payroll deduction plans. Payments may not be made by credit cards or other means of credit, electronic funds transfers, rollover distributions, third party checks of \$10,000.00 or more, traveler's checks or cashier's checks.

(1) Payments for applications received during the application period may be made under any schedule, on such specific date as specified by the Board and advertised in the Florida Administrative Weekly. Payments are due in full within the specified dates as published in the Florida Administrative Weekly.

(2) Payments for applications received from purchasers pursuant to an employer participation agreement may be made as specified by the agreement. The payment schedule will correspond with the employer's payroll schedule.

(3) An implied interest rate for installment payment plans will be calculated and approved by the Board and published annually in the Florida Administrative Weekly.

(4) The Board's direct support organization, The Florida Prepaid College Foundation, Inc., may purchase advance payment contracts by providing a lump sum payment on or

before March 1 of the Fall Semester of the anticipated enrollment year designated in the contract. Such payment shall be comprised of the lump sum price of the advance payment contract plus seven and one-half percent (7 1/2%) interest compounded per annum from the date of the first payment due date.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History—New 3- 29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.003, Amended 6-20-96, 6-6-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Maximum Account Balance Limit

RULE NO.: 19B-4.005

PURPOSE AND EFFECT: To establish a maximum account balance limit for the Florida Prepaid College Program. Section 529 of the Internal Revenue Code requires that qualified tuition programs limit the amount of contributions to such programs. The maximum account balance limit will apply to the sum of the redemption value of an advance payment contract for a beneficiary and the account balance of any account in the Florida College Savings Program for the same beneficiary.

SUMMARY: This new rule provides that the maximum account balance limit for the Florida Prepaid College Program will be calculated by multiplying the qualified higher education expenses at the most expensive eligible institution as reported in the College Cost and Financial Aid Handbook, 2003, published by the College Board, by seven (7) and rounding the product down to the nearest \$1,000 increment. It provides that the Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. It requires the Board to notify the purchaser that the Board cannot accept an application if the sum of the redemption value of the advance payment contract for the beneficiary, the redemption value of any existing contract and the account balance of an account in the Florida College Savings Program exceeds the maximum account balance limit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(7),(8),(11) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2003, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance in an account of the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:

(a) Tuition and local fee plans shall be the then-current average amount of tuition and local fees, respectively, charged by the state universities or community colleges for the number of semester credit hours reflected in the contract.

(b) Dormitory plans shall be the then-current average of the state university dormitory fees for the dormitories specified for inclusion in the Prepaid Program and the number of semesters reflected in the contract.

(3) If the Board receives an application for a contract for a beneficiary and the sum of the redemption value of that contract, the redemption value of any existing contract for that beneficiary and the account balance of an account in the Florida College Investment Plan for that beneficiary exceeds the maximum account balance limit, the Board will notify the purchaser that the Board cannot accept the application.

Specific Authority 240.551(7),(8),(11) FS. Law Implemented 240.551 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Purchasers
RULE NO.: 19B-5.004

PURPOSE AND EFFECT: To provide that any natural person named as the purchaser or co-purchaser of an advance payment contract must be at least 18 years of age or older and a United States citizen or a resident alien.

SUMMARY: This rule change will require that natural persons named as the purchaser or co-purchaser of an advance payment contract must be at least 18 years of age or older and either a United States citizen or a resident alien.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.004 Contract Purchasers.

Any person, corporation, or organization may purchase an advance payment contract for a qualified beneficiary. Co-purchasers are permitted, and will enjoy a right of survivorship. However, the purchaser may, without the consent or authorization of the co-purchaser, execute all contract changes, conversions, transfers, cancellations, and refund requests. Any request to change the purchaser designated on the advance payment contract must be signed by the purchaser and notarized by a notary. Refunds shall be made payable to

the purchaser only. If a purchaser terminates a contract pursuant to Rule 19B-10.002, the co-purchaser must be notified in writing. Any natural person named as the purchaser and co-purchaser must be 18 years of age or older and must be either a United States citizen or a resident alien.

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History--New 3- 29-89, Amended 3-19-92, Formerly 4G-5.004, Amended 12-5-93, 6-20-96, 7-28-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Fee Schedule
RULE NO.: 19B-6.001

PURPOSE AND EFFECT: To revise the fees applicable to the Florida Prepaid College Program.

SUMMARY: This rule change revises the fee schedule for the Florida Prepaid College Program to: (1) implement an increase in the Application Fee for the Florida Prepaid College Program; (2) provide an Application Fee for applications for both the Prepaid Program and the Florida College Savings Program and for applications to add an advance payment contract for a beneficiary of an account in the Florida College Savings Program; and (3) increase the amount of the Reinstatement Fee and the Insufficient Funds Fee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

The following fee schedule will apply for all advance payment contract applicants and purchasers:

(1) Application Fee

(a) A fifty dollar (\$50.00) forty-two dollar (\$42.00) nonrefundable application fee will be collected at the time an application is submitted for the Program.

(b) If the purchaser named on the application for the Program has a Florida College Investment Plan account and the designated beneficiary of that account is the same as beneficiary named on the application for the advanced payment contract, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

(c) If an application for both the Program and the Florida College Investment Plan is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.

(d) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.

(e) A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.

(2) Termination Fee – Fifty percent (50%) of the amount paid into the plan up to a cap of fifty dollars (\$50.00) will be assessed upon termination of any plan purchased, unless:

(a) The purchaser or beneficiary dies or is disabled; or

(b) The beneficiary receives a scholarship which renders the plan unusable; or

(c) The purchaser holds the advance payment contract for a period of at least two years immediately preceding the request for termination and refund. The purchaser shall request a waiver of the termination fee at the time of the refund request. Only one termination fee will be assessed for a single termination request for both the university and dormitory plan. Documentation of one of the above events permitting the fee waiver shall also be submitted with the request.

(3) Cancellation Fee – In verifying the residency of a beneficiary, if the Board discovers that a purchaser has committed fraud, a cancellation fee of one hundred percent (100%) of the amount paid into the plan up to a maximum of two hundred fifty dollars (\$250.00) will be assessed, and the remainder of the amount paid into the plan will be automatically refunded to the purchaser.

(4) Late Fee.

(a) A late fee of ten dollars (\$10.00) will be assessed on each monthly payment received twenty (20) days past the due date. This charge shall be separate from and in addition to any termination fee that might be imposed pursuant to subsection

(2) of this rule. If both the tuition and local fee payments are received twenty (20) or more days past the due date, only the tuition account will be assessed a ten dollar (\$10.00) late fee. The Board will grant an additional four (4) days grace period when a federal holiday occurs within the twenty (20) days mentioned above.

(b) When a contract is terminated, not more than seventy dollars (\$70.00) in outstanding late fees may be deducted from the refund for the contract.

(c) When a contract is paid-in-full, the Board will waive:

1. Any outstanding late fees in excess of seventy dollars (\$70.00).

2. The outstanding late fee balance when the outstanding late fee balance is fifty dollars (\$50.00) or less.

(5) Insufficient Funds – Purchasers will automatically be assessed a ~~twenty ten~~ dollar (\$20.00 ~~10.00~~) fee for all payments returned for insufficient funds.

~~(6) Addition of a dormitory contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds a dormitory plan to the previously purchased tuition plan.~~

~~(7) Addition of a local fee contract – A fee of ten dollars (\$10.00) will be assessed for any purchaser of a tuition plan who subsequently adds the corresponding local fee plan to the previously purchased tuition plan.~~

~~(6)(8) Outstanding fees – All outstanding fees must be paid by March 1 of the anticipated enrollment year in order for the qualified beneficiary to receive the contract benefits. Fees assessed after March 1 of the anticipated enrollment year and remaining unpaid on February 1 of the succeeding year will result in a suspension of the contract benefits.~~

~~(7)(9) Reinstatement Fee – A fifty dollar \$50.00 \$42.00 fee shall be assessed for the reinstatement of a voluntarily canceled or involuntarily canceled account. This fee shall be due on each tuition, local fee and dormitory account. The fee shall be due from the purchaser at the time the request for reinstatement is made and shall be in addition to all payments and fees required to bring an account current.~~

Specific Authority 240.551(5) FS. Law Implemented 240.551 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6- 20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Beneficiary Defined
 RULE NO.: 19B-7.001

PURPOSE AND EFFECT: To provide that the qualified beneficiary of an advance payment contract must be either a United States citizen or a resident alien.

SUMMARY: This rule change will require that the qualified beneficiary of an advance payment contract be either a United States citizen or resident alien.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(2),(5) FS.

LAW IMPLEMENTED: 240.551 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-7.001 Beneficiary Defined.

For each annual application period, a qualified beneficiary is defined as an individual who is under the age of 21 on the first day of the month in which the application period begins, has not completed the 11th grade, and is either:

- (1) A resident of Florida, or
- (2) A non-resident who is the child of a non-custodial parent who is a resident of this state. Documentation shall be in such form as required by the Board and may include a copy of the court order.

The qualified beneficiary must be either a United States citizen or a resident alien.

