

SPECIFIC AUTHORITY: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.904, 409.906, 409.919 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 10:00 a.m., December 12, 2002
 PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)488-3090
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
 Proposed Rules**

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLE: List of Approved Forms; Incorporation
RULE NO.: 3F-5.010
PURPOSE AND EFFECT: The Board proposes this rule to encompass all forms utilized by the Board of Funeral and Cemetery Services.
SUMMARY: This rule sets out all of the forms used within the Funeral and Cemetery Services rules.
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: 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS.
 LAW IMPLEMENTED: 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS.
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, FL 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-5.010 List of Approved Forms; Incorporation.
 The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Bureau of Funeral and Cemetery Services, 101 E. Gaines St., Tallahassee, Florida 32399-0350, or by telephoning (850)410-9898:

- 3F-5.010 Rule references:
- (1) DBF-COA-1, entitled "Application for Certificate of Authority." (2/7/95).
 - (2) DBF-HistS 7/01, entitled "Historical Sketch."
 - (3) DBF-COAB 12/00, entitled "Application for Certificate of Authority Branch Office License." (9/18/01).
 - (4) DBF-COAT1, entitled "Application for Transfer of a Certificate of Authority" (5/13/97).
 - (5) DBF-RTF-1, entitled "Preneed Funeral Contract Regulatory Trust Fund Remittance." (5/13/97).
 - (6) DBF-PNS-1, entitled "Registration of a Preneed Sales Agent." (4/25/94).
 - (7) DBF-CEMN 7/01, entitled "Application to Organize a New Cemetery Company."
 - (8) DBF-F-32 10/91, entitled "Financial Statement." (10/23/91).
 - (9) DBF-CEM 1/96 REV 7/01, entitled "Application to Transact Cemetery Business."
 - (10) DBF-F-35, entitled "Application for Authority to Acquire Control of an Existing Cemetery Company." (10/23/91).
 - (11) DBF-BYLAW1, entitled "Pamphlet for Cemetery By-Law Approval." (6/1/99).
 - (12) DBF-EW-1, entitled "Examination Workpapers – Rule 3F-6.0052, F.A.C." (1/1/99).
 - (13) DBF-F-43, entitled "Performance Bond – Mausoleums or Below-Ground Crypts."
 - (14) DBF-C-1, entitled "Application to Use a Letter of Credit or Surety Bond." (3/20/91).
 - (15) DBF-C-2, entitled "Surety Bond." (Rev 9/99).
 - (16) DBF-C-3, entitled "Letter of Credit/Surety Bond Claim Form." (3/20/91).
 - (17) DBF-TFR-1, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Remittance." (5/23/94).
 - (18) DBF-TFD-1, entitled "Preneed Funeral Contract Consumer Protection Trust Fund Proof of Claim and Disbursement Request." (6/01).

Specific Authority 120.53(1)(b), 120.536, 120.54, 120.60(2), 497.003, 497.103, 497.105, 497.127, 497.201, 497.209, 497.213, 497.237, 497.245, 497.257, 497.301, 497.305, 497.309, 497.329, 497.337, 497.357, 497.405, 497.407, 497.413, 497.417, 497.419, 497.421, 497.425, 497.427, 497.429, 497.431, 497.439 FS. Law Implemented 497.103, 497.201, 497.209, 497.213, 497.237, 497.301, 497.337, 497.405, 497.407, 497.439, 497.245 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 25, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2002

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE TITLES: Preneed Contracts; Miscellaneous Provisions
Description of Merchandise on Preneed Contracts

RULE NOS.: 3F-8.004
3F-8.006

PURPOSE AND EFFECT: The Board proposes to amend Rule 3F-8.004, F.A.C., to add Section 497.429, F.S., to subsection (3) and to correct the typographical error in subsection (4) calculation should be miscalculation. Rule 3F-8.006, F.A.C., is being amended to update the language for clarity.

SUMMARY: Rule 3F-8.004, F.A.C., discusses preneed funds and accounts cleaning mistakes made regarding same. Rule 3F-8.005, F.A.C., deals with merchandise on preneed contracts.

SPECIFIC AUTHORITY: 497.103 FS.

LAW IMPLEMENTED: 497.333(6)(c), 497.415, 497.417, 497.419, 497.429 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW (IF NOT REQUESTED, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, Tallahassee, Florida 32399-0350

THE FULL TEXT OF THE PROPOSED RULE IS:

3F-8.004 Preneed Contracts; Miscellaneous Provisions.

(1) through (2) No change.

(3) Misapplied or unidentified preneed funds shall be transferred to the correct preneed account immediately upon discovery, and shall be considered deposited timely if the funds were deposited in the trust in accordance with Sections 497.417 and 497.429, F.S.

(4) Preneed accounts which are under or over trusted due to computer or manual miscalculations must be corrected immediately upon discovery, on a contract per contract basis.

(5) No change.

Specific Authority 497.103 FS. Law Implemented 497.415, 497.417, 497.419 FS. History—New 3-20-95, Amended 6-15-95, 8-17-95, 4-10-97, _____.

3F-8.006 Description of Merchandise on Preneed Contracts.

(1) through (2)(b)4. No change.

5. ~~Gasketed or non-gasketed gaskets or no gaskets~~

(c) though (2)1. No change.

2. Adhesive lid lining/non adhesive lid lining

(3) through (6) No change.

Specific Authority 497.103(1) FS. Law Implemented 497.333(6)(c) FS. History—New 4-10-97, Amended 7-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Funeral and Cemetery Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Funeral and Cemetery Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 16, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 2, 2002

DEPARTMENT OF INSURANCE

RULE TITLES: Standard Risk Rates
Indemnity Standard Risk Rates
Preferred Provider/Exclusive Provider
Standard Risk Rates
Health Maintenance Organization
Standard Risk Rates

RULE NOS.: 4-149.202
4-149.205
4-149.206
4-149.207

PURPOSE, EFFECT AND SUMMARY: The rule amendment adopts new standard risk rates pursuant to §627.6675(3)(c), F.S., and makes minor corrections to conform the rule to current statutory language. The standard risk rates are required to be amended annually.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

TIME AND DATE: 9:30 a.m., December 27, 2002

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Bureau of Life and Health Forms and Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

THE FULL TEXT OF THE PROPOSED RULES IS:

4-149.202 Standard Risk Rate.

(1) through (3) No change.

(4) Standard risk rates reflect the predominant rates charged in the market for newly issued coverage.

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01,_____.

4-149.205 Indemnity Standard Risk Rate.

(1) through (3) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0-17	\$1,130.49	\$1,130.49	Alachua	0.77
18	\$1,534.99	\$1,960.71	Baker	0.78
19	\$1,537.03	\$1,963.16	Bay	0.74
20	\$1,539.49	\$1,966.23	Bradford	0.82
21	\$1,546.29	\$1,982.39	Brevard	0.92
22	\$1,548.72	\$2,003.23	Broward	1.28
23	\$1,554.68	\$2,021.14	Calhoun	0.75
24	\$1,560.48	\$2,039.53	Charlotte	0.97
25	\$1,570.46	\$2,097.40	Citrus	0.74
26	\$1,612.52	\$2,155.28	Clay	0.82
27	\$1,654.58	\$2,213.16	Collier	0.95
28	\$1,696.65	\$2,271.40	Columbia	0.81
29	\$1,753.83	\$2,359.88	Dade	1.39
30	\$1,811.02	\$2,448.34	De Soto	0.74
31	\$1,868.22	\$2,536.81	Dixie	0.77
32	\$1,925.40	\$2,625.27	Duval	0.99
33	\$1,970.91	\$2,709.03	Escambia	0.75
34	\$2,014.71	\$2,797.53	Flagler	0.77
35	\$2,070.71	\$2,896.92	Franklin	0.75
36	\$2,126.70	\$2,996.29	Gadsden	0.75
37	\$2,172.71	\$3,084.11	Gilchrist	0.75
38	\$2,231.37	\$3,163.96	Glades	0.98
39	\$2,309.59	\$3,252.28	Gulf	0.76
40	\$2,409.37	\$3,377.00	Hamilton	0.77
41	\$2,509.16	\$3,466.16	Hardee	0.80
42	\$2,608.96	\$3,555.45	Hendry	0.95

43	\$2,725.96	\$3,648.92	Hernando	0.82
44	\$2,858.92	\$3,757.84	Highlands	0.78
45	\$3,047.34	\$3,907.30	Hillsborough	0.88
46	\$3,235.77	\$4,056.75	Holmes	0.75
47	\$3,382.31	\$4,166.91	Indian River	0.92
48	\$3,526.84	\$4,265.05	Jackson	0.76
49	\$3,692.89	\$4,369.56	Jefferson	0.75
50	\$3,942.98	\$4,519.99	Lafayette	0.78
51	\$4,193.08	\$4,670.42	Lake	0.87
52	\$4,408.89	\$4,777.29	Lee	0.94
53	\$4,615.28	\$4,868.15	Leon	0.75
54	\$4,856.76	\$4,964.64	Levy	0.80
55	\$5,176.65	\$5,089.05	Liberty	0.75
56	\$5,496.53	\$5,213.44	Madison	0.79
57	\$5,760.00	\$5,311.41	Manatee	0.80
58	\$6,009.58	\$5,430.92	Marion	0.75
59	\$6,238.91	\$5,544.83	Martin	1.00
60	\$6,484.80	\$5,735.82	Monroe	1.38
61	\$6,730.69	\$5,926.79	Nassau	0.84
62	\$6,976.57	\$6,069.20	Okaloosa	0.75
63	\$7,089.17	\$6,168.88	Okeechobee	0.97
64	\$7,201.77	\$6,292.26	Orange	0.92
65	\$7,381.82	\$6,449.57	Osceola	0.89
66	\$7,566.36	\$6,610.81	Palm Beach	1.00
67	\$7,755.52	\$6,776.08	Pasco	0.82
68	\$7,949.42	\$6,945.48	Pinellas	0.88
69	\$8,148.15	\$7,119.12	Polk	0.78
70	\$8,351.85	\$7,297.10	Putnam	0.77
71	\$8,560.64	\$7,479.53	St. Johns	0.77
72	\$8,774.67	\$7,666.51	St. Lucie	0.99
73	\$8,994.02	\$7,858.18	Santa Rosa	0.77
74	\$9,218.88	\$8,054.63	Sarasota	0.76
75	\$9,449.35	\$8,256.00	Seminole	0.92
76	\$9,685.58	\$8,462.39	Sumter	0.81
77	\$9,927.73	\$8,673.96	Suwannee	0.82
78	\$10,175.92	\$8,890.81	Taylor	0.79
79	\$10,430.32	\$9,113.07	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

0-17	\$1,046.75	\$1,046.75	Alachua	0.76
18	\$1,421.29	\$1,815.47	Baker	0.78
19	\$1,423.18	\$1,817.74	Bay	0.74
20	\$1,425.45	\$1,820.58	Bradford	0.82
21	\$1,431.75	\$1,835.55	Brevard	0.89
22	\$1,434.00	\$1,854.84	Broward	1.25
23	\$1,439.52	\$1,871.43	Calhoun	0.75
24	\$1,444.89	\$1,888.45	Charlotte	0.96
25	\$1,454.13	\$1,942.04	Citrus	0.74
26	\$1,493.07	\$1,995.63	Clay	0.82
27	\$1,532.02	\$2,049.22	Collier	0.92
28	\$1,570.97	\$2,103.15	Columbia	0.81

29	\$1,623.92	\$2,185.07	Dade	1.38
30	\$1,676.87	\$2,266.98	De Soto	0.74
31	\$1,729.83	\$2,348.90	Dixie	0.77
32	\$1,782.78	\$2,430.81	Duval	0.96
33	\$1,824.92	\$2,508.36	Escambia	0.75
34	\$1,865.47	\$2,590.31	Flagler	0.77
35	\$1,917.32	\$2,682.33	Franklin	0.75
36	\$1,969.17	\$2,774.34	Gadsden	0.75
37	\$2,011.77	\$2,855.66	Gilchrist	0.75
38	\$2,066.08	\$2,929.59	Glades	0.98
39	\$2,138.51	\$3,011.37	Gulf	0.76
40	\$2,230.90	\$3,126.85	Hamilton	0.77
41	\$2,323.30	\$3,209.41	Hardee	0.80
42	\$2,415.70	\$3,292.08	Hendry	0.95
43	\$2,524.04	\$3,378.63	Hernando	0.82
44	\$2,647.15	\$3,479.48	Highlands	0.78
45	\$2,821.61	\$3,617.87	Hillsborough	0.87
46	\$2,996.08	\$3,756.25	Holmes	0.75
47	\$3,131.77	\$3,858.25	Indian River	0.92
48	\$3,265.59	\$3,949.12	Jackson	0.76
49	\$3,419.34	\$4,045.89	Jefferson	0.75
50	\$3,650.91	\$4,185.18	Lafayette	0.78
51	\$3,882.48	\$4,324.46	Lake	0.84
52	\$4,082.31	\$4,423.42	Lee	0.94
53	\$4,273.41	\$4,507.55	Leon	0.75
54	\$4,497.00	\$4,596.89	Levy	0.80
55	\$4,793.19	\$4,712.08	Liberty	0.75
56	\$5,089.38	\$4,827.26	Madison	0.79
57	\$5,333.33	\$4,917.97	Manatee	0.77
58	\$5,564.43	\$5,028.63	Marion	0.75
59	\$5,776.77	\$5,134.10	Martin	0.99
60	\$6,004.44	\$5,310.94	Monroe	1.37
61	\$6,232.12	\$5,487.77	Nassau	0.84
62	\$6,459.79	\$5,619.63	Okaloosa	0.75
63	\$6,564.05	\$5,711.93	Okeechobee	0.97
64	\$6,668.31	\$5,826.17	Orange	0.90
65	\$6,835.02	\$5,971.82	Osceola	0.89
66	\$7,005.89	\$6,121.12	Palm Beach	1.00
67	\$7,181.04	\$6,274.15	Pasco	0.82
68	\$7,360.57	\$6,431.00	Pinellas	0.87
69	\$7,544.58	\$6,591.78	Polk	0.76
70	\$7,733.19	\$6,756.57	Putnam	0.77
71	\$7,926.52	\$6,925.49	St. Johns	0.77
72	\$8,124.69	\$7,098.62	St. Lucie	0.99
73	\$8,327.80	\$7,276.09	Santa Rosa	0.77
74	\$8,536.00	\$7,457.99	Sarasota	0.76
75	\$8,749.40	\$7,644.44	Seminole	0.92
76	\$8,968.13	\$7,835.55	Sumter	0.81
77	\$9,192.34	\$8,031.44	Suwannee	0.82
78	\$9,422.15	\$8,232.23	Taylor	0.79
79	\$9,657.70	\$8,438.03	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01, 4-17-02.

4-149.206 Preferred Provider/Exclusive Provider Standard Risk Rates.

(1) through (4) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0-17	\$860.43	\$860.43	Alachua	0.77
18	\$1,234.88	\$1,619.09	Baker	0.78
19	\$1,234.88	\$1,619.09	Bay	0.74
20	\$1,234.88	\$1,619.09	Bradford	0.82
21	\$1,236.58	\$1,624.18	Brevard	0.92
22	\$1,236.58	\$1,630.96	Broward	1.28
23	\$1,238.28	\$1,636.04	Calhoun	0.75
24	\$1,239.98	\$1,641.13	Charlotte	0.97
25	\$1,269.35	\$1,646.21	Citrus	0.74
26	\$1,298.72	\$1,694.31	Clay	0.82
27	\$1,328.09	\$1,739.42	Collier	0.95
28	\$1,362.24	\$1,790.06	Columbia	0.81
29	\$1,418.81	\$1,838.36	Dade	1.39
30	\$1,475.36	\$1,906.04	De Soto	0.74
31	\$1,531.93	\$1,973.73	Dixie	0.77
32	\$1,569.34	\$2,041.42	Duval	0.99
33	\$1,612.22	\$2,109.11	Escambia	0.75
34	\$1,656.54	\$2,188.22	Flagler	0.77
35	\$1,702.97	\$2,269.73	Franklin	0.75
36	\$1,749.42	\$2,346.80	Gadsden	0.75
37	\$1,795.85	\$2,423.73	Gilchrist	0.75
38	\$1,842.29	\$2,504.65	Glades	0.98
39	\$1,898.25	\$2,588.04	Gulf	0.76
40	\$1,961.51	\$2,667.34	Hamilton	0.77
41	\$2,022.75	\$2,740.64	Hardee	0.80
42	\$2,101.21	\$2,813.92	Hendry	0.95
43	\$2,203.67	\$2,902.57	Hernando	0.82
44	\$2,315.13	\$2,979.07	Highlands	0.78
45	\$2,434.21	\$3,069.33	Hillsborough	0.88
46	\$2,555.28	\$3,160.94	Holmes	0.75
47	\$2,683.12	\$3,254.62	Indian River	0.92
48	\$2,794.33	\$3,326.40	Jackson	0.76
49	\$2,905.53	\$3,404.04	Jefferson	0.75
50	\$3,046.64	\$3,481.69	Lafayette	0.78
51	\$3,208.07	\$3,561.69	Lake	0.87
52	\$3,391.39	\$3,633.76	Lee	0.94
53	\$3,574.71	\$3,700.68	Leon	0.75
54	\$3,758.03	\$3,769.29	Levy	0.80
55	\$3,984.86	\$3,850.69	Liberty	0.75
56	\$4,211.69	\$3,920.23	Madison	0.79
57	\$4,457.43	\$3,998.09	Manatee	0.80
58	\$4,692.79	\$4,104.24	Marion	0.75
59	\$4,922.08	\$4,236.54	Martin	1.00
60	\$5,151.35	\$4,350.36	Monroe	1.38
61	\$5,345.08	\$4,485.22	Nassau	0.84

62	\$5,492.27	\$4,623.39	Okaloosa	0.75
63	\$5,633.07	\$4,765.83	Okeechobee	0.97
64	\$5,773.80	\$4,885.29	Orange	0.92
65	\$5,912.24	\$5,004.75	Osceola	0.89
66	\$6,060.05	\$5,124.20	Palm Beach	1.00
67	\$6,211.55	\$5,252.31	Pasco	0.82
68	\$6,366.84	\$5,383.61	Pinellas	0.88
69	\$6,526.01	\$5,518.21	Polk	0.78
70	\$6,689.16	\$5,656.16	Putnam	0.77
71	\$6,856.39	\$5,797.57	St. Johns	0.77
72	\$7,027.79	\$5,942.50	St. Lucie	0.99
73	\$7,203.50	\$6,091.07	Santa Rosa	0.77
74	\$7,383.58	\$6,243.34	Sarasota	0.76
75	\$7,568.17	\$6,399.43	Seminole	0.92
76	\$7,757.38	\$6,559.42	Sumter	0.81
77	\$7,951.31	\$6,723.40	Suwannee	0.82
78	\$8,150.09	\$6,891.48	Taylor	0.79
79	\$8,353.84	\$7,063.77	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

0-17	\$699.54	\$699.54	Alachua	0.76
18	\$1,003.97	\$1,316.33	Baker	0.78
19	\$1,003.97	\$1,316.33	Bay	0.74
20	\$1,003.97	\$1,316.33	Bradford	0.82
21	\$1,005.35	\$1,320.47	Brevard	0.89
22	\$1,005.35	\$1,325.98	Broward	1.25
23	\$1,006.73	\$1,330.11	Calhoun	0.75
24	\$1,008.11	\$1,334.25	Charlotte	0.96
25	\$1,031.99	\$1,338.38	Citrus	0.74
26	\$1,055.87	\$1,377.49	Clay	0.82
27	\$1,079.75	\$1,414.16	Collier	0.92
28	\$1,107.51	\$1,455.33	Columbia	0.81
29	\$1,153.50	\$1,494.60	Dade	1.38
30	\$1,199.48	\$1,549.63	De Soto	0.74
31	\$1,245.47	\$1,604.66	Dixie	0.77
32	\$1,275.89	\$1,659.69	Duval	0.96
33	\$1,310.75	\$1,714.72	Escambia	0.75
34	\$1,346.78	\$1,779.04	Flagler	0.77
35	\$1,384.53	\$1,845.31	Franklin	0.75
36	\$1,422.29	\$1,907.97	Gadsden	0.75
37	\$1,460.04	\$1,970.51	Gilchrist	0.75
38	\$1,497.80	\$2,036.30	Glades	0.98
39	\$1,543.29	\$2,104.10	Gulf	0.76
40	\$1,594.72	\$2,168.57	Hamilton	0.77
41	\$1,644.51	\$2,228.16	Hardee	0.80
42	\$1,708.30	\$2,287.74	Hendry	0.95
43	\$1,791.60	\$2,359.81	Hernando	0.82
44	\$1,882.22	\$2,422.01	Highlands	0.78
45	\$1,979.03	\$2,495.39	Hillsborough	0.87
46	\$2,077.46	\$2,569.87	Holmes	0.75
47	\$2,181.40	\$2,646.03	Indian River	0.92

48	\$2,271.81	\$2,704.39	Jackson	0.76
49	\$2,362.22	\$2,767.51	Jefferson	0.75
50	\$2,476.94	\$2,830.64	Lafayette	0.78
51	\$2,608.19	\$2,895.68	Lake	0.84
52	\$2,757.23	\$2,954.28	Lee	0.94
53	\$2,906.27	\$3,008.68	Leon	0.75
54	\$3,055.31	\$3,064.46	Levy	0.80
55	\$3,239.72	\$3,130.64	Liberty	0.75
56	\$3,424.14	\$3,187.18	Madison	0.79
57	\$3,623.93	\$3,250.48	Manatee	0.77
58	\$3,815.28	\$3,336.78	Marion	0.75
59	\$4,001.69	\$3,444.34	Martin	0.99
60	\$4,188.09	\$3,536.88	Monroe	1.37
61	\$4,345.59	\$3,646.52	Nassau	0.84
62	\$4,465.26	\$3,758.85	Okaloosa	0.75
63	\$4,579.73	\$3,874.66	Okeechobee	0.97
64	\$4,694.15	\$3,971.78	Orange	0.90
65	\$4,806.70	\$4,068.90	Osceola	0.89
66	\$4,926.87	\$4,166.02	Palm Beach	1.00
67	\$5,050.04	\$4,270.17	Pasco	0.82
68	\$5,176.29	\$4,376.92	Pinellas	0.87
69	\$5,305.70	\$4,486.35	Polk	0.76
70	\$5,438.34	\$4,598.50	Putnam	0.77
71	\$5,574.30	\$4,713.47	St. Johns	0.77
72	\$5,713.65	\$4,831.30	St. Lucie	0.99
73	\$5,856.50	\$4,952.09	Santa Rosa	0.77
74	\$6,002.91	\$5,075.89	Sarasota	0.76
75	\$6,152.98	\$5,202.79	Seminole	0.92
76	\$6,306.81	\$5,332.86	Sumter	0.81
77	\$6,464.48	\$5,466.18	Suwannee	0.82
78	\$6,626.09	\$5,602.83	Taylor	0.79
79	\$6,791.74	\$5,742.90	Union	0.79
			Volusia	0.81
			Wakulla	0.75
			Walton	0.76
			Washington	0.76

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History—New 3-2-00, Amended 4-2-01, 4-17-02.

4-149.207 Health Maintenance Organization Standard Risk Rates.

(1) through (2) No change.

STANDARD HEALTH BENEFIT PLAN				
Age	Male	Female	County	Area Factor
0	\$2,599.48	\$2,599.48	Alachua	1.05
1	\$1,645.02	\$1,645.02	Baker	1.09
2-6	\$1,627.97	\$1,627.97	Bay	0.90
7-12	\$1,600.70	\$1,600.70	Bradford	1.05
13-17	\$1,648.43	\$1,842.76	Brevard	0.98
18	\$1,621.14	\$1,950.25	Broward	1.00
19	\$1,593.85	\$2,057.75	Calhoun	0.90

20	\$1,566.56	\$2,165.24	Charlotte	0.97	74	\$9,995.45	\$8,825.01	Taylor	0.90
21	\$1,539.27	\$2,272.74	Citrus	0.84	75	\$10,363.43	\$9,159.74	Union	0.90
22	\$1,544.40	\$2,385.35	Clay	1.09	76	\$10,744.95	\$9,507.16	Volusia	1.03
23	\$1,549.52	\$2,497.95	Collier	0.90	77	\$11,140.51	\$9,867.76	Wakulla	0.90
24	\$1,554.64	\$2,610.56	Columbia	1.05	78	\$11,550.64	\$10,242.04	Walton	1.05
25	\$1,584.57	\$2,723.17	Dade	1.00	79	\$11,975.87	\$10,630.52	Washington	0.90
26	\$1,614.50	\$2,793.92	De Soto	0.90					
27	\$1,653.10	\$2,857.75	Dixie	1.05	0	\$1,832.36	\$1,832.36	Alachua	1.05
28	\$1,701.66	\$2,893.63	Duval	1.09	1	\$1,242.29	\$1,242.29	Baker	1.09
29	\$1,744.14	\$2,921.55	Escambia	1.05	2-6	\$1,233.22	\$1,233.22	Bay	0.90
30	\$1,804.80	\$2,951.20	Flagler	0.90	7-11	\$1,219.60	\$1,219.60	Bradford	1.05
31	\$1,839.46	\$2,980.85	Franklin	0.90	12	\$1,227.67	\$1,261.62	Brevard	0.99
32	\$1,883.50	\$3,001.55	Gadsden	0.90	13	\$1,235.74	\$1,303.64	Broward	1.00
33	\$1,922.76	\$3,001.61	Gilchrist	1.05	14-16	\$1,243.81	\$1,345.66	Calhoun	0.90
34	\$1,967.26	\$3,005.49	Glades	0.90	17	\$1,247.08	\$1,485.87	Charlotte	0.97
35	\$2,006.38	\$3,008.85	Gulf	0.90	18	\$1,250.35	\$1,626.08	Citrus	0.84
36	\$2,053.79	\$3,028.37	Hamilton	0.90	19	\$1,253.63	\$1,766.29	Clay	1.09
37	\$2,107.19	\$3,047.89	Hardee	0.84	20	\$1,282.91	\$1,826.96	Collier	0.90
38	\$2,148.25	\$3,071.73	Hendry	0.90	21	\$1,312.20	\$1,885.09	Columbia	1.05
39	\$2,211.10	\$3,104.08	Hernando	1.05	22	\$1,341.36	\$1,942.25	Dade	1.00
40	\$2,258.94	\$3,155.04	Highlands	0.84	23	\$1,382.57	\$2,010.46	De Soto	0.90
41	\$2,343.85	\$3,205.99	Hillsborough	1.01	24	\$1,436.64	\$2,069.90	Dixie	1.05
42	\$2,433.56	\$3,256.95	Holmes	0.90	25	\$1,474.26	\$2,123.64	Duval	1.09
43	\$2,535.92	\$3,307.91	Indian River	0.90	26	\$1,528.50	\$2,190.55	Escambia	1.05
44	\$2,632.56	\$3,358.86	Jackson	0.90	27	\$1,559.98	\$2,216.59	Flagler	0.90
45	\$2,746.86	\$3,409.82	Jefferson	0.90	28	\$1,591.45	\$2,242.62	Franklin	0.90
46	\$2,881.67	\$3,485.51	Lafayette	0.90	29	\$1,622.93	\$2,268.66	Gadsden	0.90
47	\$3,028.27	\$3,562.00	Lake	0.95	30	\$1,642.13	\$2,268.66	Gilchrist	1.05
48	\$3,186.23	\$3,637.80	Lee	1.00	31	\$1,661.33	\$2,268.66	Glades	0.90
49	\$3,341.44	\$3,709.59	Leon	0.90	32	\$1,680.53	\$2,268.66	Gulf	0.90
50	\$3,524.25	\$3,812.83	Levy	1.05	33	\$1,698.88	\$2,268.66	Hamilton	0.90
51	\$3,708.69	\$3,916.07	Liberty	0.90	34	\$1,717.22	\$2,268.66	Hardee	0.84
52	\$3,916.73	\$4,019.31	Madison	0.90	35	\$1,739.07	\$2,268.66	Hendry	0.90
53	\$4,121.54	\$4,122.55	Manatee	1.01	36	\$1,760.91	\$2,268.66	Hernando	1.05
54	\$4,343.85	\$4,248.53	Marion	0.90	37	\$1,782.75	\$2,268.66	Highlands	0.84
55	\$4,584.99	\$4,374.51	Martin	1.05	38	\$1,809.62	\$2,268.66	Hillsborough	1.03
56	\$4,807.12	\$4,500.48	Monroe	0.90	39	\$1,841.40	\$2,268.66	Holmes	0.90
57	\$5,054.73	\$4,686.45	Nassau	1.09	40	\$1,885.28	\$2,299.92	Indian River	0.90
58	\$5,333.73	\$4,872.43	Okaloosa	0.95	41	\$1,929.17	\$2,331.18	Jackson	0.90
59	\$5,619.34	\$5,058.40	Okeechobee	0.95	42	\$1,973.06	\$2,362.44	Jefferson	0.90
60	\$5,904.94	\$5,244.37	Orange	0.95	43	\$2,036.19	\$2,393.70	Lafayette	0.90
61	\$6,190.55	\$5,449.04	Osceola	0.98	44	\$2,097.28	\$2,446.87	Lake	0.95
62	\$6,476.15	\$5,653.71	Palm Beach	1.02	45	\$2,168.71	\$2,500.03	Lee	0.99
63	\$6,712.71	\$5,858.39	Pasco	1.02	46	\$2,258.04	\$2,563.75	Leon	0.90
64	\$6,962.96	\$6,081.87	Pinellas	1.01	47	\$2,356.20	\$2,631.87	Levy	1.05
65	\$7,219.29	\$6,312.55	Polk	1.05	48	\$2,461.72	\$2,697.42	Liberty	0.90
66	\$7,485.07	\$6,551.98	Putnam	1.01	49	\$2,570.30	\$2,768.15	Madison	0.90
67	\$7,760.62	\$6,800.49	St. Johns	1.07	50	\$2,693.43	\$2,851.87	Manatee	1.01
68	\$8,046.32	\$7,058.43	St. Lucie	0.95	51	\$2,830.35	\$2,947.20	Marion	0.90
69	\$8,342.54	\$7,326.16	Santa Rosa	1.05	52	\$2,991.21	\$3,047.13	Martin	1.05
70	\$8,649.66	\$7,604.03	Sarasota	1.03	53	\$3,152.07	\$3,147.05	Monroe	0.90
71	\$8,968.09	\$7,892.45	Seminole	1.03	54	\$3,312.93	\$3,246.97	Nassau	1.09
72	\$9,298.24	\$8,191.81	Sumter	1.02	55	\$3,492.56	\$3,352.50	Okaloosa	0.95
73	\$9,640.55	\$8,502.52	Suwannee	0.90	56	\$3,672.20	\$3,447.54	Okeechobee	0.9