Specific Authority 240.551(2),(5) FS. Law Implemented 240.551 FS. History—New 3-29-89, Amended 2-6-90, Formerly 4G-7.001, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application of Rule Chapter, Definitions
 RULE NO.: 19B-16.001

PURPOSE AND EFFECT: To revise the definitions that apply to the Florida College Savings Program and Rule Chapter 19B-16, F.A.C.

SUMMARY: This rule change revises the definitions of terms used in Rule Chapter 19B-16, F.A.C., or that apply to the Florida College Savings Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6)(a),(7),(8) FS.

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.001 Application of Rule Chapter; Definitions.

(1) These rules apply to participants in the Florida College Savings Program (the “Florida College Investment Plan”), a qualified tuition program that allows persons to make contributions to a trust account established for the purpose of meeting some or all of the qualified higher education expenses of a designated beneficiary.

(2) For the purposes of the Florida College Savings Program and Rule Chapter 19B-16, F.A.C.:

(a) “Account” means an account in the program established pursuant to a participation agreement.

(b) “Account balance” means the amount remaining in an account, including all contributions to the account, investment gains or losses, after deduction of any applicable fees authorized in Rule 19B-16.012, F.A.C ~~the management fee.~~

(c) "Application" means the Florida Prepaid College Plan and Florida College Investment Plan New Account Application and the Florida College Investment Plan Add-On Application, Savings Program form adopted pursuant to Rule 19B-16.002, F.A.C.

(d) "Automatic contribution plan" means a method of making contributions to an account in the Program whereby funds are automatically withdrawn from a benefactor's bank account on a pre-scheduled, recurring basis.

(e) "Benefactor" means the a person who is designated on the application as the account owner, unless the benefactor was subsequently changed pursuant to Rule 19B-16.006, F.A.C who submitted a completed application together with the minimum contribution to the Program required pursuant to Rule 19B-16.004. The benefactor is the owner of the account established for the designated beneficiary named in the application.

(f) "Board" means the Florida Prepaid College Board.

(g) "Contingent benefactor" means a person designated on the application as the survivor, unless the benefactor has subsequently changed the contingent benefactor pursuant to Rule 19B-16.008. The contingent benefactor enjoys only the rights set forth in Rule 19B-16.008, F.A.C.

(h) "Custodial capacity" means an account where the benefactor acts in a representative capacity pursuant to a court order appointing a guardian, pursuant to the Uniform Transfers to Minors Act or pursuant to the Uniform Gifts to Minors Act.

(i) "Designated beneficiary" means the same as that term is defined in s. 529 of the Internal Revenue Code and is the person designated on the application as the beneficiary, unless the benefactor changed the designated beneficiary pursuant to Rule 19B-16.007, F.A.C.

(j) "Eligible educational institution" means the same as that term is defined in s. 529 of the Internal Revenue Code.

(k) "Internal Revenue Code" means the same as that term is defined in s. 240.553(2)(e), Florida Statutes.

(l) "Investment options" means the investment options available to benefactors that are described in the Comprehensive Investment Plan for the Program adopted by the Board and approved by the State Board of Administration, pursuant to s. 240.553(5)(g), Florida Statutes.

~~(m) "Management fee" means the periodic fee charged to each account, pursuant to the contract between the Board and the program manager.~~

~~(m)(n)~~ "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code.

~~(n)(o)~~ "Participation agreement" means the contract between a benefactor and the Board.

~~(o)(p)~~ "Person" means the same as the term "person," as used in s. 529 of the Internal Revenue Code.

~~(p)(q)~~ "Program" means the Florida College Savings Program (the "Florida College Investment Plan").

~~(n) "Program manager" means the entity with which the Board contracts for the operation of the Program, in accordance with the requirements of s. 240.553(5) and (6), Florida Statutes.~~

~~(q)(s)~~ "Qualified higher education expenses" means the same as that term is defined in s. 529 of the Internal Revenue Code.

~~(r)(t)~~ "Qualified tuition program" means the same as that term is defined in s. 529 of the Internal Revenue Code.

~~(s)(u)~~ "Rollover distribution" means the transfers described in Rule 19B-16.009, F.A.C. Rollover distributions into the Program must be made by check, money order or electronic funds transfer.

Specific Authority 240.553(6)(a),(7),(8) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: RULE NO.:

Maximum Account Balance Limit 19B-16.005

PURPOSE AND EFFECT: To revise and update the information source used to determine the maximum account balance limit for the Florida College Savings Program and revise how the maximum account balance limit applies to the Florida College Savings Program and the Florida Prepaid College Program.

SUMMARY: This rule change: (1) revises and updates the information source used to determine the maximum account balance limit for the Florida College Savings Program; (2) provides that the redemption value of an advance payment contract in the Florida Prepaid College Program and the account balance of an account in the Florida College Savings Program, for the same beneficiary may not exceed the maximum account balance limit; and (3) provides that if the Board receives a contribution for a designated beneficiary and the sum of that contribution, the account balance of an account in the Florida College Savings Program for that beneficiary and the redemption value of an advance payment contract under the Florida Prepaid College Program for the same beneficiary exceeds the maximum account balance limit, the Board will return the excess.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(7),(8) FS.

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2003 2002, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contract shall be as provided in Rule 19B-4.005(2), F.A.C.

(2) If the Board receives contributions for a designated beneficiary and the sum of the new contribution, the account balance for that designated beneficiary, and the redemption value of any advance payment contract under the Florida Prepaid College Plan for that beneficiary exceeds that exceed the maximum account balance limit, the Board shall return the excess to the person making the contribution.

Specific Authority 240.553(6),(7),(8) FS. Law Implemented 240.553 FS. History—New 5-30-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Termination and Withdrawal; Distributions RULE NO.: 19B-16.010

PURPOSE AND EFFECT: To provide for additional circumstances when an account in the Florida College Savings Program may be voluntarily terminated and will be involuntarily terminated, to revise the requirements for requesting a distribution from an account and for extending the period for the use of an account.

SUMMARY: This rule change provides that an account in the Florida College Savings Program may be voluntarily terminated by the benefactor at any time by submitting a notarized request for a rollover distribution of the entire account balance to another qualified tuition program and will be involuntarily terminated by the Board if the benefactor fails to provide the Board with all information required to complete the benefactor’s application for 120 days after the Board receives the application. In addition, this rule change deletes the requirement that requests for distributions be notarized and that requests to extend the time to use an account be notarized.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.553(6),(8),(9) FS.

LAW IMPLEMENTED: 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.010 Termination and Withdrawal; Distributions.

(1)(a) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request to terminate the participation agreement to the Board and receive a refund. Any written request for voluntary termination of a participation agreement shall be processed within thirty (30) days following receipt of the request by the Board. The amount of the refund to the benefactor will be the account balance.

(b) A benefactor may voluntarily terminate a participation agreement at any time by submitting a written, notarized request for a rollover distribution of the entire Account Balance. Any written request for a rollover distribution of the entire Account Balance must indicate the qualified tuition program to which said rollover distribution is to be made and will be processed within thirty (30) days following receipt of the request by the Board.

~~(c)~~(b) A participation agreement shall be deemed to have been voluntarily cancelled when the benefactor requests a distribution of all funds in the account so that the account balance is zero. However, the benefactor of an account that has been voluntarily cancelled may reactivate the account and the participation agreement at any time by making a contribution to the account.

(2) Involuntary termination of a participation agreement shall occur:

(a) Upon a determination by the Board that the benefactor has made a material misrepresentation in the application submitted to the Board by the benefactor or in any communication from the benefactor to the Board regarding the Florida College Savings Program. A material misrepresentation includes, but is not limited to, providing an invalid Social Security Number or Taxpayer Identification Number, falsely certifying that the benefactor is a citizen or resident alien of the United States, or providing a false certification that a person is a member of the family of a designated beneficiary.

(b) When a benefactor has failed to provide the Board with all information required to complete the benefactor's application for 120 days after the Board receives the application. The Board will notify the benefactor in writing of any information that is required to complete the application.

~~(c)~~(b) When no contributions to or withdrawals from the account have been made for twenty-five (25) calendar years. The Board shall extend such period for ten calendar years if it receives a ~~notarized~~, written request or requests by a benefactor. Any time spent by the designated beneficiary as an active duty member of the armed services of the United States tolls such time periods.

(3) The Board will terminate a benefactor's participation agreement if the balance in the account is less than two hundred fifty dollars (\$250.00) on the first day of any calendar month that is more than twenty-four (24) months following the date on which the Board received the benefactor's application and initial contribution to the Program, unless the Board receives a special petition seeking waiver of this rule pursuant to Rule 19B-12.001 and subsection 19B-12.003(3), F.A.C.

(4) Upon involuntary termination of a participation agreement, the benefactor will be entitled to a refund of the account balance.

(5) A benefactor may request a distribution by submitting a ~~notarized~~, written request to the Board. Distributions may be made from an account by any method allowed pursuant to s. 529 of the Internal Revenue Code.