57	\$3,851.84	\$3,559.23	Orange	0.99
58	\$4,054.80	\$3,716.78	Osceola	0.99
59	\$4,292.46	\$3,874.32	Palm Beach	1.03
60	\$4,530.12	\$4,031.87	Pasco	1.03
61	\$4,700.36	\$4,188.99	Pinellas	1.03
62	\$4,886.62	\$4,353.14	Polk	1.05
63	\$5,072.88	\$4,517.28	Putnam	1.01
64	\$5,259.14	\$4,681.42	St. Johns	1.07
65	\$5,459.80	\$4,860.04	St. Lucie	0.95
66	\$5,668.12	\$5,045.48	Santa Rosa	1.05
67	\$5,884.39	\$5,237.99	Sarasota	1.03
68	\$6,108.91	\$5,437.84	Seminole	1.03
69	\$6,341.99	\$5,645.32	Sumter	1.02
70	\$6,583.97	\$5,860.72	Suwannee	0.90
71	\$6,835.18	\$6,084.34	Taylor	0.90
72	\$7,095.98	\$6,316.48	Union	0.90
73	\$7,366.72	\$6,557.49	Volusia	1.03
74	\$7,647.80	\$6,807.69	Wakulla	0.90
75	\$7,939.60	\$7,067.44	Walton	1.05
76	\$8,242.54	\$7,337.09	Washington	0.90
77	\$8,557.03	\$7,617.04		
78	\$8,883.52	\$7,907.67		
79	\$9,222.47	\$8,209.38		

Specific Authority 624.308, 627.6675(3)(c) FS. Law Implemented 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS. History--New 3-2-00, Amended 4-2-01, 4-17-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Frank Dino, Bureau of Life and Health Forms and Rates,
 Division of Insurer Services, Department of Insurance
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Rich Robleto, Chief, Bureau of Life
 and Health Forms and Rates, Department of Insurance
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: November 18, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: November 8, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Fertilizers
 RULE TITLE: Procedures for Landowners and Leaseholders

RULE CHAPTER NO.: 5E-1
 RULE NO.: 5E-1.023

to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs)
 PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory incentive based programs which may be determined to have a minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement" that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a wavier of liability from the recovery cost of nitrate contamination of groundwater and could provide a presumption of compliance with state water quality standards and release from the provisions of s. 373.307(5), F.S., for those pollutants addressed by the practices. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

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: 576.045(6), 403.067(7)(d)1. FS.

LAW IMPLEMENTED: 576.045, 403.067 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: Kenneth A. Kuhl, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301, (850)488-6249, Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.023 Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs).

(1) through (5)(b) No change.

(c) Container Grown Plants. The document titled "Interim Measure for Florida Producers of Container- Grown Plants", dated 11-4-02 is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governors Square Blvd., Suite 200, Tallahassee, FL 32301.

Specific Authority 576.045(6), 403.067(7)(d)1. FS. Law Implemented 576.045, 403.067 FS. History--New 10-19-96, Amended 5-1-01, 10-17-02.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth A. Kuhl, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Boulevard, Suite 200, Mail Stop - 50, Tallahassee, FL 32301, Telephone (850)488-6249, Fax (850)921-2153

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Charles C. Aller, Director, Office of Agricultural Water Policy, The Capitol, LL-28, Mail Stop CA-43, Tallahassee, FL 32399-0810
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 14, 2002

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Fertilizers
 RULE CHAPTER NO.: 5E-1
 RULE TITLE: Adulteration Levels for Metals in Fertilizers;
 RULE NO.: 5E-1.026

Certificate of Analysis
 PURPOSE AND EFFECT: The purpose of the rule is to establish parameters for metals in fertilizers offered for sale in the State of Florida.

SUMMARY: Rule 5E-1.026, F.A.C., establishes the level of metals used to determine when fertilizers containing guaranteed amounts of phosphates and/or micro nutrients are adulterated. When fertilizers contain metals greater than the levels of metals identified, they are deemed adulterated. This rule amendment changes the formula to utilize the higher, not the sum of the resulting values as the maximum allowable concentrations.

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 costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(23), 576.181(1),(2) FS.

LAW IMPLEMENTED: 576.181 FS.

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

TIME AND DATE: 9:00 a.m., December 20, 2002

PLACE: AES Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, phone (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.026 Adulteration Levels for Metals in Fertilizers; Certificate of Analysis.

(1) ADULTERATION LEVELS FOR METALS IN FERTILIZERS

Fertilizers that contain guaranteed amounts of phosphates and/or micro nutrients are adulterated when they contain metals in amounts greater than the levels of metals established by the following table ¹:

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

To use the Table:

Multiply the percent guaranteed P₂O₅ or sum of the guaranteed percentages of all micro nutrients (Iron, Manganese, Zinc, etc^o) in each product by the value in the appropriate column in the Table to obtain the maximum allowable concentration (ppm) of these metals. The minimum value for P₂O₅ utilized as a multiplier shall be 6.0. The minimum value for micro nutrients utilized as a multiplier shall be 1. If a product contains both P₂O₅ and micro nutrients multiply the guaranteed percent P₂O₅ by the value in the appropriate column and multiply the sum of the guaranteed percentages of the micro nutrients by the value in the appropriate column. Utilize the higher sum of the two resulting values as the maximum allowable concentrations.

Biosolids, and all compost products⁴, shall be adulterated when they exceed the levels of metals permitted by the United States Environmental Protection Agency Code of Federal Regulations, 40 CFR Part 503. Dried biosolids and manure, as well as manipulated manure products not supplemented with chemical fertilizers shall also be deemed adulterated when they exceed the levels of metal permitted by the United States Environmental Protection Agency Code of Federal Regulations, 40 CFR Part 503. Hazardous waste derived fertilizers (as defined by EPA) shall be adulterated when they exceed the levels of metals permitted by the United States.

Environmental Protection Agency Code of Federal Regulations, 40 CFR Parts 261.2(c), 266.20(a) and 268.40(i), dated May 14, 2002.

Footnotes:

¹ These guidelines are not intended, to be used, to evaluate horticultural growing media claiming nutrients but may be applied to the sources of the nutrients added to the growing media.

² Micro nutrients (also called minor elements) are essential for both plant growth and development and are added to certain fertilizers to improve crop production and/or quality. These micro nutrients are iron, manganese, zinc, copper, molybdenum and boron. In addition, cobalt and selenium can also be considered micro nutrients.

³ Only applies when not guaranteed.

⁴ Includes all compost products that are not supplemented with chemical fertilizers, even those registered as fertilizers (making nutrient claims).

Specific Authority 576.181 FS. Law Implemented 576.181 FS. History--New 7-29-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Rutz, Director, Division of Agricultural Environmental Services, Department of Agriculture and Consumer Services.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Railroad Safety and Clearance 14-57
Standards, and Public
Railroad-Highway Grade Crossings

RULE TITLES: RULE NOS.:
Definitions for Use in Part II 14-57.010
Public Railroad-Highway Grade Crossing Costs 14-57.011
Standards for Opening and Closing of
Railroad-Highway Grade Crossings --
Opening and Closure 14-57.012

PURPOSE AND EFFECT: This amendment to Rule Chapter 14-57, F.A.C., is to create a Part I and Part II structure where the existing Rule 14-57.003, F.A.C., is in Part I Railroad and Clearance Standards, and new Rules 14-57.010, 14-57.011, and 14-57.012, F.A.C., are being adopted within Part II Public Railroad-Highway Grade Crossings. After this rule chapter amendment is adopted, existing rules relating to railroad crossings will be repealed in Rule Chapter 14-46, F.A.C., so that chapter will be limited to utilities.

SUMMARY: This is a basic restructuring of Rule Chapter 14-57, F.A.C., to create a Part I and Part II structure. There are no proposed amendments to the existing Rule 14-57.003, F.A.C., but it is being moved into Part I, and the three proposed rules are being adopted under Part II.

SPECIFIC AUTHORITY: 334.044(2), 335.141 FS.

LAW IMPLEMENTED: 335.141 FS.

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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Management Analyst 4, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

RAILROAD SAFETY STANDARDS AND CLEARANCE STANDARDS, AND PUBLIC RAILROAD-HIGHWAY GRADE CROSSINGS REQUIREMENTS

14-57.010 Definitions for Use in Part II.

The following definitions apply to this Part II:

(1) "Applicant" means any person, group, railroad, governmental entity, or the Department.

(2) "Application" means a Request to Open or Close a Public Railroad-Highway Grade Crossing, Form 725-090-66 (Rev. 10/00), incorporated herein by reference. Form 725-090-66 can be obtained from <http://www11.myflorida.com/rail/xingopenclose.htm> or Central Rail Office, Department of Transportation, 605 Suwannee Street, MS 25, Tallahassee, Florida 32399-0450.

(3) "Department" means the Florida Department of Transportation.

(4) "Governmental Entity" means as defined in Section 11.45(1)(d), Florida Statutes.

(5) "Public Railroad-Highway Grade Crossing" means as defined in Section 335.141(1)(b), Florida Statutes.

(6) "Railroad" means as defined in Section 341.301(5), Florida Statutes.

(7) "State Highway System" means as defined in Section 334.03(25), Florida Statutes.

(8) "Stipulation of Parties" means a voluntary agreement between the railroad(s), the governmental entity(ies), the Department, and the applicant, if different from the aforementioned.

Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141, 339.05 FS. History—New _____.

14-57.011 Public Railroad-Highway Grade Crossings Costs.

(1) Purpose. To establish the degree of Department and Railroad participation in the cost of public railroad-highway grade crossings.

(2) Installation and Modification. The method of determining responsibility for installation or modification costs shall be as follows: At all public railroad-highway grade crossings, the method of determining railroad responsibility will be in accordance with the Federal Highway Administration Federal-Aid Policy Guide, Subchapter B, Part 140, Subpart I, incorporated herein by reference. To obtain copies of this document, go to www.fhwa.dot.gov: link to Legislation and Regulations.

(3) Maintenance. The method of determining participation in public railroad-highway grade crossing maintenance costs shall be as follows:

(a) Grade Crossing Traffic Control Devices. The Department shall participate in 50% of the cost of maintaining grade crossing traffic control devices so long as the devices are located on the State Highway System.

(b) Travel Way. When the grade crossing is located on the State Highway System, the railroad shall be responsible for the maintenance cost of all trackbed and rail components, and the highway roadbed for the width of the rail ties within the crossing area. The Department shall be responsible for the maintenance cost of the highway roadbed outside of the railway ties on crossings where the railroad has a property interest. The railroad shall be responsible for the maintenance cost of the highway roadbed where the crossing occupies public right of way.

(c) Grade Separation Structures. The Department shall be responsible for the maintenance cost of railroad overpasses when the structure is located on the State Highway System and carries highway traffic over a railroad. The railroad shall be responsible for the maintenance cost of railroad underpasses which carry highway traffic under a railroad.

Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141, 339.05 FS. History—New _____.

14-57.012 Standards for Opening and Closing of Railroad-Highway Grade Crossings – Opening and Closure.

(1) Purpose. To establish standards for the opening and closing of public railroad-highway grade crossings. The objectives of these uniform standards will be to reduce the accident frequency and severity at public railroad-highway grade crossings, and improve rail and motor vehicle operating efficiency.

(2) Opening and Closing Public Railroad-Highway Grade Crossings. The Department will accept applications for the opening and closing of public railroad-highway grade

crossings from the governmental entity that has jurisdiction over the public street or highway; any railroad operating trains through the crossing; any other applicant for a public railroad-highway grade crossing provided there is in existence an agreement between the applicant and governmental entity to assume jurisdiction as a public crossing. The Department, on behalf of the State of Florida, will also open or close public railroad-highway grade crossings in accordance with the criteria set forth herein. Closure applications will also be accepted from individual citizens or groups, such as neighborhood associations. Opening or closure of public railroad-highway grade crossings shall be based upon Notices of Intent issued by the Department, administrative hearings conducted pursuant to Chapter 120, Florida Statutes, or upon a Stipulation of Parties executed by any applicant, governmental entity, the appropriate railroad, and the Department. The burden of proof for the opening or closing of a crossing is on the applicant. Acceptance of any application for processing by the Department shall not be construed as indicating the Department's position regarding the application. If the preliminary review of the application does not support the crossing opening or closure, the applicant will be advised of these findings. The applicant may choose to withdraw the application or continue the process. If withdrawn, the process is concluded. An applicant may suspend an application at any time. If the applicant chooses to pursue the opening or closure of the public railroad-highway crossing, the railroad and governmental entity having jurisdiction at the location are notified and provided a copy of the application. The governmental entity should provide a public forum for community involvement and contact affected individuals or groups to obtain input on impacts to the community. The expense of crossing closures or openings, which shall include installation, maintenance, and replacement of grade crossing traffic control devices and grade crossing surfaces, will be the responsibility of the applicant, unless otherwise negotiated and accepted by all parties.