Specific Authority 240.553(6),(8),(9) FS. Law Implemented 240.553 FS. History--New 5-30-02, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Fee Schedule
RULE NO.: 19B-16.012

PURPOSE AND EFFECT: To establish the fees that apply to the Florida College Savings Program and accounts in the Program.

SUMMARY: This rule establishes the following fees for the Florida College Savings Program: (1) the Application Fee; (2) Insufficient Funds Fees; (3) Administration Fee; and (4) the Termination Fee. The rule establishes the amount of each fee or how each fee will be determined.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 240.551(5),(7), 240.553(6),(7) FS.
LAW IMPLEMENTED: 240.551, 240.553 FS.

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

TIME AND DATE: 2:00 p.m., October 21, 2002
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.012 Fee Schedule.

The following fee schedule will apply to all participation agreements, benefactors and designated beneficiaries:

(1) Application Fee.

(a) A fifty dollar (\$50.00) nonrefundable application fee will be collected at the time an application is submitted.

(b) If a benefactor named on an application has a Florida Prepaid College Plan advance payment contract and the qualified beneficiary of that contract is the same as designated beneficiary named on the application for the Program, a thirty dollar (\$30.00) nonrefundable application fee will be collected at the time the application is submitted.

(c) If an application for both the Florida Prepaid College Plan and the Program is submitted on the same application, an eighty dollar (\$80.00) nonrefundable application fee will be collected at the time the application is submitted.

(2) Insufficient Funds – Benefactors will automatically be assessed a twenty dollar (\$20.00) fee for all payments returned for insufficient funds.

(3) Administration Fee – The Board will annually determine the amount of the administration fee that will apply to all accounts. The amount of the administration fee will be published annually in the Florida Administrative Weekly. The Board will determine the amount of the administration fee based on the total amount invested in the Program by all benefactors, the amounts of the fees that the Board must pay for investment management services, trustee services, records administration services, marketing services, and customer services and the annual budget of the Board, which has been approved by the State Board of Administration. The administration fee will be expressed as a basis point charge against the account balance (a percentage of the account balance). The administration fee will be deducted from each account automatically on a daily basis.

(4) Termination Fee – Benefactors will automatically be assessed a fifty dollar (\$50.00) for the termination of any account pursuant to paragraphs 19B-16.010(1)(a) or (b), (2)(a) or (c), or (3), F.A.C. The termination fee will not be collected when an account is terminated due to the death or disability of the designated beneficiary or the receipt by the designated beneficiary of a scholarship; provided the Board receives documentation of those circumstances.

Specific Authority 240.551(5),(7), 240.553(6),(7) FS. Law Implemented 240.551, 240.553 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER TITLE: Environmental Resource and Works
 RULE CHAPTER NO.: 40B-4

of the District Permits
 RULE TITLE: Publications and Agreements
 RULE NO.: 40B-4.1090

INCORPORATED BY REFERENCE: 40B-4.1090
 PURPOSE AND EFFECT: The District references the floodway as a Work of the District consistent with Section 373.019(23), F.S. This amendment will identify the floodway referred to in 40B-4, part III, F.A.C., as described in the Final Survey – Review Report Suwannee River Georgia and Florida, July 1989, US Army Corps of Engineers, Jacksonville District and will help the public identify the floodway as required for the Aucilla, Alapaha, Santa Fe, Suwannee and Withlatchoochee rivers.

SUMMARY: This change will identify the District’s reference to the floodway in Chapter 40B-4, part III, F.A.C., as described by the Final Survey – Review Report Suwannee River, Georgia and Florida, July 1989, US Army Corps of Engineers, Jacksonville District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 373.044, 373.083, 373.084, 373.085, 373.086, 373.114 FS.

LAW IMPLEMENTED: 373.413, 373.416 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):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Suwannee River Water Management District Headquarters, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-4.1090 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference: Final Survey – Review Report Suwannee River Georgia and Florida, July 1989, US Army Corps of Engineers, Jacksonville District used to establish the floodway for the Works of the District identified in Chapter 40B-4, part III, F.A.C.

Specific Authority 373.044, 373.083, 373.084, 373.085, 373.086, 373.114 FS. Law Implemented 373.413, 373.416 FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
David Still, Director, Department of Resource Management, 9225 CR 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Suwannee River Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2001

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Public Use Guide	40E-7
RULE TITLES:	RULE NOS.:
Policy and Purpose	40E-7.511
Scope and Applicability	40E-7.520
Definitions	40E-7.521
Access to Management Areas; Closures	40E-7.523
Use of Vehicles, Airboats, and Aircraft;	
Navigational Restrictions	40E-7.525
Equestrian Activities; Use of Saddle Animals	40E-7.526
Hunting; Possession and Use of Firearms	40E-7.527
Overnight Camping	40E-7.529
Operating Hours	40E-7.532
Special Use Licenses	40E-7.534
General Prohibitions	40E-7.537
Establishment of South Florida Water	
Management District Management	
Areas Open to the Public	40E-7.538
Penalties	40E-7.539

PURPOSE AND EFFECT: This rule making concerns proposed revisions to the document entitled, “Public Use Guide for Designated Land Management Areas” (PUG). The proposed revisions provide that lands acquired by the District under the Save Our Rivers and Preservation 2000 programs are made available to the public for recreational use and enjoyment, while protecting natural resources and ecosystems. Regulations concerning the use of certain existing management areas are to be amended and new management areas are to be added, and others may be deleted.

SUMMARY: Changes to the rule and PUG may be considered based upon the Rule Making process, including public input and additional staff analysis.

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

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

SPECIFIC AUTHORITY: 279.101, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.103, 373.59 FS.

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

TIME AND DATE: 9:00 a.m., November 14, 2002

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

Although Governing Board meetings, hearings, and workshop are normally recorded, affected person are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Fred Davis, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6636, or (561)682-6636, internet: fdavis@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-7.511 Policy and Purpose.

The purpose of the rule in this part is to further implement the legislative intent expressed in Sections 259.101, 373.016(2)(h), 373.1391, 373.1395, and 373.59(11), F.S., and District Land Management Policy 5.001, and therefore, to establish regulations governing public access to certain District lands and use of said lands for ~~outdoor general public~~ recreational and allied purposes. It is the intent of these regulations to protect the water resources, native plant communities, fish and wildlife populations, and related natural ~~related~~ features of these lands together with any cultural improvements thereon.

Nothing contained in these regulations shall be construed as an assurance by the District that said management areas are safe for any purpose, that the District has a duty of care toward any person entering said lands or that the District is responsible for

any injuries or damage to persons or property caused by an act or omission of any person who enters said management areas, including invitees, licensees, trespassers or other persons.

Specific Authority 279.101, 373.044, 373.113, 373.171 FS. Law Implemented 259.101, 373.016, 373.056, 373.103, 373.1391, 373.1395, 373.59 FS. History—New 5-24-94, Amended 9-10-98.

40E-7.520 Scope and Applicability.

(1) Everglades Water Conservation Areas One, Two and Three are exempt and will not be affected or governed by these rules.

(2) The general regulations contained herein are broad in scope and applicable to all management areas.

(3) The regulations are applicable to all persons entering upon, using, or visiting said management areas.

(4) A copy of the regulations contained herein shall be posted at entry points, activity areas, and recreation sites equipped with bulletin boards or otherwise made reasonably available to the public.

(5) The District shall publish and make available to the public, upon request, a “Public Use Guide for Designated Land Management Areas”. The Public Use Guide will be considered by the Governing Board at a public meeting advertised in accordance with Chapter 120, F.S. Only rules adopted by the Governing Board shall be effective. Copies of the Public Use Guide are available during working hours from the District headquarters.

(6) Consistent with the environmental sensitivity of these areas and the purposes for which the lands were acquired, and all rights, privileges, and protections afforded by the provisions of Section 373.1395, F.S., all management areas (including park areas, other land areas, and water areas) are hereby deemed open and available to the public for outdoor general public recreational purposes and access unless otherwise limited, restricted, or prohibited by special provision in this Rule, by specific provision included in the Governing Board’s designated boundary change to an existing management area or the Governing Board’s creation of a new management area, or as set forth in the Public Use Guide. Nothing in this rule shall prevent other federal, state, or local agencies, including but not limited to those with management contracts with the District, from requiring compliance with their own rules, regulations, or laws to the fullest extent of their lawful authority.

(7) Any signage restricting the use of portions of the management areas (including District land areas, park areas, or water areas) shall only apply to the property or area set forth in or delineated by such signage and a presumption shall exist that all other portions of the management areas (including District lands, park areas and water areas) specifically identified are open and available for outdoor recreational purposes unless otherwise limited, restricted or prohibited by the Governing Board. This provision shall not be construed to impede enforcement of trespass statutes including but not limited to Chapter 810, F.S.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.056, ~~373.1391, 373.1395,~~ 373.1395, 373.1401, 373.59 FS. History—New 5-24-94, Amended 11-12-95, 1-7-97, 11-13-97, 9-10-98.

40E-7.521 Definitions.

When used in this part:

(1) “Activity area” means a zone within a management area designated for specific recreational activities.

~~(2)~~(4) “Access ~~Entry~~ point means a designated location or boundary for public access to a management area.

~~(3)~~(2) “Allied purposes” means other related outdoor activities including, but not limited to, frogging, photography, painting, environmental education, and nature study.

(4) “Camping” means to use a vehicle, tent or shelter, or to arrange bedding or both with the intent to stay overnight.

~~(5)~~(3) “Designated road” means any road, path, lane, or trail officially designated by name or number for public vehicular travel.

~~(6)~~(5) “Outdoor General public recreational purposes” means natural resource based outdoor recreational activities including, but not limited to, fishing, hunting, horseback riding, bicycling, swimming, camping, hiking, canoeing, boating, airboating, diving, birding, sailing, ~~and~~ jogging, picnicking, pleasure driving, nature study, water skiing, motorcycling, and visiting historical, archaeological, scenic or scientific sites.

~~(7)~~(6) “Management area” means:

(a) Any Save Our Rivers land, other District land, or combination thereof, listed in the Public Use Guide and managed as a single and distinct unit for the purpose of restoring, preserving, and protecting the water and related environmental resources of said area, including regulating the public uses thereon; and

(b) Any such lands, acquired by the District since the most recent update of the Public Use Guide and designated by the Governing Board as a boundary change of contiguous lands to an existing management area, or by the creation of a new management area.

~~(8)~~(7) “Management Unit means a portion of any Save Our Rivers land or other District land within a management area that requires a specific public use regulation due to legal, cultural or environmental factors uniquely affecting the specific unit of land, but which is not applicable to the entire management area.

~~(9)~~(8) “Natural Resources” mean water, soils, flora, and fauna.

(10) “Primitive Camping” means no amenities are provided.

~~(11)~~(9) “Public Use Guide” means the document updated and approved Bi-annually by the Board which sets forth management areas, the general rules and regulations governing public use, and any special provisions applicable thereto, and

shall also include periodic supplements as to those management area lands referenced in paragraph 40E-7.521(6)(b), F.A.C., above.

~~(12)(10)~~ "Recreation site" means an improved or unimproved site established to facilitate public use of a designated management area.

~~(13)(11)~~ "Recreational trail" means riding, hiking, canoeing, bicycling, or jogging trails for use by the public.

~~(12)~~ "Primitive Camping" means no amenities are provided.

~~(14)~~ "Saddle animal" means any animal used to transport a person or property.

Specific Authority 373.019, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.1391, 373.59 FS. History—New 5-24-94, Amended 9-10-98, _____.

40E-7.523 Access to Management Areas; Closures.

(1) Access to management areas by the general public is only authorized at designated entry points. Designated entry points for specific management areas shall be set forth in the Public Use Guide, or by specific provisions included in the Governing Board's designated boundary change to an existing management area or the Governing Board's creation of a new management area or management unit.

(2) Management areas or portions of management areas shall be closed to public use under the following conditions:

(a) When necessary for public safety such as during wildfires or prescribed burns.

(b) When necessary during emergency conditions such as floods severe weather events, or wildfire danger for public safety and the protection of natural resources. Such closures shall require the approval of the Executive Director and concurrence of the Governing Board. In no event shall such closures exceed thirty (30) days duration absent reconsideration and approval by the Governing Board.

(c) When necessary, in the District's judgement, based upon available information at the time, on a temporary, seasonal or permanent basis to protect natural, historic or archaeological resources. Such closures, to the extent they exceed thirty (30) days, shall require advance public notice and approval by the Governing Board.

(d) When necessary for construction, operation or maintenance activities, such as the Kissimmee River restoration project.

(3) Temporary closures of management areas or portions of management areas will be posted at authorized points of entry to said areas.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, 373.1391, ~~373.139~~, 373.59 FS. History—New 5-24-94, Amended 1-1-01, Repromulgated.

40E-7.525 Use of Vehicles, Airboats, and Aircraft; Navigational Restrictions.

(1) Vehicular travel within management areas is limited to the operation of vehicles licensed for highway use by licensed drivers on designated roads unless otherwise specified in the Public Use Guide.

(2) Management areas or portions of management areas open to off-road travel by licensed or unlicensed swamp buggies, tracked vehicles, and other types of off-road or all terrain vehicles, shall be specified in the Public Use Guide.

(3) Under Section 316.192, F.S., driving a vehicle in willful and wanton disregard for the safety of persons or property is reckless driving. Pursuant to Section 316.1925, F.S., any persons who drive vehicles on management areas shall drive in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic and all other attendant circumstances, so as not to endanger the life, limb or property of any person. Failure to drive in such a manner is punishable under Section 316.655, F.S.

(4) Motorized vehicle operators shall comply with posted speed limits on management area roads. If no speed limit is posted, the speed limit is 20 mph. Speed limits are not applicable to airboats and off-road vehicles, except when the latter are operated on management area roads.

(5) Bicycles, horse-drawn carriages and buggies are considered motorized vehicles for the purpose of this rule except that the operators of these conveyances are not required to possess a valid driver's license.

(6) ~~Saddle Horses and other saddle~~ animals are not considered to be vehicles for the purpose of this rule.

(7) Airboats may be operated in management area floodplains and littoral zones unless otherwise specified in the Public Use Guide.

(8) The take off or landing of either motorized or non-motorized conventional or model aircraft such as airplanes, helicopters, ultra lights, gliders, and hang gliders, on management units is prohibited unless otherwise specified in the Public Use Guide.

(9) Any restrictions to navigation established pursuant to state or federal law, applicable to management areas, shall be specified in the Public Use Guide and reasonably identified in the field by appropriate signs.

Specific Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.1391, ~~373.139~~, 373.59 FS. History—New 5-24-94, Amended 9-10-98, _____.

40E-7.526 Equestrian Activities; Use of Saddle Animals.

(1) Management areas open to equestrian activities and the use of saddle animals shall be specified in the Public Use Guide.

(2) Where authorized, the use of horses and other saddle animals shall be permitted on all designated roads, other roads, firebreaks, dikes, and ditch banks unless otherwise specified in the Public Use Guide.

(3) The use of ~~horses and other~~ saddle animals on designated hiking trails shall be prohibited.

(4) Saddle animals on District owned land must possess proof of negative Coggins test.

Specific Authority 373.044, 373.113 FS. Law Implemented 316.192, 316.1925, 316.655, 373.016, 373.1391 ~~373.139~~, 373.59 FS. History--New 5-24-94 Amended 9-10-98, _____.

40E-7.527 Hunting; Possession and Use of Firearms.

(1) Consistent with Chapter 790, F.S., and other applicable provisions of local, state and federal law, such as the rules of the Florida Fish and Wildlife Conservation Commission and the United States Department of Interior, Fish and Wildlife Service, hunting, unlawful possession, discharge, and use of firearms, archery equipment, trapping devices and the releasing of free-running hunting dogs are prohibited on management areas unless the land is opened as a public hunting area and these uses are authorized in the specific public hunting area regulations.

(2) Public hunting on management areas is administered by the Florida Fish and Wildlife Conservation Commission, or the U.S. Department of the Interior, Fish and Wildlife Service in cooperation with the District. If a public hunting management area is included in a management public hunting area, it shall be posted as prescribed by Chapter 810, F.S. Management areas currently established as public hunt areas are noticed in the Public Use Guide.

(3) Public hunting areas shall only be established on management areas with approval of the Board. Board approval shall be given at a public meeting, which shall be advertised as required by Chapter 120, F.S. The District may enter into management agreements with the entity to be responsible for managing the public hunting on the management area. Agreements between the District and the Florida Fish and Wildlife Conservation Commission or the United States Fish and Wildlife Service are considered to be authorizations to remove designated game species. The agreements will be available at the District headquarters for review by the public.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391 373.1401, 373.59, 790, 810.09 FS. History--New 5-24-94, Amended 9-14-00, 1-1-01, _____.

40E-7.529 Overnight Camping.

(1) Overnight, primitive camping on management areas is permitted unless otherwise specified in the Public Use Guide.

(2) Any restrictions applicable to overnight camping shall be specified in the Public Use Guide.

(3) Designated campsites and amenities within specific management areas shall be specified in the Public Use Guide and reasonably identified in the field by appropriate signs or markers.

(4) Overnight camping or the presence of camping equipment shall at all campgrounds will be limited to five (5) consecutive days, unless authorized by Special Use License.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391 ~~373.139~~, 373.59 FS. History--New 5-24-94, Amended 11-13-97, 9-10-98, _____.

40E-7.532 Operating Hours.

Management areas shall be open to public use twenty-four (24) hours a day except during authorized closures as set forth in subsection 40E-7.523(2) above or unless otherwise specified in the Public Use Guide.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.119, 373.1391 ~~373.139~~, 373.59 FS. History--New 5-24-94, Repromulgated _____.

40E-7.534 Special Use Licenses.