(a) Opening of Public Railroad-Highway Grade Crossings. In considering an application to open a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Design of the grade crossing and road approaches.
6. Presence of multiple tracks and their effect upon railroad and highway operations.

(b) Conversion of Crossings. Conversion of private railroad-highway grade crossings to public use constitutes opening a new public crossing, and shall meet the same requirements. Active grade crossing traffic control devices

meeting the criteria set forth in subsection 14-57.012(3), F.A.C., are required at all new public railroad-highway grade crossings.

(c) Closure of Public Railroad-Highway Grade Crossings. In considering an application to close a public railroad-highway grade crossing, the following criteria will apply:

1. Safety.
2. Necessity for rail and vehicle traffic.
3. Alternate routes.
4. Effect on rail operations and expenses.
5. Excessive restriction to emergency type vehicles resulting from closure.
6. Design of the grade crossing and road approaches.
7. Presence of multiple tracks and their effect upon railroad and highway operations.

(d) Closure of Public Railroad-Highway Grade Crossings by the Department. The Department will initiate and maintain a crossing consolidation and closure program based on analysis of engineering and safety factors, and impact on operating efficiency to vehicle and rail traffic. Governmental entities will be provided the listing of potential closures for review and recommendation. Closures by the Department will be considered based upon following:

1. Systems or Corridor Approach. Review of crossings on a specific corridor by railroads, cooperative teams (railroads, state, governmental entity), or state rail personnel, to determine redundant or unused crossings that are viable candidates for closure.

2. Diagnostic Team Safety Review. Diagnostic teams review and recommend candidates for closure on a rail corridor, based on overall safety index, specific hazards, or response to a serious accident(s).

3. Rail Changes, Construction, or Improvement Impacts. Closure candidates may result from track rehabilitation, new highway or railroad construction, adjacent crossing improvements or signalization, and changes in passenger or freight service.

4. Individual Recommendations: Recommendations for closure may be submitted by federal or state Safety Inspectors, Operation Lifesaver volunteers, Railroad Safety Committees, engineers involved in "near misses," neighborhood associations, or other persons.

(e) Grade Separation. When estimated highway traffic has 30,000 vehicles a day across main line tracks, an engineering and benefit-cost analysis must be performed by the applicant to determine if a grade separation is warranted.

(3) Installation Criteria. Warning devices.

(a) Basic Equipment. All existing public railroad-highway grade crossings without active warning devices shall have reflectorized railroad crossbucks on the right hand side of the road on both sides of the tracks as specified in the U.S.

Department of Transportation *Manual on Uniform Traffic Control Devices* (MUTCD), incorporated by reference under Rule 14-15.010, F.A.C. The reflectorized railroad advance warning sign and pavement markings shall be located at those public grade crossings which are specified in the MUTCD.

(b) Minimum Active Grade Crossing Traffic Control Devices. All new public railroad-highway grade crossings shall have, as a minimum, roadside flashing lights and gates on all roadway approaches to the crossing, usually placed on the right of approaching traffic. Lamp units shall be in accordance with the standards recommended by the MUTCD. The location of the roadside flashing lights and gates shall be in accordance with the Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices" with the primary emphasis being the visibility of the flashing lights and gates. The Department's *Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System*, "Railroad Grade Crossing Traffic Control Devices," is hereby incorporated by this rule and made a part of the rules of this Department. Copies of this document and any amendments thereto are available at <http://www11.myflorida.com/rddesign/Design%20Standards/designstds.htm>.

(c) Cantilevered Flashing Lights. Pairs of flashing lights placed on cantilevered arms extended over traffic lanes shall be employed when any one or more of the following conditions exist:

1. Multilane highways (two or more lanes in each direction).
2. Sight restrictions to the grade crossing affecting either the motorist or train crew.
3. Signal stanchion located greater than 23 feet from centerline of roadway. The length of the cantilever arm shall be in accordance with the Department's Standard Index, "Railroad Grade Crossing Traffic Control Devices."

(d) Automatic Crossing Gates. Automatic crossing gates in conjunction with flashing lights shall be installed if any one of the following conditions exist:

1. Multilane highway.
2. Multiple railroad tracks including passing tracks.
3. High speed train operation (greater than 65 mph) or commuter train operation (greater than 45 mph).
4. Traffic counts greater than 5,000 vehicles per day.
5. Greater than 30 through trains per day.
6. Traffic with greater than nine school buses per day.
7. Three or more tracks carrying hazardous material.
8. Continuance of accident history after installation of flashing lights.

9. Intersections within 200 feet of track (measured from the edge of travelway), providing the intersection has traffic signals or there are heavy turning movements from parallel highways onto the tracks.

(e) Traffic Signal Preemption. When new and existing grade crossings are within 200 feet of an intersection with traffic signals, a train activated preemption phase shall be provided in the active grade crossing traffic control device for the traffic signal system. The design of the traffic signal and phase sequencing shall be as specified in the MUTCD. Crossings located between 200 and 500 feet from a signalized intersection must either be preempted or be supported by an engineering study that determines that preemption is not in the interest of public safety.

(f) Train Speed Detection Devices. The activation of automatic flashing lights shall precede the train by a minimum of 20 seconds. Train arrival at the crossing shall not exceed 35 seconds from the start of the flashing lights. When train speeds on a given track vary considerably under normal operation, special devices or circuits shall be installed to provide notice in advance of all train movements over the crossing.

(g) Exceptions.

1. An exception will be granted to subsection 14-57.003(4), F.A.C., by the Department based on engineering design standards.

2. A new public railroad-highway grade crossing over an industrial spur track may be considered for a delay in the installation of active grade crossing traffic control devices when train movements are two trains per day or less, and if the Department determines that the characteristics of the highway traffic is conducive to requiring a flagman; the Department will require the crossing to be manually flagged (e.g., highway in two lanes or less than 5,000 ADT, less than 30 mph operating speed, and, if train movements are at night, the grade crossing must be illuminated).

3. The Department will grant a temporary delay for the installation of such signals at a new public railroad-highway grade crossing when the installation of such signals would adversely affect the scheduled installation of signal improvements at those grade crossings deemed to have a higher state-wide priority.

(4) Public Railroad-Highway Grade Crossing Traffic Control Devices. All public railroad-highway grade crossing traffic control devices shall conform to the Department's Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, "Railroad Grade Crossing Traffic Control Devices."

Specific Authority 334.044(2), 335.141 FS. Law Implemented 335.141 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janice Bordelon, Rail Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Thomas F. Barry, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 19, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 8, 2002

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Equalization Tax on Non-Florida, United States Juice

RULE CHAPTER NO.:

20-15

RULE TITLES: Intent

RULE NOS.:

20-15.001

Definitions

20-15.002

Collection

20-15.003

PURPOSE AND EFFECT: Effectuating the collection of Equalization Taxes as required by Court order. Such taxes are owed by persons who, during the time period commencing on October 6, 1997, and ending on March 14, 2002, benefitted from the exemption for non-Florida, United States juice as set forth in the statutory provision which was ultimately severed by the Court from Section 601.155(5), Florida Statutes, as unconstitutional.

SUMMARY: Effectuating the collection of Equalization Taxes as required by Court order.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of 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: 601.02, 601.10, 601.15, 601.155 FS.

LAW IMPLEMENTED: 601.02, 601.10, 601.15, 601.155 FS.

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

TIME AND DATE: 9:00 a.m., December 18, 2002

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Alice P. Wiggins, Administrative Assistant, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-15.001 Intent.

(1) The Court in Tampa Juice Service, et al v. Florida Department of Citrus in Consolidated Case Number GCG-003718 (Circuit Court in and for Polk County, Florida) severed the exemption contained in Section 601.155(5).

Florida Statutes, that provided an exemption for persons who exercised one of the enumerated Equalization Tax privileges on non-Florida, United States juice. The Court had previously determined that the stricken provisions operated in a manner that violated the Commerce Clause of the United States Constitution. On August 8, 2002, the Court ordered that the Florida Department of Citrus “take appropriate steps, consistent with existing law, to assess and collect the Equalization tax from those entities which benefitted from the unconstitutional exemption.”

(2) It is the Florida Department of Citrus’ intent by promulgating the following remedial rule, 20ER02-01 and Chapter 20-15, F.A.C., to implement a non-discriminatory tax scheme, which does not impose a significant tax burden that is so harsh and oppressive as to transgress constitutional limitations. These rules shall be applicable to those previously favored persons who received favorable tax treatment under the statutory sections cited above.

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History–New _____.

20-15.002 Definitions.

(1) “Previously favored persons” shall be defined as any person who exercised an enumerated Equalization Tax privilege as defined by Section 601.155, Florida Statutes, but who was exempt from payment of the Equalization Tax due to the exemption for non-Florida, United States juice set forth in the statutory provision, which was ultimately determined to be unconstitutional and severed from Section 601.155(5), Florida Statutes.

(2) The “tax period” during which the severed provisions of Section 601.155(5), Florida Statutes, were in effect shall be defined as commencing on October 6, 1997, and ending on March 14, 2002.

(3) “Tax liability” shall be defined as the total amount of taxes due to the Florida Department of Citrus during the “tax period,” at the following rates per box for each respective fiscal year:

Fiscal Year	Processed Rate	
	Orange	Grapefruit
1997-1998	.175	.30
1998-1999	.17	.30
1999-2000	.18	.325
2000-2001	.175	.30
2001-2002	.165	.18

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History–New _____.

20-15.003 Collection.

(1) The Florida Department of Citrus shall calculate the tax liability for each person or entity that exercised an enumerated Equalization Tax privilege outlined in Section 601.155, Florida Statutes, upon non-Florida, United States

juice based upon inspection records maintained by Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture.

(2) Subsequent to adoption of this rule, the Florida Department of Citrus will provide to the previously favored persons by certified mail a Notice of Tax Liability which shall contain a demand for payment consistent with the above-referenced itemized statement. The Department will deem late payment of Equalization Taxes owed by previously favored persons to constitute good cause, and shall waive the 5% penalty authorized by Section 601.155(10), F.S., as compliance with either of the following is established by Department:

(a) Lump sum payment of the tax liability remitted with the filing of Department of Citrus Form 4R (incorporated by reference in Rule 20-100.004, F.A.C.) for the relevant years and then-applicable tax rate(s) per subsection 20-15.002(3), F.A.C., within 61 days of receiving Notice of Tax Liability; or

(b) Equal installment payments remitted with the filing of Department of Citrus Form 4R (incorporated by reference in Rule 20-100.004, F.A.C.) for the relevant years and then-applicable tax rate(s) per subsection 20-15.002(3), F.A.C., over a 60-month period, the first payment being due within 61 days of receiving Notice of Tax Liability pursuant to subsection 20-15.003(2), F.A.C.; or

(c) The Good Cause provisions of 601.155(10), F.S., shall not apply to persons who do not comply with paragraph 20-15.003(2)(a), F.S., or paragraph 20-15.003(2)(b), F.A.C.

(d) Failure to pay the taxes or penalties due under 601.155, F.S. and Chapter 20-15, F.A.C., shall constitute grounds for revocation or suspension of a previously favored person’s citrus fruit dealer’s license pursuant to Sections 601.56(4), F.S., 601.64(6), 601.64(7), and/or Section 601.67(1), F.S.

(3) The Florida Department of Citrus will not oppose the timely intervention of persons who previously enjoyed the subject exemption that wish to present a claim to the Court in the Tampa Juice Service, Inc., et al v. Florida Department of Citrus. However, the Florida Department of Citrus does not waive any argument regarding the validity of the calculation of the tax liability or that imposition of this tax is constitutional.

Specific Authority 601.02, 601.10, 601.15, 601.155 FS. Law Implemented 601.02, 601.10, 601.15, 601.155 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken O. Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken O. Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 18, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 25, 2002

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Permit Thresholds	40E-4.0415
Exemptions from Permitting	40E-4.051
Publications, Rules and Interagency Agreements Incorporated by Reference	40E-4.091
Content of Permit Applications	40E-4.101
Conceptual Approvals	40E-4.305
Conversion from Construction Phase to Operation Phase	40E-4.361
Abatement and Abandonment of a System	40E-4.371
General Conditions	40E-4.381

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in various sections of Chapter 40E-4, F.A.C. The objections were based upon the use of undefined or ambiguous terms, improper use of the word “may,” rule vagueness, and improper references or incorporations by reference. The purpose of the proposed amendments is to delete and/or revise the language objected to by JAPC.

SUMMARY: Chapter 40E-4, F.A.C., addresses environmental resource permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, the proposed amendments: 1) clarifies the term “registered professional” (Rule 40E-4.361, F.A.C.); 2) delete the word “may” and state that the SFWMD’s Governing Board has identified geographical areas where additional criteria are necessary to assure that surface water management systems are not harmful to the water resources of the SFWMD (see Rule 40E-4.0415, F.A.C.); 3) delete the phrase “if feasible, or operated in accordance with an impoundment management plan approved by the District” (see Rule 40E-4.051(2)(d), F.A.C.); 4) clarify the exemptions from permitting pertaining to docking facilities and boat ramps, delete the word “private” when used to reference docks and add a reference to piers (see 40E-4.051(3), F.A.C.); 5) delete statutory and rule cross references (see subparagraph 40E-4.051(6)(b)15.), F.A.C.; 6) update the effective date of the ERP Basis of Review based upon amendments to the ERP Basis of Review which is incorporated by reference in see paragraph 40E-4.091(1)(a), F.A.C.; 6) delete the requirement that permit applicants submit for review “other” undefined information (see Rule 40E-4.101, F.A.C. and 4.4.4.8 and 4.4.9.5 BOR); 7) replace reference to “373.421(2), F.S.” with reference to “Rule 40E-4.042, F.A.C.” (see 40E-4.305, F.A.C. and paragraph 40E-4.381(1)(o), F.A.C.); 8) update the names of certain SFWMD forms incorporated by reference (see Rules 40E-4.361, 40E-4.381, F.A.C. and 10.1 BOR); 9) delete the references to Sections 373.433 and 373.426, F.S., pertaining to language directing the use of abatement proceedings for the abatement and abandonment of surface water management systems (see Rule 40E-4.371, F.A.C.); 10) delete language pertaining to

modification of general permit conditions by the Governing Board (see Rule 40E-4.381(1), F.A.C.); 11) clarify that project-specific special conditions must meet the conditions for issuance found in 40E-4.301 and 40E-4.302 (see subsection 40E-4.381(2), F.A.C.); 12) add a rule reference (see 4.2.2.1 BOR); 13) correct typographical errors (see 4.2.4.3 and 4.2.5 BOR); 14) replace the words “However, the District may issue permits or certification for” with “This provision shall not apply to” and delete the words “by the Department” (see 4.2.5 BOR); 15) delete the case-by-case determination for innovative mitigation proposal and instead require the proposals to offset impacts to functions (see 4.3.1.8 BOR); 16) delete the requirement for prior written approval to withdraw or transfer funds in a financial responsibility mechanism and state that the mechanism cannot be canceled without first providing an alternative (See 4.3.7.4 BOR); 17) delete language stating that the Governing Board may revoke a formal determination (see 4.5.4 BOR); 18) delete language pertaining to the application fee for certain subsequent petitions (see 4.5.5 BOR); 19) delete the words “as provided by law” (see 4.5.6 BOR); 20) clarify and set forth specific permitting criteria relative to how reasonable assurances can be provided so that effluent does not migrate into surface water management systems (see 5.5 BOR); and 21) replace “will normally be “ with “is” (see 5.9.2 BOR).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

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

SPECIFIC AUTHORITY: 373.016, 373.044, 373.103(8), 373.113, 373.117, 373.171, 373.406(5), 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.016, 373.019, 373.116, 373.117, 373.118(1), 373.229, 373.413(1), 373.403-.443, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 403.031, 704.06 FS.