(1) A Special Use License, issued at no cost to the public, shall be required to engage in select activities on management areas identified by the Governing Board during the BI-annual update of the Public Use Guide, as set forth in subsection 40E-7.521(9), above, when determined necessary to protect the natural resources of said areas, prevent overuse of facilities, or to avoid conflicts between users. Management Areas with Special Use License requirements, including the daily quota for each management area, shall be specified in the Public Use Guide.

(2) A Special Use Application and License shall be submitted to the District on Form #0830. Upon receipt of a properly completed Special Use Application and License Form #0830, the District's Division Department of Land Stewardship shall issue Special Use Licenses on a first come first served basis until the daily quota established by the District for that activity is reached.

(3) Special Use Licenses shall only be valid for the dates shown on the License and must be in the possession of the applicant while on the management area. If the applicant is a group, then the license must be in the possession of the designated group leader.

(4) Persons wishing to obtain a Special Use License, when required by the District, may apply in person, call, or write to request a copy of Special Use Application and License Form #0830 from the District at the following:

(a) Division of Department of Land Stewardship
South Florida Water Management District

Post Office Box 24680

3301 Gun Club Road

West Palm Beach, FL 33416-4680

Telephone: (516)686-8800 or Florida WATS
1(800)432-2045, or

(b) From the applicable service center as set forth in the special provisions for the specific management area, or

(c) From the District's web site: www.sfwmd.gov

(5) In the event the daily quota has been reached, the District shall notify the Special Use License applicant that the District intends to deny the application, and the applicant may request further consideration by the Governing Board.

(6) The Executive Director, or his designee, shall revoke a Special Use License if the licensee violates any provisions of this Rule or the Special Use License.

(7) Special Use Licenses shall be issued by the District's Land Stewardship Department in accordance with the provisions of this section, for the purpose of providing mobility impaired persons the opportunity to use motorized vehicles to access portions of the management areas not otherwise open to motorized vehicles. Licenses for this purpose will be issued upon request, including proof of mobility impairment, as long as the requested use will not adversely impact the resource, impair the safety and welfare of the user, interfere with the reasonable use by others, or result in substantial financial obligations by the District to accommodate the user. Mobility impaired hunting permits shall be issued by the Florida Fish and Wildlife Conservation Commission.

(8) Any person prohibited from entering onto District land by a court order shall not be eligible to apply for a Special Use License, during the prohibition period.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, ~~373.139~~, 373.59 FS. History--New 5-24-94, Amended 9-10-98, 1-1-01.

40E-7.537 General Prohibitions.

The following shall be prohibited on all management areas:

(1) Parking a motor vehicle in an unauthorized location or in a manner blocking roads, levees, maintenance berms, gates, or water control structures.

(2) Discharging firecrackers, rockets, or any other fireworks.

(3) Pets, other than leashed dogs and service animals under the control of the owner. This prohibition does not apply to hunting dogs utilized in conjunction with an approved hunting program where the use of dogs is permitted.

(4) Destroying, defacing, or removing any natural feature or native plant, including the felling falling of dead trees.

(5) Destroying, injuring, defacing, removing, or disturbing in any manner any public building, tower, recorder, gage, sign, gate, fence, equipment, monument, marker, or other structure or improvement.

(6) Destroying or damaging scientific study plots, photo points, transect lines, or survey markers.

(7) Trespassing on, operating, or interfering with the operation of water control structures.

(8) Discharging or disposing of oil, gasoline, or other chemicals and wastes.

(9) Servicing or maintaining vehicles and equipment except when in conjunction with authorized recreational activities and allied purposes.

(10) Disposing of any garbage, including paper, cans, bottles, waste materials, and rubbish other than in containers provided for such disposition.

(11) Draining or dumping refuse or waste from any travel trailer, camper, mobile home or recreation vehicle other than in places or receptacles designated for such use.

(12) Cleaning fish, game, or food at potable watering stations or in rest rooms, or washing clothing or articles of household use at such facilities.

(13) Using refuse containers or other refuse facilities for disposal of household or commercial garbage or trash.

(14) Installing, erecting, or maintaining any unauthorized camp, building, structure, or sign.

(15) Building a fire other than in an authorized campsite or picnic area or outside of grills, fireplaces, or fire rings provided by the District or other authorized management agency for such purpose. This prohibition does not apply to portable campstoves or grills provided by the user.

(16) Selling or offering for sale any merchandise without the prior written consent of the District's Governing Board. Requests to the District for consent shall be made in writing, directed to the Land Stewardship Division - Land Management Department, and shall be submitted not less than 28 days prior to the regularly scheduled Governing Board Meeting for consideration. Consideration to such consent shall be given at a regularly scheduled meeting of the District's Governing Board. Although the Board's analysis of requests to sell merchandise within a management area is primarily site specific in nature, consideration shall be given to such factors as: immediate and potential impact on the environment, immediate and potential impact on members of the public using the management area, the size of the management area in relation to the area impacted by the proposed sale, and overall benefits to the public.

(17) Operating bicycles on trails closed to such use.

(18) Erecting or maintaining tree stands on District lands more than 10 days before or more than 10 days after any authorized hunting season.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, ~~373.139~~, 373.59 FS. History--New 5-24-94, Amended 9-10-98.

40E-7.538 Establishment of South Florida Water Management District Management Areas Open to the Public.

The South Florida Water Management District does hereby establish the following areas as Management Areas that are open to the public for outdoor recreational purposes under the General and Specific Rules of the District, located in Chapter 40E-7, F.A.C., and under Rules and Ordinances of cooperating management entities.

(1) Tibet Butler Management Area located in Orange County.

(a) Public use of the management area is governed primarily by Regulations of the Orange County Parks and Recreation Department and Orange County Ordinance.

(b) District Public Use Rules are supplemental to Regulations of the Orange County Parks and Recreation Department and Orange County Ordinance.

(2) Shingle Creek Management Area located in Osceola and Orange Counties.

(a) Persons may enter the management area at designated access points.

(b) The use and possession of a bicycle is permitted only when in the possession of a Special Use License.

(c) Hunting is prohibited.

(d) Camping is prohibited.

(e) Airboating is prohibited.

(f) The use and possession of a saddle animal is prohibited.

(3)(2) Lake Marion Creek Management Area located in Osceola and Polk Counties.

(a) Certain ~~Public~~ uses of the management area are is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Persons may enter the management area on foot at designated access points off County Road 580, Horseshoe Creek Road, Lake Marion Creek Road and at Baltic Adair Court. Motorized vehicle access is allowed via Huckleberry Island Road, during the established hunting season.

(d) The use or possession of a bicycle ~~Bicycling~~ is permitted only when in the possession of a Special Use License.

(e) Overnight camping at designated campsites is permitted, during non-hunting season, only when in the possession of a Special Use License.

(f) Airboating is prohibited.

(g) The use or possession of a saddle animal ~~Horseback riding~~ is prohibited.

(4)(3) Lake Walk-In-Water Management Area located in Polk County.

(a) Public use of the management area is governed primarily by Polk County Ordinance.

(b) The District's Public Use Rules are supplemental to Polk County Ordinance.

(5)(4) Lower Reedy Creek Management Area located in Osceola and Polk Counties.

(a) Lake Russell Management Unit.

1. Public use of the management area is governed primarily by Rules of the Osceola County School Board and Osceola County Ordinance.

2. District Public Use Rules are supplemental to Rules of the Osceola County School Board and Osceola County Ordinance.

3. Airboating is prohibited. Camping is permitted only when in the possession of a Special Use License.

4. Hunting is prohibited.

5. Vehicular travel is permitted only on the entrance roadway, or as authorized by Special Use License.

(b) Rough Island North and South and Johnson Island Units.

1. Hunting is prohibited beyond the restricted area signs. ~~blue District Management Area signs.~~

2. Airboating is prohibited beyond the restricted area signs. ~~blue District Management Area signs.~~

3. Foot travel only is permitted beyond the restricted area signs. ~~blue District Management Area signs.~~

4. The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

5. The use and possession of a saddle animal ~~Horseback riding~~ is permitted only when in the possession of a Special Use License.

6. Notwithstanding provisions ~~II~~ through ~~IV~~ above, all public access is prohibited within the posted closed protection zone areas generally located above the divergence of Reedy Creek and the Dead River. Public access to Rough Island North is permitted from August 15 to February 15 only between the hours of 6:00 a.m. to 9:00 p.m. Users of this area must be in possession of a Special Use License, which can be obtained from the District's Orlando Service Center at 1-800-250-4250 (see 40E-7.534 of the General Rules and Regulations). A quota of fifty (50) annual licenses has been established by the District for public access to Rough Island North.

7. Seasonal public access to the Rough Island North limited access area is permitted from August 16 to February 14 only between the hours of 6:00 a.m. to 9:00 p.m., via the airboat gate. Users of this area must be in possession of a Special Use License. A quota of fifty (50) annual licenses has been established for this area. Annual licenses are available after June 1st of each year.

(6)(5) Upper Reedy Creek Management Area.

(a) Intercession City Management Unit.

1. Persons may enter the management unit on foot at the designated access point on Wile Avenue.

2.1. Hunting is prohibited.

3.2. Airboating is prohibited.

4.3. Overnight camping is prohibited.

5.4. The use or possession of a saddle animal ~~Horseback riding~~ is prohibited.

~~6.5. The use or possession of a bicycle bicycling is prohibited.~~

(b) Poinciana Management Unit.

~~1. Persons may enter the management unit on foot at the designated access point on Burnly Court. Public use of the management area is governed primarily by Rules of the Osceola County School Board and Osceola County Ordinance.~~

~~2.3. Hunting is prohibited.~~

~~3.4. Airboating is prohibited.~~

~~4.5. Overnight camping is prohibited.~~

~~5.6. The use or possession of a saddle animal Horseback riding is prohibited.~~

~~6.7. The use or possession of a bicycle bicycling is prohibited.~~

(c) Reedy Creek Unit.

~~1. Persons may enter the management unit on foot at the designated access point on Poinciana Boulevard.~~

~~2. Hunting is prohibited.~~

~~3. Airboating is prohibited.~~

~~4. Overnight camping is prohibited.~~

~~5. The use or possession of a saddle animal is prohibited.~~

~~6. The use or possession of a bicycle is prohibited.~~

~~(7)(6) Catfish Creek Management Area located in Polk County.~~

(a) Persons shall ~~may~~ enter and exit the management area from Lake Hatchineha.

(b) Hunting is permitted and regulated by state law and regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Airboating is prohibited only within upland hammock areas and is regulated by state law and Polk County ordinance.

(d) ~~The use or possession of a saddle animal is prohibited. Horseback riding is allowed when in the possession of a Special Use License.~~

~~(e) The use or possession of a bicycle is prohibited.~~

~~(f) Motorized vehicles other than airboats are prohibited.~~

~~(8)(7) Lake Kissimmee Management Area located in Osceola and Polk Counties.~~

~~(a) Hunting: Persons may enter the management area from Lake Cypress, Lake Hatchineha, Lake Kissimmee, Canal 36 and from Thomas Landing Road.~~

~~1. Is prohibited in Ike Hammock and from improved roadways in the Gardner Cobb Marsh Unit.~~

~~2. Is prohibited in Drasdo and Lightsey Units beyond the blue District Management Area signs.~~

(b) Airboating: is prohibited beyond the restricted area signs, and 1. Is prohibited on or across improved roadways or within hammock areas, except that airboats may cross the main grade at the designated crossing points, in the Gardner Cobb Marsh Unit. ~~2. Is prohibited in Drasdo and Lightsey Units beyond the blue District Management Area signs.~~

(c) ~~The use or possession of a saddle animal Horseback riding~~ is allowed when in the possession of a Special Use License.

(d) Motorized vehicles other than airboats are prohibited.

(e) ~~The use or possession of a bicycle bicycling is permitted only when in possession of a Special Use License authorized in the management area.~~

(f) The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

~~(9)(8) Lower Kissimmee River Management Area located in Polk, Osceola, Highlands, Glades, and Okeechobee Counties.~~

(a) KICCO Management Unit.

1. Public use of the management area is governed primarily by Wildlife Management Area Type I Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

~~3. Persons may enter the management area from the Kissimmee River and from designated public access points at public roadways.~~

~~4. Overnight camping is permitted at designated campsites only when in the possession of a Special Use License or a Quota Hunt Permit.~~

~~5. Motorized vehicles are prohibited except as authorized by the District and/or the Florida Fish and Wildlife Conservation Commission during Public Hunts.~~

~~6. The use or possession of a bicycle is permitted on the main shellrock road.~~

~~7. The use or possession of a saddle animal is allowed when in possession of a Special Use License.~~

~~8. Airboating is prohibited.~~

(b) Hickory Hammock Management Unit.

1. Public use of the management area is governed primarily by Wildlife Management Area Type I Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

3. Persons may enter the management area from the Kissimmee River and from designated public access points at public roadways.

4. Airboating is prohibited within posted safety zones and beyond the restricted area ~~blue District Management Area~~ signs.

5. Camping is permitted only at designated campsites when in the possession of a Special Use License or a Quota Hunt Permit.

6. Motorized vehicles are prohibited except on named and numbered roads or as authorized by the District and/or the Florida Fish and Wildlife Conservation Commission during Special Opportunity hunts.

7. The use or possession of a bicycle is permitted when in possession of a Special Use License.

8. The use or possession of a saddle animal is permitted when in possession of a Special Use License.

(c) Pool A-East, Pool C, Pool D, Pool E, and Paradise Run Management Units.

1. Public use of the management area is governed primarily by Public Use Area Regulations of the Florida Fish and Wildlife Conservation Commission.

2. District Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

3. Persons may enter the management area from the Kissimmee River and from designated public access points at public roadways.

4. Hunting is prohibited within posted safety zones.

5. Hunting is permitted only within areas established as Wildlife Management Areas or Public Use Areas by the Florida Fish and Wildlife Conservation Commission.

~~6.5.~~ Airboating is prohibited within posted safety zones and beyond the restricted area ~~blue District Management Area~~ signs.

~~7.6.~~ Camping is permitted only ~~at~~ in designated campsites ~~when in possession of a Special Use License~~ camping area ~~from February 1 through August 31 of each year.~~

~~8.7.~~ The use and possession of a saddle animal ~~Horseback riding~~ is permitted only when in the possession of a Special Use License.

~~9.8.~~ Bicycling is permitted only when in the possession of a Special Use License.

~~10.9.~~ Motorized vehicles other than airboats are prohibited except on named and numbered roads as authorized by the District and/or the Florida Game & Fresh Water Fish Commission during Special Opportunity hunts.

~~11.10.~~ The use or occupancy of existing buildings, structures, and related improvements is prohibited unless designated as a public use facility.

~~(10)(9)~~ Kissimmee Prairie Ecosystem Management Area located in Okeechobee County.

(a) Public use of the management area is governed by Regulations of the Florida Department of Environmental Protection.

(b) District Public Use Rules are supplemental to Regulations of the Florida Department of Environmental Protection.

~~(11)(10)~~ Atlantic Ridge Management Area, South Fork St. Lucie River Management Area located in Martin County.

(a) Public use of this area is governed by Regulations of the Department of Environmental Protection, Division of Recreation and Parks. Persons may enter the management area on foot from the South Fork of the St. Lucie River.

(b) District Public Use Rules are supplemental to Regulations of the Department of Environmental Protection. Overnight camping at the canoe landing is permitted when in the possession of a Special Use License.

~~(c) Hunting is prohibited~~

~~(d) Horseback riding is prohibited.~~

~~(e) Airboating is prohibited.~~

~~(f) The use of motorized vehicles is prohibited.~~

~~(12)(11)~~ Loxahatchee River Management Area located in Palm Beach and Martin Counties.

(a) Northwest Fork Management Unit

1. Public use of the management area is governed by Regulations of the Florida Department of Environmental Protection for Jonathan Dickinson State Park.

2. District Public Use Rules are supplemental to Regulations of the Florida Department of Environmental Protection.

~~3. Hunting is prohibited~~

~~4. Horseback riding is prohibited.~~

~~5. Airboating is prohibited.~~

~~6. The use of motorized vehicles is prohibited.~~

~~7. Bicycling is prohibited.~~

~~8. Overnight camping is prohibited.~~

(b) Riverbend Management Unit.

1. Public use of the management area is governed by Regulations of the Palm Beach County Parks and Recreation Department and Palm Beach County Ordinance.

2. District Public Use Rules are supplemental to Regulations of the Palm Beach County Parks and Recreation Department and Palm Beach County Ordinance.

~~(13)(12)~~ Hungryland Slough Wildlife Management Area West Jupiter Wetlands Management Area located in Martin and Palm Beach Counties.

(a) Public use of this management area is governed by Regulations of the Florida Fish and Wildlife Conservation Commission. Persons may enter the management area on foot at the designated access point off state road 706 (Indiantown Road).

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

~~(c) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(d) Airboating is prohibited.~~

~~(e) Hunting is prohibited.~~

~~(f) Horseback riding is prohibited.~~

~~(g) Camping is allowed only on the rim of the spoil bank on the south side of the canal.~~

~~(h) Swimming, bathing and boating are prohibited on the canals.~~

~~(i) Canoeing is allowed only in the interior ponds.~~

~~(14)(13) DuPuis Management Area located in Martin and Palm Beach Counties.~~

(a) Certain public uses of the management area are is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) The use or possession of saddle animals is restricted to the equestrian center, designated equestrian trails, and named or numbered roads.

(d) Use of the Dupuis Management Area is restricted during hunting periods authorized by the Florida Fish and Wildlife Conservation Commission. ~~Call ahead for current conditions and information on special events.~~

(e) Airboating is prohibited.

(f) Frogging is prohibited.

(g) Motorized vehicles, horse buggies and bicycles are allowed on named and numbered roads and designated parking areas only.

(h) The use of off road vehicles is restricted to the designated disabled hunt in accordance with Commission Regulations.