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

TIME AND DATE: 8:30 a.m., January 9, 2003

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), affected persons 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 or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682.6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 West Palm Beach, FL 33416, 1(800)432-2045, Extension 6320 or (561)682-6320, or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-4.0415 Permit Thresholds.

(1) through (2) No change.

(3) Notwithstanding the provisions of subsections (1) and (2), the Governing Board has, in Rules 40E-41.023, 40E-41.123, 40E-41.223, and 40E-41.323, F.A.C., may designated specific geographic areas in which additional surface water management criteria are necessary in order to ensure that construction, alteration, operation, maintenance, removal or abandonment of surface water management systems is not harmful to the water resources within which individual or standard general environmental resource permits shall be required for the construction, alteration, operation, maintenance, removal or abandonment of surface water management systems which fall below any thresholds or activities set forth in this rule.

Specific Authority 373.044, 373.113, 373.171, 373.406(5) FS. Law Implemented 373.118(1), 373.413(1) FS. History—New 1-3-95, Amended 5-28-00, 6-26-02, _____.

40E-4.051 Exemptions from Permitting.

(1) No change.

(2) Maintenance of Systems.

(a) through (c) No change.

(d) The restoration of less than 100 feet in length of existing insect control impoundment dikes and the connection of such impoundments to tidally influenced waters. Such impoundments shall be connected to tidally influenced waters for at least 6 months each year, beginning September 1 and ending February 28, ~~if feasible, or operated in accordance with an impoundment management plan approved by the District.~~ The connection shall be of sufficient cross-sectional area to allow beneficial tidal influence. Restoration shall involve no more dredging than needed to restore the dike to original design specifications, and the final elevation of the dredge area shall be within two feet of immediately adjacent bottom elevations. For the purposes of this paragraph, restoration shall not include maintenance of impoundment dikes of insect control impoundments.

(3) Docking Facilities and Boat Ramps.

(a) No change.

(b) ~~The installation or repair construction of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, and of which docks have~~ of 1000 square feet or less of surface area over wetlands or other surface waters, or 500 square feet or less of surface area over wetlands or other surface waters for docks which are located in Outstanding Florida Waters. This exemption shall include the construction and repair of structures above the dock area, such as boat shelters and gazebos, provided such structures are not enclosed with walls and doors, are not used for residential or commercial purposes, or storage of materials other than those associated with recreational use, and provided the structures do not exceed, together with the docking facility, the total area limitations, above. To qualify for this exemption, any such dock and associated structure:

1. through 3. No change.

4. Shall be the sole dock constructed pursuant to this exemption as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot. For the purposes of this paragraph, multi-family living complexes and other types of complexes or facilities associated with the proposed private dock shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property. Construction of a ~~private~~ dock under this exemption does not require the District to issue a subsequent permit to construct a channel to provide navigational access to the dock. Activities associated with a ~~private~~ dock shall include the construction of structures attached to the dock pier which are only suitable for the mooring or storage of boats (i.e., boatlifts).

(c) No change.

(d) The replacement or repair of existing docks, ~~or mooring piles or piers,~~ provided:

1. through 3. No change.

(e) No change.

(4) through (5) No change.

(6) Bridges, Driveways and Roadway Crossings.

(a) No change.

(b) The construction or maintenance of culverted driveway or roadway crossings and bridges of artificial waterways, provided:

1. through 14. No change.

15. This exemption shall not apply to activities involving relocation or other alteration of all or part of the artificial waterway, or construction for other than the proposed culvert crossing, ~~except as exempted by Chapter 373, F.S., or Rule 40E-4.051, F.A.C.~~

(7) through (10) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History—New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00, 9-2-01, _____.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ ~~June, 2002.~~”

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, ~~373.103(8)~~, 373.113, 373.171, 373.413, 373.441, ~~373.171~~ FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, _____.

40E-4.101 Content of Permit Applications.

(1) Applications for permits required by this chapter shall be filed with the District Service Center which will review the application as set forth in Rule 40E-1.6025, F.A.C. The application shall contain:

(a) through (b) No change.

~~(c) Other information that is required to provide reasonable assurances that the project will satisfy the conditions for issuance listed in Rules 40E-4.301 and 40E-4.302, F.A.C.~~

(2) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, _____.

40E-4.305 Conceptual Approvals.

(1) through (7) No change.

(8) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 40E-4.042, F.A.C., 373.421(2), F.S., provides otherwise.

(9) through (10) No change.

Specific Authority 373.044, 373.113, 373.171, 380.06(9) FS. Law Implemented 373.413, 373.416, 373.421(2), 380.06(9) FS. History—New 10-3-95, Amended _____.

40E-4.361 Conversion from Construction Phase to Operation Phase.

(1) In order to convert an environmental resource or surface water management permit from the construction phase to the operational phase, the permittee shall submit the following:

(a) A completed and executed Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity Form No. # 0920, incorporated by reference in Rule 40E-1.659, F.A.C.;

(b) A completed and executed Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. # 0881, incorporated by reference in Rule 40E-1.659, F.A.C., in accordance with Section 10.0, of the “Basis of Review for Environmental Resource Permit Applications within South Florida Water Management District – _____ June, 2002.”; and

(c) No change.

(2) The operation phase of a surface water management system which was required to be designed by a registered professional engineer or other individual authorized by law ~~an appropriate registered professional~~ does not become effective until all of the following criteria have occurred:

(a) No change.

(b) The registered professional engineer or other individual authorized by law shall certify that:

1. No change.

2. Any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the requirements of this rule and Section 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ June, 2002.” The registered professional engineer or other individual authorized by law shall note and explain substantial deviations from the approved plans and specifications and provide two copies of as-built drawings to the District; and

(c) No change.

(3) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in Section 9.0, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – _____ June, 2002.” has been established to operate and maintain the system. The entity must be provided with sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

(4) No change.

Specific Authority 373.044, 373.113, ~~373.171~~ FS. Law Implemented 373.413, 373.416 FS. History—New 10-3-95, Amended 1-7-97, _____.

40E-4.371 Abatement and Abandonment of a System.

~~(1) Abatement proceedings shall be conducted in accordance with the provisions of Section 373.433, F.S.~~

~~(2) Abandonment proceedings shall be conducted in accordance with Section 373.426, F.S.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.426, 373.433 FS. History--New 10-3-95, Repealed _____.

40E-4.381 General Conditions.

(1) The following general conditions shall be applicable to and binding on all permits issued pursuant to this chapter and Chapter 40E-40, F.A.C., unless waived by the District ~~or modified by the Governing Board~~ upon a determination that the conditions are inapplicable to the activity authorized by the permit. These conditions are enforceable under Part IV, Chapter 373, F.S.

(a) through (c) No change.

(d) The permittee shall notify the District of the anticipated construction start date within 30 days of the date that this permit is issued. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District an Environmental Resource/Surface Water Management Permit Construction Commencement Notice Form No. 0960, incorporated by reference in Rule 40E-1.659, F.A.C., indicating the actual start date and the expected completion date.

(e) When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing the District's an Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction Form No. 0961, incorporated by reference in Rule 40E-1.659, F.A.C. The Annual Status Report shall be submitted the following June of each year.

(f) Within 30 days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other ~~appropriate~~ individual as authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. 0881, incorporated by reference in Rule 40E-1.659, F.A.C. The statement of completion and certification shall be based on on-site observation of construction or review of as-built drawings for the purpose of determining if the work was completed in compliance with permitted plans and specifications. This submittal shall serve to notify the District that the system is ready for inspection. Additionally, if deviations from the approved drawings are discovered during the certification process, the certification must be accompanied by a copy of the approved permit drawings with deviations noted. Both the original and revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawings. All surveyed dimensions and elevations shall be certified by a registered surveyor.

(g) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of condition (f) above, has submitted ~~the District's~~ a Request for Conversion of Environmental

Resource/Surface Water Management Permit from Construction Phase to Operation Phase, and Transfer of Permit to the Operating Entity Form No. 0920, incorporated by reference in Rule 40E-1.659, F.A.C.; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water District - _____ June, 2002," accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(h) No change.

(i) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District - _____ June, 2002," prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(j) through (n) No change.

(o) Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 40E-4.042, F.A.C., Section 373.421(2), F.S., provides otherwise.

(p) through (s) No change.

(2) In addition to those general conditions set forth in subsection (1), the Governing Board shall impose on any permit granted under this chapter and Chapter 40E-40, F.A.C., such reasonable project-specific special conditions as are

necessary to assure that the permitted system will meet the conditions for issuance in Rules 40E-4.301 and 40E-4.302, F.A.C. not be inconsistent with the overall objectives of the District or will not be harmful to the water resources of the District, as set forth in District rules. Upon receipt of notice of proposed agency action, any substantially affected persons shall have the right to request a hearing in accordance with Rules 40E-1.511 and 40E-1.521, F.A.C.

Specific Authority 373.044, 373.113, ~~373.171~~ FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, _____.

BASIS OF REVIEW FOR ENVIRONMENTAL RESOURCE PERMIT APPLICATIONS WITHIN THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT

(The following represents proposed amendments to sections 4.2.2.1, 4.2.4.3, 4.2.5, 4.3.1.8, 4.3.7.4, 4.5.4, 4.5.5 and 4.5.6 and proposed deletions of sections 4.4.4.8 and 4.4.9.5 of the document entitled “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District - June, 2002.”)

CHAPTER 4.0 ENVIRONMENTAL CRITERIA

4.0 through 4.2.2 No change.

4.2.2.1 Compliance with subsections 4.2.2-4.2.3.7, 4.2.5-4.3.8 will not be required for regulated activities in isolated wetlands less than one half acre in size, unless:

(a) through (c) No change.

(d) The District establishes that the wetland to be impacted is, or several such wetlands to be impacted are, cumulatively, of more than minimal value to fish and wildlife; based on the factors in subsection 4.2.2.3.

4.2.2.2 through 4.2.4.2 No change.

4.2.4.3 Additional Water Quality Considerations for Docking Facilities

Docking facilities are potential sources of pollutants to wetlands and other surface waters. To provide the required reasonable assurance that water quality standards will not be violated, the following factors must be addressed by an applicant proposing the construction of a new docking facility, or the expansion of or other alteration of an existing docking facility that has the potential to adversely affect water quality:

(a) Hydrographic information or studies shall be required for docking facilities of greater than ten boat slips. Hydrographic information or studies also may be required for docking facilities of less than ten slips, dependent upon the site features described in paragraph 4.2.4.3(b) below. In all cases, the need for a hydrographic study, and the complexity of the study, will be dependent upon the specific project design and the specific features of the project site.

(b) through (i) No change.

4.2.4.4 through 4.2.4.5 No change.

4.2.5 Class II Waters; Waters Approved for Shellfish Harvesting

The special value and importance of shellfish harvesting waters to Florida's economy as existing or potential sites of commercial and recreational shellfish harvesting and as a nursery area for fish and shellfish shell fish is recognized by the District. In accordance with paragraph 4.1.1(d), the District shall:

(a) though (b) No change.

(c) Deny a permit for a regulated activity that is located directly in Class II or Class III waters which are classified ~~by the Department~~ as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting. This provision shall not apply to ~~However the District may issue permits or certifications for~~ maintenance dredging of navigational channels, the construction of shoreline protection structures, the installation of transmission and distribution lines for carrying potable water, electricity or communication cables in rights-of-way previously used for such lines, for clam and oyster culture, and for private, single family boat docks that meet the following criteria for installation in such waters:

1. through 7. No change.

4.2.6 through 4.3.1.7 No change.

4.3.1.8 Innovative mitigation proposals which deviate from the standard practices described in sections 4.3-4.3.6 may be proposed by an applicant; however, to receive District approval they must offset the adverse impacts to the functions identified in sections 4.2.-4.2.8.2 caused by the regulated activities shall be considered on a case by case basis. The donation of money is not considered to be an acceptable method of mitigation, unless cash payments are specified for use in a District or Department of Environmental Protection endorsed environmental preservation, enhancement or restoration project and the payments initiate a project or supplement an ongoing project. The project or portion of the project funded by the donation of money must offset the impacts of the proposed system.

4.3.2 through 4.3.7.3 No change.

4.3.7.4 General Terms for Financial Responsibility Mechanism.

(a) through (d) No change.

(e) ~~Prior written approval from the District shall be obtained before withdrawing or transferring any portion of the funds therein. Except that a~~ A co-beneficiary as provided in subsection (b) shall provide written notice to the District prior to withdrawing or transferring any portion of the funds therein.

(f) The financial responsibility mechanisms shall provide that ~~it they~~ can not be revoked, terminated or cancelled, without first providing an alternative financial responsibility mechanism which meets the requirements of subsections 4.3.7-4.3.7.9. Within 90 days of receipt by the permittee of actual or constructive notice of revocation, termination or cancellation of a financial responsibility mechanism or other

actual or constructive notice of cancellation, the permittee shall provide an alternate financial responsibility mechanism which meets the requirements of subsections 4.3.7-4.3.7.9.

4.3.7.5 through 4.4.4.7 No change.

~~4.4.4.8 Any additional information which may be necessary to evaluate whether the proposed Mitigation Bank meets the criteria of this section.~~

4.4.4.9 through 4.4.9.4 No change.

~~4.4.9.5 The District shall require additional documentation or actions from the grantor of the conservation easement or fee interest if such additional documentation or actions are necessary to adequately protect the District's interest in, or the integrity of, the Mitigation Bank.~~

4.4.9.6 through 4.5.3 No change.

4.5.4 Duration

The formal determination shall be binding for five years provided physical conditions on the property do not change so as to alter the boundaries of wetlands and other surface waters during that period. ~~The Governing Board may revoke a formal determination upon a finding that the petitioner has submitted inaccurate information to the District.~~

4.5.5 Formal Determinations for Properties with an Existing Formal Determination

Within sixty days prior to the expiration of a formal determination, the property owner, an entity that has the power of eminent domain, or any other person who has a legal or equitable interest in the property may petition for a new formal determination for the same parcel of property and such determination shall be issued, approving the same extent of surface waters and wetlands in the previous formal determination, as long as physical conditions on the property have not changed, other than changes which have been authorized by a permit pursuant to this part, so as to alter the boundaries of surface waters or wetlands and the methodology for determining the extent of surface waters and wetlands ratified by Section 373.421, F.S., has not been amended since the previous formal determination. ~~The application fee for such a subsequent petition shall be less than the application fee for the original determination.~~

4.5.6 Nonbinding Determinations

The District may issue informal nonbinding pre-application determinations or otherwise initiate nonbinding determinations on its own initiative ~~as provided by law.~~

(The following represents proposed amendments to sections 5.5 and 5.9.2 of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – June, 2002.")

CHAPTER 5.0 WATER QUALITY CRITERIA

5.0 through 5.4 No change.

5.5 Sewage Treatment Percolation Ponds

Above ground percolation pond dikes shall not be within 200 feet of water management lakes or 100 feet of dry retention/detention areas. ~~Additional information and calculations (such as volume and rate of application to the pond(s) or flow net analyses) by the applicant will be necessary in unusual cases requiring deviations from these dimensions. or the applicant must provide reasonable assurance that effluent will not migrate into the water management lakes or detention areas. Reasonable assurance may be provided by:~~

(a) Documentation of volume and rate of application of effluent to the percolation ponds, and

(b) Submittal of net flow analyses.

5.6 through 5.9.1 No change.

5.9.2 Monitoring ~~is will normally be~~ required for sites with high pollutant generating potential, such as industrial sites, and Class I and II solid waste disposal sites.

5.9.3 through 5.10 No change.

(The following represents the proposed amendment to section 10.1(a) of the document entitled "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – June, 2002.")

CHAPTER 10.0 SURFACE WATER MANAGEMENT SYSTEM CERTIFICATION AND OPERATION

10.1 Construction Completion/Construction Certification.

(a) Within 30 days of the completion of the surface water management system construction, a registered professional engineer or other individual authorized by law ~~Florida registered professional engineer~~ shall certify that the construction was completed and that the system was constructed in substantial conformance with the plans and specifications approved by the District. The above requirement shall be met by submittal of a completed and executed Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. # 0881, incorporated by reference in Rule 40E-1.659, F.A.C., or equivalent.

(b) No change.

10.2 through 10.3 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Request for Additional Information	40E-40.141
General Conditions	40E-40.381

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in Rule 40E-40.381, F.A.C. The objections were based upon the use of undefined or ambiguous language and unclear conditions for standard general permits. The purpose of the proposed amendments is to delete and/or revise the language objected to by JAPC. Additionally, the SFWMD is updating a rule cross-reference in Rule 40E-40.141, F.A.C.

SUMMARY: Chapter 40E-40, F.A.C., addresses environmental resource standard general permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, Rule 40E-40.141, F.A.C., will now reference paragraph 40E-1.603(1)(c), F.A.C., as the correct cross-reference for the SFWMD to request additional information from applicants requesting a permit pursuant to Chapter 40E-40, F.A.C.; paragraph 40E-40.381(2)(d), F.A.C., is amended to delete objectionably vague language; and subsection 40E-40.381(3), F.A.C., adds a reference to clarify the conditions for standard general permits. SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.117, 373.118, 373.413, 373.416, 373.419 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

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.

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

TIME AND DATE: 8:30 a.m., January 9, 2003

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), affected persons 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 or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 West Palm Beach, FL 33416, 1(800)432-2045, Extension 6320 or (561)682-6320, or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-40.141 Request for Additional Information. The District may request additional information from standard general permit applicants in accordance with paragraph Subsection 40E-1.603(1)(c) 40E-1.603(4)(e), F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~40E-40.141~~, 373.416, 373.419 FS. History—New 9-3-81, Amended 4-20-94, 10-3-95, _____.

40E-40.381 General Conditions.

(1) No change.

(2) In addition to the general conditions referenced in subsection (1), the following shall apply to standard general permits authorizing incidental site activities:

(a) through (c) No change.

(d) Any damage to off-site property which may have been caused by the incidental site activities herein must be mitigated ~~or otherwise offset to the satisfaction of the District.~~

(e) through (f) No change.

(3) The standard general permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will meet the conditions for issuance in Rules 40E-4.301 and 40E-4.302, F.A.C ~~not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.~~

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.117, 373.118, 373.413, 373.416, 373.419 FS. History—New 9-3-81, Formerly 16K-4.021(1)(b), 16K-4.022(1)(c), Amended 7-26-87, 4-20-94, 10-3-95, _____.

40E-40.141 Request for Additional Information.

The District may request additional information from standard general permit applicants in accordance with paragraph 40E-1.603(1)(c) Subsection 40E-1.603(4)(e), F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~40E-40.141~~, 373.416, 373.419 FS. History—New 9-3-81, Amended 4-20-94, 10-3-95, _____.

40E-40.381 General Conditions.

(1) No change.

(2) In addition to the general conditions referenced in subsection (1), the following shall apply to standard general permits authorizing incidental site activities:

(a) through (c) No change.

(d) Any damage to off-site property which may have been caused by the incidental site activities herein must be mitigated ~~or otherwise offset to the satisfaction of the District.~~

(e) through (f) No change.

(3) The standard general permit shall be subject to other reasonable conditions as are necessary to assure that the permitted works will meet the conditions for issuance in Rules 40E-4.301 and 40E-4.302, F.A.C. ~~not be inconsistent with the overall objectives of the District and will not be harmful to the water resources of the District.~~

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.117, 373.118, 373.413, 373.416, 373.419 FS. History—New 9-3-81, Formerly 16K-4.021(1)(b), 16K-4.022(1)(c), Amended 7-26-87, 4-20-94, 10-3-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES: RULE NOS.:

PART I GENERAL PROVISIONS
Definitions 40E-400.021

PART II GENERAL ENVIRONMENTAL RESOURCE PERMITS
Subpart B No Notice General Environmental Resource Permits
No Notice General Permit for Activities in Uplands 40E-400.315

Subpart C Noticed General Environmental Resource Permits
General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks 40E-400.417

General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies 40E-400.467

General Permit to the Department to Conduct Minor Activities 40E-400.483

General Permit to the Department for Environmental Restoration or Enhancement Activities 40E-400.485

PURPOSE AND EFFECT: The Joint Administrative Procedures Committee (JAPC) objected to certain language in various sections of Chapter 40E-400, F.A.C. The objections were based upon rule vagueness, the SFWMD's lack of jurisdiction to enforce other agencies' regulations or require permittees to obtain approval from other regulatory agencies, and the lack of rule language specifying water quality standards for turbidity. The purpose of the proposed

amendments is to delete and/or revise language objected to by JAPC. Additionally, the SFWMD is updating various statutory and rule citations to be consistent with the current rules and laws in effect.

SUMMARY: Chapter 40E-400, F.A.C., addresses no notice and noticed environmental resource permits and implements the comprehensive permit system authorized in Part IV, Chapter 373, F.S. Specifically, the proposed amendments 1) delete a repealed statutory reference to Sections 403.91-.929, F.S. (1984 Supp.) as amended, and update a Chapter 62, F.A.C., rule citation (see 40E-400.021); 2) delete subsection (2)(c) of Rule 40E-400.315, F.A.C., pertaining to thresholds and additional conditions in Palm Beach County; 3) update a Chapter 373, F.S., definition citation (see 40E-400.417); 4) reference the Chapter 62, F.A.C., rule citations setting forth standards for maintaining State water quality standards regarding turbidity (see 40E-400.467); and 5) delete the reference to the Pollution Recovery Trust Fund (see 40E-400.485).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared by the SFWMD.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS.

LAW IMPLEMENTED: 373.113, 373.118, 373.413, 373.416, 373.426 FS.

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

TIME AND DATE: 8:30 a.m., January 9, 2003

PLACE: South Florida Water Management District Headquarters, Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded (in the event that a workshop or workshops are held pursuant to the terms set forth above), affected persons 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 or handicaps who need assistance may contact Garrett Wallace, District Clerk, (561)682-6371, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Penelope Bell, Office of Counsel, South Florida Water Management District, MSC 1410, 3301 Gun Club Road, West Palm Beach, FL 33416, 1(800)432-2045, Extension 6320 or (561)682-6320, or via email: pbell@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-400.021 Definitions.

(1) through (4) No change.

(5) "Forested wetlands" means those wetlands where the canopy coverage by trees with a diameter at breast height of greater than 4 inches is greater than 10 percent, as well as those areas required to be planted with tree species to establish or reestablish forested wetlands pursuant to a permit issued or enforcement action taken, under rules adopted under Part IV of Chapter 373, F.S., or Sections 403.91-929, F.S. (1984 Supp.) as amended, and those areas where the canopy has been temporarily removed but are expected to revegetate to a forested wetland if use of the area would remain unchanged.

(6) through (7) No change.

(8) "Materials" means matter of any kind, such as sand, clay, silt, rock, dredged material, construction debris, solid waste, pilings or other structures, ash, and residue from industrial and domestic processes. The term shall not include the temporary use and placement of lobster pots, crab traps, or similar devices or the placement of oyster culch pursuant to Section 370.16, F.S., or Rule ~~62R-6 62-5~~, F.A.C.

(9) through (10) No change.

Specific Authority 373.044, 373.113, 373.118, ~~373.171~~ FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended.

40E-400.315 No Notice General Permit for Activities in Uplands.

(1) No change.

(2) A no notice general permit is hereby granted for the construction or alteration of surface water management systems, provided that the surface water management system meets all of the conditions of subsection (a), below, and all thresholds and conditions of at least one of the subsections (b) or (c), ~~(e), or (d)~~, below.

(a) General Conditions.

1. The surface water management system design plans must be signed and sealed ~~a registered professional engineer or other individual authorized by law a Florida Registered Professional Engineer, if required by Chapter 471, F.S.;~~

2. The surface water management system must meet the criteria specified in Rules ~~40E-4.301, F.A.C., and applicable local requirements, and 40E-4.302, F.A.C.;~~

3. ~~The Except as allowed for in Rule 40E-40.041(7), F.A.C.,~~ project must not be located in natural water bodies, viable wetlands habitat, waters of the state, or a Florida Outstanding Water as listed in Rule ~~62-302.700, F.A.C.;~~ and

4. The permittee must have obtained a works of the District permit pursuant to Chapter 40E-6, F.A.C., if the project proposes to connect with, place structures in or across or otherwise make use of works of the District.

(b) Thresholds and Additional Conditions Within Dade County.

1. The project must have less than 40 acres total land area with positive stormwater outfall or less than 320 acres total land area and less than 160 acres of impervious area with no positive stormwater outfall.

2. The project and surface water management system must have been approved by the Dade County Department of Environmental Resource Management or its successor agency subsequent to October 2, 1977.

~~(c) Thresholds and Additional Conditions Within Palm Beach County.~~

~~1. The project must have less than 40 acres total land area.~~

~~2. The project and surface water management system must have been approved by Palm Beach County subsequent to October 2, 1977.~~

~~(c)(d)~~ Thresholds and Additional Conditions Within Collier County.

1. The project must have less than 40 acres total land area.

2. The project and surface water management system must have been approved by Collier County subsequent to September 17, 1980.

Specific Authority 373.044, 373.113, 373.118, 373.171, 403.813, 403.814 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended.

40E-400.417 General Permit for Construction, Alteration or Maintenance of Boat Ramps and Associated Accessory Docks.

(1) A general permit is hereby granted to any person for construction, alteration or maintenance of a boat ramp and the associated accessory docks, provided:

(a) through (e) No change.

(f) Ramps constructed or altered under this general permit shall not exceed a width of 35 feet, including the side slopes. State agencies, counties, municipalities and water management districts defined in established pursuant to ~~Subsection 373.019(18)(2), F.S.,~~ are authorized to construct or alter a ramp or to widen an existing ramp which does not exceed 50 feet in width;

(g) through (j) No change.

(k) A maximum of two accessory docks, abutting either one or both sides of the boat ramp shall be authorized, and the total square footage of the accessory docks shall be less than 500 square feet over wetlands or other surface waters. State agencies, counties, municipalities and water management districts defined in established pursuant to ~~Subsection 373.019(18)(2), F.S.,~~ are authorized to construct or alter accessory docks such that the total area of the accessory docks over wetlands or other surface waters does not exceed 1000 square feet and the accessory docks are not more than six feet wide;

(l) through (n) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended.

40E-400.467 General Permit for Breaching Mosquito Control Impoundments by Governmental Mosquito Control Agencies.

- (1) No change.
- (2) This general permit shall be subject to the following specific conditions:

(a) Spoil material excavated during construction of the breaches shall be handled and deposited in such a manner as to prevent violations of the water quality standards for turbidity, pursuant to Sections 62-4.242, 62-302.300, and 62-302.530, F.A.C., and shall be contained in an upland disposal site; and

- (b) through (3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended.

40E-400.483 General Permit to the Department to Conduct Minor Activities.

A general permit is hereby granted to the Department to conduct the activities described below:

(1) The repair, replacement or alteration of any existing bridge, levee, dam, pump station, lock, culvert, spillway, weir, or any other water control structure with structures of the same design or of a comparable design, provided that the maximum discharge rate capacity and control elevation do not exceed that of the structure to be replaced. Minor deviations in the structure’s design are authorized, including those due to changes in materials, construction techniques, or current construction codes or safety standards. Associated construction activities authorized by this permit include: temporary fill plugs or cofferdams; upland bypass channels; channel shaping needed to accommodate the repair, replacement, or alteration of the structure; and channel and bank stabilization, including riprap within 200 feet of the structure. Replacement may occur at the same site, or adjacent to the original structure. The area of wetlands or other surface waters from which material is to be dredged or filled shall not exceed a total of 0.5 acres for any one structure;

- (2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended.

40E-400.485 General Permit to the Department for Environmental Restoration or Enhancement Activities.

- (1) No change.
- (2) In order to qualify for this general permit, the environmental restoration or enhancement project must comply with any one of the following procedures:
 - (a) through (b) No change.