(i) User registration is required to enter and use the DuPuis Management Area. Self-serve registration stations are located at the designated entry points; gates 1, 2, and 3.

(j) No dogs are allowed on DuPuis except as authorized by the Florida Fish and Wildlife Conservation Commission.

(k) Camping at the family campsite:

1. Is only allowed at designated campsites.
2. Only tent camping or tent popup camping is allowed.
3. A maximum of 8 people and ~~in~~ 2 vehicles are allowed per campsite.
4. Generators are not allowed.

(l) ~~The use of the~~ A group campsite is available by Special Use License ~~call (561) 924-5310 for information.~~

(m) Camping is not allowed at the Governor's House.

~~(14) Strazzulla Marsh Management Area located in Palm Beach County.~~

~~(a) Public use of the management area is governed primarily by Regulations of the United States Fish and Wildlife Service.~~

~~(b) The District's Public Use Rules are supplemental to the Regulations of the United States Fish and Wildlife Service.~~

~~(15) Terrytown Management Area located in Palm Beach County~~

~~(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.~~

~~(b) The District's Public Use Rules are supplemental to the Regulations of the Florida Fish and Wildlife Conservation Commission~~

~~(15)(16) Everglades Buffer Strip Management Area located in Broward County.~~

(a) Persons may enter the management area on foot from U.S. Highway 27 or along the existing FP&L access road at the north end of the area.

(b) Overnight camping is prohibited.

(c) Hunting is prohibited.

(d) Motorized vehicles are prohibited.

(e) Airboating is prohibited.

(f) Horseback riding is prohibited.

~~(16)(17) Southern Glades Management Area located in Dade County.~~

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

~~(17)(18) Crew Marsh Management Area located in Lee and Collier Counties.~~

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Persons may enter and exit the management area each day between sunrise and sunset from any established trailhead off State Road 850 (Corkscrew Road).

(d) Overnight camping is permitted at the designated primitive campsite when in the possession of a Special Use License from the District (See 40E-7.534) or as authorized by Florida Fish and Wildlife Conservation Commission. A quota of twenty (20) persons per night has been established by the District for use of the designated campsites. A copy of the special use license must be displayed in a readily visible location within the licensee's vehicle while parked on the management area.

(e) Airboating is prohibited.

(f) The use or possession of saddle animals is restricted to designated equestrian trails.

(g) Boating, other than kayaking and canoeing, is prohibited.

(h) Dogs must be on a leash and under control of the owner at all times.

(i) The use or possession of a bicycle is ~~Bicycles are~~ prohibited.

(j) Hunting is restricted to hunting periods authorized by the Florida Fish and Wildlife Conservation Commission.

~~(18)(19)~~ Bird Rookery Swamp Management Area located in Collier County.

(a) Public use of the management area is governed primarily by Regulations of the Florida Fish and Wildlife Conservation Commission.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Fish and Wildlife Conservation Commission.

(c) Persons may enter the management area on foot at the west end of NW 43 Avenue, Collier County.

(d) Airboating is prohibited.

(e) Boating, other than kayaking and canoeing, is prohibited.

~~(19)(20)~~ Okaloacoochee Slough Management Area located in Hendry County.

(a) Public use of the management area is governed primarily by Regulations of the Florida Division of Forestry.

(b) The District's Public Use Rules are supplemental to Regulations of the Florida Division of Forestry.

~~(20)(21)~~ Six Mile Cypress Management Area located in Lee County.

(a) Public use of the management area is governed primarily by Regulations of the Lee County Parks and Recreation Department and Lee County Ordinance.

(b) The District's Public Use Rules are supplemental to Regulations of the Lee County Parks and Recreation Department and Lee County Ordinance.

~~(21)(22)~~ Nicodemus Slough Management Area located in Glades County.

(a) Persons may enter the management area each day between sunrise and sunset; nighttime activities other than those specified in Special Provision 23(c) below are prohibited.

(b) Overnight camping is prohibited.

(c) Airboating and frogging are permitted on the management area. Airboaters operating on the management area must be in possession of a Special Use License. A quota of five airboats per day has been established by the District. A copy of the Special Use License must be displayed in a readily visible location within the licensee's vehicle while parked on the management area.

(d) Hunting is prohibited.

(e) The use or possession of a saddle animal ~~Horseback riding~~ is prohibited.

(f) The use of motorized vehicles is restricted to the designated access site.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.1391, ~~373.139~~, 373.59 FS. History--New 1-1-01, Amended.

40E-7.539 Penalties.

(1) Pursuant to Section 373.609, F.A.S., it shall be the duty of every state and county attorney, sheriff, police officer, and the appropriate city and county official to assist the District, and their agents, in the enforcement of the provisions of this rule.

(2) Any person who violates any provision of this rule is subject to eviction from the premises and/or arrest and prosecution for a ~~second-degree~~ second-degree misdemeanor, punishable as provided in Section 775.082, or Section 775.083, F.S.

(3) The penalties identified in these rules do not supersede other penalties or options available to District such as civil remedies.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.129, 373.1391, 373.59, 373.609, 373.613 FS. History--New 5-24-94, Amended 9-10-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Fred Davis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom McCracken

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-47R

RULE CHAPTER TITLE: Noticed General Environmental

Resource Permits 62-341

RULE TITLES: Policy and Purpose 62-341.201

Private Single-Family Residences in Jupiter Farms, Palm Beach County 62-341.476

PURPOSE, EFFECT AND SUMMARY: The intent of this general permit is to streamline the permitting of future residential construction in Jupiter Farms, including authorizing the types and amount (acreage) of on-site residential improvements that have traditionally been constructed, while offsetting wetland losses through regionally significant mitigation. The general permit will not authorize activities undertaken in pending enforcement cases.

Wetlands that are lost as a result of the authorized activities are proposed to be offset in the form of a \$4,000 (per acre of wetland impact) donation made by an owner of a proposed single-family residence to Palm Beach County. The County initially will use the money to implement restoration, enhancement, and management of wetlands within the South Loxahatchee Slough Restoration Project (SLSRP). However, because the SLSRP cannot provide enough mitigation credits to offset all of the wetland impacts that could result from

single-family residential construction within Jupiter Farms, the NGP will need to be modified in the future as those additional mitigation options are finalized.

In addition to the above, the Department plans to amend Rule 62-341.201, F.A.C., to reflect that this and other general permits under Chapter 62-341, F.A.C., may authorize mitigation to offset wetland impacts.

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

TIME AND DATE: 7:00 p.m., October 30, 2002 (Wednesday)
PLACE: Jupiter Farms Elementary School, Media Center, 17400 Haynie Lane, Jupiter, Florida

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 agency at least 48 hours before the hearing by contacting the Bureau of Personnel Services at (850)488-2996. If you are hearing or speech impaired, please contact the Florida Relay Service by calling (800)955-8771 (TDD).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost (SERC) has not been prepared for the proposed rule.

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

CONTACT: Jeanese McCree, Bureau of Beaches and Wetland Resources, Tallahassee; telephone (850)921-9901; facsimile (850)488-6579; or e-mail jeanese.mccree@dep.state.fl.us.

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

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE: Standards for Approval of Continuing

RULE NO.:

Education Credit

64B1-6.005

PURPOSE AND EFFECT: The Board proposes to amend the existing language in this rule regarding continuing education courses.

SUMMARY: New language promulgated in this rule sets forth the requirements for continuing education courses pursuant to Section 456.013(9), F.S.

SPECIFIC AUTHORITY: 456.013(9), 456.033, 457.104, 457.107(3) FS.

LAW IMPLEMENTED: 456.013(9), 456.033, 457.107(3) 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: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-6.005 Standards for Approval of Continuing Education Credit.

(1) A continuing education program must contribute to the advancement, extension or enhancement of the licensee's skills and knowledge related to the practice of acupuncture and oriental medicine. Programs should concern the history and theory of acupuncture, acupuncture diagnosis and treatment techniques, techniques of adjunctive therapies, acupuncturist-patient communication and professional ethics. All continuing education courses are subject to evaluation and approval by the Board to determine that the continuing education course meets the criteria established by the Board which has final determination as to the number of hours of acceptable credit that will be awarded for each program. Any program approved by the Department, or any other board within the Department's jurisdiction under Chapter 456, Florida Statutes, for continuing education credit is approved by the board for all continuing education requirements.