(c) The project is wholly or partially funded by the Department through ~~the Pollution Recovery Trust Fund pursuant to Section 403.165, F.S., or the Water Resources Restoration and Preservation Act pursuant to Section 403.0615 403.0165, F.S.~~

- (3) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History–New 10-3-95, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Terrie Bates, Director, Environmental Resource Regulation Department

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chip Merriam, Deputy Executive Director, Water Resources Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 8, 2002

**AGENCY FOR HEALTH CARE ADMINISTRATION
Health Facility and Agency Licensing**

RULE CHAPTER TITLE: Clinical Laboratory Standards
RULE CHAPTER NO.: 59A-7

RULE TITLES: Laboratory Licensure – Qualifications, Licensure, Operation and Application Fees
RULE NOS.: 59A-7.021, 59A-7.036

PURPOSE AND EFFECT: Chapter 59A-7, Florida Administrative Code, is being amended to address matters pertaining to the assessment, collection, and refund of clinical laboratory licensure fees. Revisions to the initial and renewal application forms are also being incorporated by reference.

SUMMARY: The assessment, collection and refund of clinical laboratory licensure fees.

SPECIFIC AUTHORITY: 483.051, 483.172 FS.

LAW IMPLEMENTED: 483.172 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: This rule revision implements statutory provisions already in effect and no new regulatory costs re being created. Clinical laboratory licensure fees are set by statute and can be found in section s. 483.171. These fees are based on the scope and volume of testing performed by the laboratory. This rule revision addresses the calculation of test volume, designation of specialities and subspecialities, provisions for payment of licensure fees, refunds, and other related matters. The proposed revisions will not result in substantial increase in the cost to affected parties and there will be no significant adverse effects on competition, employment, investment or productivity.

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

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

TIME AND DATE: 1:00 p.m., December 19, 2002

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Patricia L. James, Health Services and Facilities Consultant Supervisor, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) through (j) No change.

(k) Such other information requested on AHCA Form 3000-4, REV Nov 2002 Mar 95, necessary in carrying out the purpose of this part, as stated in section 483.021, F.S., as applicable to the laboratory operation. AHCA Form 3000-4, REV Nov 2002 Mar 95, shall be obtained from the agency and is incorporated by reference herein.

1. through 6. No change.

7. Such other information requested on AHCA Form 3170-2004, REV Nov 2002 Mar 95, necessary in carrying out the purpose of this part, as stated in section 483.021, F.S., as applicable to the laboratory operation. AHCA Form 3170-2004, REV Nov 2002 Mar 95, shall be obtained from the agency and is incorporated by reference herein.

(2) Payment A check for the correct amount of the fee must accompany the application, ~~or that application will be held in abeyance until the fee is received.~~

(3) through (7) No change.

(8) A license shall be valid for the period specified on the current license.

(a) In no event shall a license be issued for more than a 24 month period. In the event that specialties and subspecialties are added to an existing license, the expiration of the additional specialties/subspecialties shall be the expiration date of the current license. The licensure period will begin October 1, 1993, the effective date of Chapter 483, Part I, F.S., and shall be renewable on a biennial basis thereafter.

(b) Continued operation of a clinical laboratory that has not submitted a completed application or the required fee after the date of expiration of its license or after the date of sale in the event of a change of ownership shall be a criminal offence under s. 483.23, F.S., and shall result in administrative action up to and including an administrative fine charged to the

laboratory in the amount of \$100.00 per day, each day constituting a separate violation as authorized under s. 483.221, F.S.

(9) through (13) No change.

Specific Authority 483.051 FS. Law Implemented 483.051, 483.091, 483.101, 483.111, 483.172, 483.181, 483.221, 483.23 FS. History–New 11-20-94, Amended 7-4-95, 12-27-95.

59A-7.036 Fees.

(1) Each ~~The~~ license fee shall be assessed as stipulated in s. ~~section~~ 483.172, F.S., and the rules promulgated thereunder. These fees are separate from any applicable federal Clinical Laboratory Improvement Amendment (CLIA) certification fees.

(2) General.

(a) Fees are due at the time of application.

(b) Payments shall be made payable to the Agency for Health Care Administration.

(c) Payment shall be by check, money order or other method acceptable to the agency.

(d) If the information submitted to the agency regarding the specialties/subspecialties and volume of testing performed is determined by the agency to be incorrect, the agency shall require the submission of the applicable additional fee in compliance with s. 483.172, F.S. The agency is also authorized to take administrative action in accordance with s. 483.201(1), F.S.

(e) The calculation of the annual volume of testing shall be determined in the following manner:

1. Each test performed shall be counted individually.

2. If test profiles composed of multiple tests are performed on the same patient sample, each individual measured analyte shall be counted as one test.

3. Calculated test results, quality control samples, proficiency, and calibration/calibration verification testing shall not be counted as tests.

4. Tests defined as waived pursuant to s. 483.041(10), F.S., shall not be counted as tests.

5. Tests referred to another laboratory shall not be counted as tests.

6. For microbiology each sample shall be counted as one test, regardless of the number of organisms isolated or identified. Each organism for which an antibiotic sensitivity testing is performed shall be counted as one test.

7. For histopathology, each block shall be counted as one test, regardless of the number of slides prepared. Each special stain is counted as one test.

8. For cytology, each cytology slide shall be counted as one test.

9. For histocompatibility, each HLA typing, antibody screen, and crossmatch shall be counted as one test each.

10. For allergen testing, each allergen shall be counted as one test.

11. For urinalysis, each non-waived macroscopic examination shall be counted as one test and each urinalysis microscopic examination shall be counted as one test each.

12. For immunohematology, each ABO grouping, Rh typing, antibody detection, antibody identification, and cross match shall be counted as one test each.

13. For cytogenetics, each separate specimen type tested is counted as one test.

14. Out-of-state laboratories shall be allowed to count only those tests performed on specimens received from clinical laboratories licensed in Florida. Counting of such tests shall be in compliance with subparagraph 59A-7.036(2)(f)1. through 13., F.A.C.

(f) Determination of Specialties and Subspecialties.

1. For the purposes of this part, the term “categories of procedures” as found in s. 483.172, F.S., means the specialties and subspecialties as found in paragraphs 59A-7.020(16)(a)-(i), F.A.C., and shall be used to determine the applicable licensure fee in accordance with s. 483.172, F.S.

2. For the purposes of fee assessment, multiple subspecialties under a single specialty shall be considered one specialty.

(g) It is the licensee’s responsibility to ensure that the volume of testing and the number of specialties/subspecialties in which testing is performed is correctly submitted to the agency.

(h) Once a license has been issued to the licensee no refund shall be due if the licensee relinquishes the license or the license is revoked before the expiration date of the license.

(3) Fees for Initial Licensure.

(a) Certificate of Exemption.

1. The biennial fee for a Certificate of Exemption is \$100.

2. This fee and licensure certificate are applicable only for those entities performing tests defined as waived pursuant to s. 483.041(10), F.S. If licensure for non-waived testing is requested after the issue of a Certificate of Exemption, the entire applicable non-waived licensure fee is due. No refund of the previously issued Certificate of Exemption fee shall be due.

(b) The initial fee for laboratories accredited under the provisions of Rule 59A-7.033, F.A.C., is \$100 biennially.

If a facility requests accreditation status at initial licensure, the \$100 biennial licensure fee is applicable only if the applicant provides acceptable proof to the agency that the laboratory has been granted accreditation before the application process is completed. If such proof is not provided, the laboratory will not be considered accredited, and the applicable non-accredited licensure fee shall be assessed.

(c) The initial fee for laboratories that are accredited in some but not all specialties/subspecialties in which the laboratory will be licensed shall be determined by estimating the number of tests performed annually in the non-accredited specialties/subspecialties and the number of non-accredited

specialties/subspecialties in which the laboratory will be performing testing as declared by the applicant on AHCA Form 3000-4, REV, Nov 2002, AHCA Form 3170-2004, REV Nov 2002 and as specified in s. 483.172 and paragraph 59A-7.036(2)(c), F.A.C.

(d) The initial fee for non-accredited licensure for laboratories performing tests beyond the scope of a Certificate of Exemption shall be determined by the estimated number of tests performed annually and the number of specialties/subspecialties in which the laboratory will be performing testing as declared by the applicant on AHCA Form 3000-4, REV, Nov 2002, AHCA Form 3170-2004, REV Nov 2002 and as specified in s. 483.172 and paragraph 59A-7.036(2)(c), F.A.C.

(4) Fees for Renewal Licensure.

(a) Certificate of Exemption.

1. The biennial fee for a Certificate of Exemption renewal is \$100.

2. If licensure for non-waived testing is requested during the renewal period for a Certificate of Exemption, the non-waived licensure fee applicable in accordance with s. 483.172, F.S., shall be due.

(b) The fee for renewal of licensure for a laboratory accredited under the provisions of Rule 59A-7.033, F.A.C., is \$100 biennially. If one or more specialties/specialities are added to the license after the current license has been issued an additional fee shall be due if the accreditation organization does not perform the addition of specialty inspection. This additional fee shall be based on the volume of testing and number of specialties/subspecialties added in accordance with s. 483.172, F.S., as applicable.

(c) Fees for renewal of a non-accredited laboratory license performing tests beyond the scope of a Certificate of Exemption.

1. The renewal licensure fee for a laboratory for which there are no changes in volume, and specialties/subspecialties during the previous licensure period, shall be assessed based on the provisions of s. 483.172, F.S.

2. If the laboratory indicates that the volume of testing and/or specialties/subspecialties being performed has increased to the extent that it changes the fee category, the renewal fee shall be based on the new fee category, as applicable in s. 483.172, F.S.

3. If the laboratory indicates that it wants to add or delete one or more specialties/subspecialties, the renewal fee shall be based on the fee category as applicable in s. 483.172, F.S.

4. If the laboratory indicates that only waived testing is being performed, the renewal fee shall be the \$100 Certificate of Exemption fee.

5. If the laboratory indicates that it obtained accreditation status, the \$100 biennial licensure fee is applicable only if the applicant provides the agency with verification that it has been granted accreditation before the expiration date of the current

license. If this verification cannot be provided, the laboratory cannot be considered accredited, and the applicable non-accredited licensure fee will be assessed. No refund of the non-accredited licensure fee shall be due if the laboratory subsequently obtains accreditation status after the license has expired.

(5) Addition or deletion of specialties/subspecialties, or change in accreditation status after an initial or renewal license has been issued:

(a) If the laboratory indicates that it has ceased testing in one or more particular specialty/subspecialty, or has limited testing to tests defined as waived under s. 483.041(11), F.S., no fee or refund shall be due.

(b) If the laboratory voluntarily withdraws its accreditation status, no additional fee will be due unless the laboratory applies for a Certificate of Exemption to perform waived testing, or wishes to add a specialty/subspecialty. If the accreditation organization rescinds the laboratory's accreditation, or the agency performs a licensure survey prior to issuing a renewal license, the laboratory shall be assessed a licensure fee based on the provisions of s. 483.172, F.S. No refund of the previously paid accreditation fee will be given.

(6) If the laboratory applies for the addition of one or more specialties/subspecialties to an existing license, an additional fee will be due if the addition of such specialties/subspecialties results in a change in the applicable fee category. This additional fee shall be due at the time of application for the addition of the specialties/subspecialties.

(a) The additional fee shall be calculated by subtracting any new applicable licensure fee pursuant to s. 483.172 from the licensure fee already paid for the existing license.

(b) If the request for such an addition to the licensure specialties/subspecialties occurs within 90 days of the expiration date of the current license the renewal fee will be adjusted as applicable to include the additional specialties/subspecialties requested.

(c) If a facility requests accreditation status after a current license has been issued no refund shall be due.

(7)(2) Refunds.

(a) Laboratory licensure application fees are non-refundable except as provided in paragraph 59A-7.036(8)(2)(b), F.A.C.

(b) Refunds are authorized pursuant to provisions of s. section 215.26, F.S., and shall be approved only if a payment is made when no fee is due or an overpayment is made. in the following instances:

1. An overpayment of a fee;
2. A payment where no fee is due; and
3. Any payment made into the State Treasury in error.

(c) Applications for refund shall be on Form DBF-AA4, REV.7/1/87, incorporated by reference, which shall be provided by the agency and shall be filed with the Comptroller within 3 years from the date of payment into the State treasury or else such right shall be barred.

(d) Refund claims shall not be otherwise barred under the laws of this state.

Specific Authority 483.051 FS. Law Implemented 483.051, 483.172 FS. History—New 11-20-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Patricia James
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeffrey Gregg
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2001

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hospice Services
RULE NO.: 59G-4.140

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospice Services Coverage and Limitations Handbook, December 2002. The effect will be to incorporate by reference in the rule the current Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Hospice Services Coverage and Limitations Handbook, December 2002.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 9:00 a.m., Friday, December 20, 2002

PLACE: 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Peggy Stafford, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)488-9990

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, December 2002 July 1999, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB 92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peggy Stafford

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, MD, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLE: Specialty Electrical Contractors
PURPOSE AND EFFECT: To amend the rule to include descriptive language to clarify the scope of certification of a limited energy systems specialty contractor.

SUMMARY: This rule clarifies the scope of certification of a limited energy systems specialty contractor.

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: 489.511(5) FS.

LAW IMPLEMENTED: 489.511(5), 489.503(14), 489.505(19) 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-7.001 Specialty Electrical Contractors.

(1) through (3) No change.

(4) Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 77 volts, when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television or radio distribution system), voice command, radio frequency, central vacuum, or electric locks.

(a) through (5) No change.

Specific Authority 489.511(5) FS. Law Implemented 489.511(5), 489.503(14), 489.505(19) FS. History--New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00, 4-30-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 17, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 4, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineering

RULE TITLE: Qualifying Activities for Laws and Rules Requirements
RULE NO.: 61G15-22.010

PURPOSE AND EFFECT: This amendment sets forth the qualifying activities for laws and rules requirements.

SUMMARY: This amendment clarifies the activities that will satisfy the continuing education requirements for laws and rules of the Board.

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: 455.2178, 455.2179, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Natalie Lowe, Administrator, Board of Professional Engineers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.010 Qualifying Activities for Continuing Education Courses in Laws and Rules Requirements.

(1) In order to comply with the provisions of Section 471.017(3), F.S., licensees shall demonstrate professional competency relative to Chapter 471, F.S., and the Board's rules, by either completing a continuing education course, as detailed in subsection (2) below, by attending a board meeting at which disciplinary hearings are conducted as detailed in subsection (3) below, or by approval of the Board as a consulting engineer providing assistance to the Board in the performance of its duties, as detailed in subsection (4) below.

~~(2)(1) Successful completion of In order to meet the criteria contained in Section 471.017(3), F.S., a course of continuing education for laws and rules of the Board which must consist of a minimum of four (4) PDH's in laws and rules of the Board hours of instruction in Chapter 471, F.S., and Chapter 61G15, F.A.C.~~

~~(3)(2)(a) through (c) No change.~~

(d) Members of the Board of Professional Engineers shall receive four (4) PDH's in laws and rules of the Board for conducting these meetings.