(2) Each program offered for continuing education credit must be presented or taught by a person who at a minimum holds a bachelor's degree from an accredited college or university or a post-secondary education institution licensed by the State of Florida, with a major in the subject matter to be presented; or has graduated from a school of acupuncture, or has completed a tutorial program which has a curriculum equivalent to the requirements in this state and was approved by a state licensing authority, a nationally recognized acupuncture/oriental medicine association or a substantially equivalent accrediting body, and has completed three (3) years of professional experience in the licensed practice of acupuncture; and has a minimum of two (2) years teaching experience in the subject matter to be presented, or has taught the same program for which approval is sought a minimum of three (3) times in the past two (2) years before a professional convention, professional group or at any acupuncture school, or has completed specialized training in the subject matter of the program and has a minimum of two (2) years of practical experience in the subject. ~~be presented or instructed by a person who meets the following minimum criteria:~~

~~(a) Holds a minimum of a bachelor's degree from an accredited college or university or a post-secondary educational institution licensed by the State of Florida, with a major in the subject directly related to the content of the program to be presented; or~~

~~(b) Has graduated from a school of acupuncture, or has completed a tutorial program, which has a curriculum equivalent to the requirements in this state and was approved by a state licensing authority, a nationally recognized acupuncture/Oriental medicine association or a substantially equivalent accrediting body, and has completed 3 years of professional experience in the licensed practice of acupuncture; and~~

~~1. Has a minimum of two years teaching experience in the subject matter to be presented, or~~

~~2. Has taught the same program for which approval is sought a minimum of 3 times in the past 2 years before a professional convention, professional group or at an acupuncture school, or~~

~~3. Has completed specialized training in the subject matter of the program and has a minimum of 2 years of practical experience in the subject.~~

(3) In order to meet the continuing education requirements, the continuing education program submitted by the licensee must meet the criteria established by the Board ~~be presented by a provider approved pursuant to Rule 64B1-6.006 or Rule 64B1-6.007, F.A.C.~~

(4) No change.

(5) To receive credit for programs on HIV/AIDS, the program must be, at a minimum, two (2) ~~3~~ hours in length and must address the areas mandated in Section 456.033, F.S. The Board accepts HIV/AIDS programs presented or conducted by the Department of Health and programs approved by other professional regulatory boards for the health professions.

(6) Continuing education programs related to laboratory test or imaging findings shall be designed to provide course content on the clinical relevance of laboratory and diagnostic tests and procedures as well as biomedical physical examination findings and to advance, extend or enhance the licensee's skills and knowledge related to the safe and beneficial use of laboratory test and imaging findings.

Specific Authority 456.013(9), 456.033, 457.104, 457.107(3) FS. Law Implemented 456.013(9), 456.033, 457.107(3) FS. History--New 2-24-88, Amended 8-6-89, Formerly 21AA-6.005, 61F1-6.005, Amended 3-18-97, Formerly 59M-6.005, Amended 6-1-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Acupuncture

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 23, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE TITLE:

Biennial Renewal of License

RULE NO.:

64B1-7.001

PURPOSE AND EFFECT: To update the rule text pertaining to the requirements of licensees' biennial renewal.

SUMMARY: The Board proposes to add language to this rule to update the continuing education criteria for biennial renewal including prevention of medical errors.

SPECIFIC AUTHORITY: 456.013, 456.033, 456.036, 457.104, 457.107, 457.108 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 457.107, 457.108 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: Pamela E. King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-7.001 Biennial Renewal of License.

(1) No change.

(2) The application for renewal constitutes certification by the licensee that the licensee meets all the eligibility requirements for renewal, including the continuing education requirements of Rule 64B1-7.0015, F.A.C. Each licensee certifies by renewal, completion of a two (2) hour HIV/AIDS program or two (2) hour course on end-of-life care and palliative health care, as authorized by Rule 64B1-7.0015, F.A.C., a two (2) hour course on the prevention of medical errors is required to submit with the application for renewal a certification of completion of an HIV/AIDS and a program on Chapters 456 and 457, Florida Statutes, and Chapter 64B1, F.A.C.

(3) The Department shall not renew the license of any licensee unless the Board has received and recorded confirmation that the licensee has completed ~~an~~ two (2) hour HIV/AIDS education program or two (2) hour program on end-of-life care and palliative health care, as authorized by Rule 64B1-7.0015, F.A.C., the continuing education hours mandated for the prevention of medical errors and a program on Chapters 456 and 457, Florida Statutes, and Chapter 64B1, F.A.C., as required under Rule 64B1-7.0015, F.A.C.

(4) through (6) No change.

Specific Authority 456.013, 456.033, 456.036, 457.104, 457.107, 457.108 FS. Law Implemented 456.013, 456.033, 456.036, 457.107, 457.108 FS. History--New 5-24-87, Formerly 21AA-7.001, 61F1-7.001, Amended 10-25-95, 1-16-97, Formerly 59M-7.001, Amended 10-15-97, 4-25-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Acupuncture
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Acupuncture
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 23, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 7, 2001

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: Continuing Education Programs
RULE NO.: 64B6-5.002
PURPOSE AND EFFECT: The Board proposes to update the existing rule.

SUMMARY: In addition to other requirements, the Board is requiring continuing education program applicants to provide goals and objectives, a course outline and materials, speaker qualifications, and a sample certificate of completion.

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(6),(8), 484.044, 484.047(4) FS.

LAW IMPLEMENTED: 484.047(4) 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: Sue Foster, Board Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-5.002 Continuing Education Programs.

(1) through (2) No change.

(3) A continuing education program shall only be considered for approval if the sponsor meets the Board's criteria by providing all of the following:

(a) A statement of the educational goals and objectives of the program.

(b) A detailed course outline or syllabus, including method of instruction, written materials, and any testing materials.

(c) A current curriculum vitae of each speaker or lecturer appearing in the program.

(d) A sample certificate of completion.

(3) through (7) renumbered (4) through (8) No change.

Specific Authority 456.013(6)-(9), 484.044, 484.047(4) FS. Law Implemented 456.013(6)-(9), 484.047(4) FS. History--New 4-1-85, Formerly 21JJ-15.002, Amended 8-5-87, 2-16-89, 6-21-89, 1-10-90, 8-19-91, 10-21-91, Formerly 21JJ-5.006, Amended 11-20-95, Formerly 61G9-5.006, Amended 9-23-99, 11-9-00, 3-24-02, _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: July 26, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 16, 2002

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE TITLE: Meetings, Quorum, and Absences
RULE NO.: 64B24-1.004
PURPOSE AND EFFECT: The Department of Health proposes amendment to Rule 64B24-1.004, F.A.C. in order to eliminate unnecessary language and clarify existing language.

SUMMARY: Existing subsections (2),(3), and (4) are being stricken and clarity of rule text regarding quorum at council meetings is proposed.

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

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

SPECIFIC AUTHORITY: 456.004(5) FS.

LAW IMPLEMENTED: 456.011(3), 467.004 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Council of Licensed Midwifery, Department of Health/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

~~64B24-1.004 Meetings, Notice of Meetings, Agenda and Quorum, and Absences.~~

(1) The council shall hold such meetings during the year as it may deem necessary, one of which shall be the annual meeting at which the chairperson and vice-chairperson shall be elected. The department, the chairperson or a quorum of the council shall have the authority to call other meetings.

~~(2) Except in the case of emergencies, the council shall give at least 7 days notice of any meeting to the public generally 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 where persons may write to obtain a copy of the agenda.~~

~~(3) The council shall prepare an agenda in time to ensure that a copy of the agenda may be received by the public at least 7 days prior to the date of the scheduled meeting. The agenda may be changed prior to the meeting or at the meeting, for good cause, as determined by the person designated to preside and stated in the record.~~

~~(4) Notwithstanding the provisions of subsections (2) and (3) of this rule, the council may hold emergency meetings, pursuant to Section 120.53, Florida Statutes, for the purpose of acting on emergency matters affecting the public health, safety and welfare.~~

~~(2)(5) Fifty-one percent (51%) or more Five members of the appointed members of the council shall constitute a quorum necessary to transact business.~~

~~(3)(6) Three consecutive unexcused absences, or absences constituting 50 percent or more of the council's meetings within any 12-month period shall cause the council membership of the member in question to become void, and the position shall be considered vacant pursuant to Section 456.011(3), Florida Statutes. For the purposes of this rule, an absence shall be deemed excused if the council member's absence is caused by a health problem or condition verified in writing by a physician, or by an accident or similar unforeseeable tragedy or event, and the council member submits to the Executive Director a statement in writing attesting to the event and its circumstances prior to the next council meeting.~~

Specific Authority 456.004(5) FS. Law Implemented 456.011(3), 467.004 FS. History--New 1-26-94, Formerly 61E8-1.004, 59DD-1.004, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela E. King, Executive Director
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 6, 2002

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-204.001	Purpose and Scope
4-204.002	Definitions
4-204.004	Form Filings
4-204.006	Forms Review
4-204.010	Viatical Settlement Contracts and Related Forms
4-204.012	Viatical Settlement Purchase Agreements
4-204.022	Required Records in General
4-204.0225	Required Business Records
4-204.025	Department Forms

NOTICE OF ADDITIONAL HEARING AND CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 45, November 7, 2001 issue of the Florida Administrative Weekly.

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

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 3 workshops on this matter, and 3 previous hearings. The hearing held on September 5, 2002 was interrupted by an emergency and could not be completed; therefore an additional hearing is being scheduled.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 614.308(1), 626.9921, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925 FS.

LAW IMPLEMENTED: 624.307(1), 626.9911, 626.9922, 626.9923, 626.99235, 626.99236, 626.9924, 626.9925, 626.99277 FS.

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

TIME AND DATE: 9:30 a.m., October 22, 2002

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