(4) All consultant engineers used by the Board in the resolution of Board business, including rule making and prosecution of discipline cases and complaints, shall receive credit for four (4) PDH's in laws and rules of the Board by specific approval of the Board of a written list of such consultants during each biennium.

Specific Authority 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Definitions
RULE NO.: 61G19-1.009

PURPOSE AND EFFECT: The Board proposes to amend the existing rule to eliminate the verification requirements for practical working experience.

SUMMARY: The specific requirements for verification of practical working experience are eliminated in this amendment to the rule.

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

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

SPECIFIC AUTHORITY: 468.606, 468.607 FS.

LAW IMPLEMENTED: 468.603 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: Anthony Spivey, Executive Director, Board of Building of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-1.009 Definitions.

(1) through (7) No change.

(8) "Experience" means practical working experience as a trade person or construction, design or inspection industry professional, for compensation, ~~which may be verified upon the request of the Board through the production of original or certified copies of any of the following documents or other form acceptable to this Board, which shall include any of the following but is not limited to:~~

- ~~1. Copies of pay records/stubs~~
- ~~2. W-2 Forms~~
- ~~3. Federal income tax returns~~
- ~~4. Articles of Incorporation~~
- ~~5. Licensure in a related Field of Construction, design or inspection~~
- ~~6. Bona fide contracts for construction or construction related work~~

(9) No change.

Specific Authority 468.606, 468.607 FS. Law Implemented 468.603 FS. History—New 5-23-94, Amended 5-21-95, 11-20-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Building Code Administrators and Inspectors
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Building Code Administrators and Inspectors
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Application for Provisional and/or Standard Certification
RULE NO.: 61G19-6.0035

PURPOSE AND EFFECT: The Board proposes to amend the rule to revise the requirements for certification.

SUMMARY: The rule combines the application for provisional certification with the application for standard certification in the trade category.

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: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

(1) Each ~~All~~ individuals who wishes to obtain a provisional and/or standard certificate in any certificate category shall submit the following to the Board:

(a) A completed application form for the category in which certification is sought. Forms ~~BPR/BCAI/04 Rev. 10/98, Application For The Provisional Inspector Certification, BPR/BCAI/05 Rev. 10/98, Application For The Provisional Plans Examiner Certification, BPR/BCAI/06 Rev. 10/98, Application For The Provisional Building Code Administrator~~

~~Certification~~, which are hereby incorporated by reference, effective ~~2-23-99~~, copies of which may be obtained from the Board office, shall be used for this purpose.

(b) ~~An notarized~~ affidavit describing in detail of each separate period of work experience listed in the application form, which has been prepared and signed by a licensed an architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated ~~in the affidavit. Form BPR/BCAI/13, Rev. 10/98, Affidavit of Work Experience form,~~ which is hereby incorporated by reference, effective _____, in Rule 61G19-6.008, shall be used for this purpose. Each affidavit must include the name and address of the applicant's employer during the work experience period, the dates of employment, and a description of the applicant's duties and responsibilities during the employment including any supervisory responsibilities, in sufficient detail to enable the Board to determine whether or not the applicant has the experience required for certification. Each year of trade school will be credited as one (1) year of experience toward the required experience for the category of certificate sought.

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought construction or building inspection.

(d)(e) ~~Each Those~~ applicants ~~who are seeking to utilize their education~~ to qualify for certification through a combination of postsecondary education and work experience shall submit an official copy of all college or university transcripts which document the applicant's education in addition to all required affidavits of work experience. An applicant whose postsecondary education took place outside the United States and Canada shall provide to the Board, at his or her own expense, a complete course-by-course evaluation of any foreign transcripts by an evaluation service as approved by the Board.

(e) Each applicant who is not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time of the application shall submit payment of all applicable application, examination and certification fees as specified in Chapter 61G19-10, F.A.C.

(2) An applicant who qualifies for provisional certification in any category is also automatically certified to sit for the examination for standard certification in the same category at any time, without submitting further application, as long as the provisional certificate remains active and valid.

(3)(2) In addition to ~~all other the above~~ required items, each all applicants for ~~an provisional inspector certificate or a provisional plans examiner certificate~~ shall submit with the their application a statement from the applicant's their current

employer which shall indicate the applicant's present status with the employer. Each applicant employed by local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time the application is submitted, and must include on the statement the signature and license number of the building code administrator or building official for the applicant's employing agency.

(4)(3) In addition to all other the above required items, each all applicants for a provisional building code administrator certificate shall submit with the their application a statement from the applicant's their current employer which shall indicate the applicant's present status with the employer, and if the applicant is employed by local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time the application is submitted, the statement must include the signature of the chief executive officer of the applicant's employing agency.

Specific Authority 468.606, 468.609(7)(a) FS. Law Implemented 468.609(7)(a) FS. History—New 11-28-95, Amended 10-1-97, 2-23-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Building Code Administrators and Inspectors
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Building Code Administrators and Inspectors
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Reexamination
RULE NO.: 61G19-6.008

PURPOSE AND EFFECT: The Board proposes to eliminate certain provisions that relate to Application for Standard Certification by Examination which are being placed in another rule and to clarify the remaining provisions.

SUMMARY: The amended rule relates to reexamination of applicants.

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: 468.606, 468.609, 455.217 FS.

LAW IMPLEMENTED: 455.217 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

~~61G19-6.008 Application for Standard Certification by Examination; Reexamination.~~

~~(1) Individuals who wish to obtain a standard certificate by examination in any certificate category shall submit the following to the Board:~~

~~(a) All applicants shall submit a completed application form for the category in which certification is sought. Forms BPR/BCAI/01 Rev. 10/98, Application For The Inspection Certification By Examination, BPR/BCAI/03 Rev. 10/98, Application For The Building Code Administrator Certification By Examination, BPR/BCAI/02 Rev. 10/98, Application For The Plans Examiner Certification By Examination, which are hereby incorporated by reference, effective 2-23-99, copies of which may be obtained from the Board office, shall be used for this purpose.~~

~~(b) All applicants who are not employed by a municipal or county government or by a state agency at the time of their application shall submit payment of all applicable application, examination and certification fees as specified in Chapter 61G19-10.~~

~~(c) All applicants who are currently employed by a municipal or county government or by a state agency at the time of their application and who wish to apply for a standard inspector certificate or a standard plans examiner certificate shall submit with their application a statement from their current employer which shall indicate the applicant's present status with the employer, and must include the signature of the building code administrator or building official for the applicant's employing agency. All applicants who are currently employed by a municipal or county government or by a state agency at the time of their application and who wish to apply for a standard building code administrator certificate shall submit with their application a statement from their current employer which shall indicate the applicant's present status with the employer, and must include the signature of the chief executive officer of the applicant's employing agency.~~

~~(d) All applicants shall submit a notarized affidavit for each separate period of work experience which has been prepared and signed by an architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated in the affidavit. Form BPR/BCAI/13, Affidavit of Work Experience, Rev. 10/98, which is hereby incorporated by reference, effective 2-23-99, copies of which may be obtained from the Board office, shall be used for this purpose. Each affidavit must include the name and address of the employer, the dates of employment, and a description of the applicant's duties and responsibilities during the employment including any supervisory responsibilities. Each year of trade school will be credited as one (1) year of experience toward the required experience for the category of certificate sought. Each applicant shall demonstrate that he or she has at least one (1) year of hands-on experience in construction or building inspection.~~

~~(e) All applicants seeking to demonstrate their eligibility for the category of certificate sought through a combination of postsecondary education and experience shall, in addition to all required affidavits of work experience, submit an official transcript from all postsecondary educational institutions which the applicant attended.~~

~~(1)(2) All applicants who have taken and failed the licensure examination for a standard certificate and who wish to apply for reexamination in that certificate category shall submit the following to the Board:~~

~~(a) A completed application form for reexamination in the category in which certification is sought. Forms BPR/BCAI/07 Rev. 7/97, Reexamination Profile Data Form For The Inspector Examination, BPR/BCAI/08 Rev. 7/97, Reexamination Profile Data Form For The Plans Examiner Exam, and BPR/BCAI/09 Rev. 7/97, Reexamination Form For The Building Code Administrator Examination, which are hereby incorporated by reference, effective 10-1-97, copies of which may be obtained from the Board office, shall be used for this purpose.~~

~~(b) Those individuals who are not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes municipal or county government or by a state agency at the time of their application for reexamination shall submit payment of the applicable reexamination fees as specified in Chapter 61G19-10.~~

~~(2)(3) All application forms, reexamination forms, and any other required forms and documents must be received by the Board at least sixty (60) days prior to the date of the examination for which the individual is applying.~~

(3) A candidate for certification in the category of 1 and 2 family dwelling must pass all four parts of the examination within three years of the date on which the applicant is notified that he or she has been approved to take the examination

Specific Authority 468.606, 468.609~~(1),(2),(3)~~ 455.217 FS. Law Implemented ~~468.609(1),(2)~~, 455.217 FS. History—New 5-23-94, Amended 11-21-95, 5-6-96, 10-1-97, 2-23-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Building Code Administrators and Inspectors
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Building Code Administrators and Inspectors
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 20, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Building Code Administrators and Inspectors

RULE TITLE: Florida Principles and Practice
 RULE NO.: 61G19-6.0085
 PURPOSE AND EFFECT: The Board proposes to amend the rule to specify the criteria for employment necessary for licensure.

SUMMARY: This rule clarifies the circumstances under which an applicant for licensure is not required to retake the Principles and Practice examination.

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: 468.606 FS.

LAW IMPLEMENTED: 455.217(7), 468.609(5) 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: Anthony Spivey, Executive Director, Board of Building Code Administrators and Inspectors, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G19-6.0085 Florida Principles and Practice.

An applicant for licensure under this part shall satisfactorily complete the Florida laws and rules (Principles and Practice) exam with a passing grade of 70% or higher. An applicant shall not have to take that exam again provided the applicant has maintained continuous employment in one of the licensure

categories of Chapter 468, Part XII, Florida Statutes, or Chapter 471 or 481, Florida Statutes, active licensure and continuing education.

Specific Authority 468.606 FS. Law Implemented 455.217(7), 468.609(5) FS. History—New 1-15-96, Amended 6-10-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Building Code Administrators and Inspectors
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Building Code Administrators and Inspectors
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 20, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 11, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.: 02-17R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

General Permit for Activities Seaward of the Coastal Construction Control Line 62B-34

RULE TITLES: RULE NOS.:

Definitions 62B-34.010

Purpose 62B-34.020

Application Procedures 62B-34.030

Application Fees and Information

Requirements 62B-34.040

General Conditions 62B-34.050

General Permit for Non-habitable Major Structures and Associated Minor Structures or Activities 62B-34.060

General Permit for Single Family Dwellings and Associated Minor Structures or Activities 62B-34.070

PURPOSE AND EFFECT: To enforce the provisions of Section 161.053, F.S., providing general permits for activities occurring seaward of the Coastal Construction Control Line.

SUMMARY: The proposed rule is to implement a general permit for activities seaward of the coastal construction control line (CCCL). These Rules contain the provisions for General Permits for activities performed seaward of the Coastal Construction Control Line. They stipulate the terms, conditions, requirements, limitations and restrictions applicable to qualify for a general permit.

SPECIFIC AUTHORITY: 161.052, 161.053, 161.0535, 161.054 FS.

LAW IMPLEMENTED: 161.052, 161.053, 161.053(5), 161.053(19), 161.053(22), 161.0535, 161.054, 161.121 FS.

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

TIME AND DATE: 9:00 a.m., December 19, 2002

PLACE: Conference 153/154, Carr Bldg., 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

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 entitled "Official Notices." If you have additional questions please contact Rosaline Beckham, (850)488-3181.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE TITLE: RULE NO.:

Procedures for Approval of Attendance at Continuing Education Courses 64B32-6.004

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

SUMMARY: The Board is approving continuing education courses provided through the Accreditation Council for Continuing Medical Education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY: 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: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) 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: Kaye Howerton, Board Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. The American Association for Respiratory Care (AARC) as Category I or III,

2. The Florida Society for Respiratory Care, and

3. The Accreditation Council for Continuing Medical Education (ACCME) ~~American Medical Association (AMA)~~ ~~as Category I~~, the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Health Association, the American Nurses Association, and the Florida Nurses Association, provided that they are related to respiratory care services;

- (b) through (f) No change.
- (3) through (4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History--New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 1, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Rights and Responsibilities

RULE NO.: 65A-1.204

PURPOSE AND EFFECT: This proposed rule amendment incorporates by reference revised client notice and contact forms used to advise clients of their rights and responsibilities.

SUMMARY: The proposed amendment incorporates revised Rights and Responsibilities and Hearing Request forms by reference.

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: 409.212, 409.919, 410.033, 414.45 FS.

LAW IMPLEMENTED: 409.212, 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 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., December 20, 2002

PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, Policy Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.204 Rights and Responsibilities.

(1) No change.

(2) The individual has the right of confidentiality in accordance with sub-section (3) of this rule, to receive prompt action, equitable treatment, notification of any case action taken and to receive a fair hearing due to an appeal of case action. Department form CF-ES 2064, Oct 02 ~~Sep 00~~, (incorporated by reference) explains these and other rights and responsibilities. This form is given to each payee individual receiving or applying for assistance.

(3) No change.

(4) Fair hearings are conducted in accordance with the Florida Administrative Code Chapter 65-2, Part VI, and the Uniform Rules of Procedure set forth in Chapter 28-106, Parts I and II with the exception of sections 28-106.104, 28-106.105, 28-106.106, 28-106.107, 28-106.109, 28-106.111, and 28-106.201. Departmental form CF-ES 1007, Sep 01 ~~Jan 98~~ (incorporated by reference), is used to request fair hearings. Additionally, clients may request fair hearings either orally or in writing without using the form.

(5) No change.

Specific Authority ~~409.212~~, 409.919, ~~410.033~~, 414.45 FS. Law Implemented ~~409.212~~, 409.903, 409.904, 410.033, 414.095, 414.28, 414.295, 414.31 FS. History--New 4-9-92, Amended 11-22-93, Formerly 10C-1.204, Amended 12-29-98, 5-9-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Management Review Specialist
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2002
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE TITLE: Family Cap Requirements
RULE NO.: 65A-4.214

PURPOSE AND EFFECT: This proposed rule amendment deletes a portion of Family Cap policy that has been removed from state law and clarifies policies about breaks in receipt of temporary cash assistance.

SUMMARY: Date of conception exception policies are removed. Policies about breaks in receipt of temporary cash assistance are expanded to clarify conditions that constitute either a break in receipt of assistance or a reapplication under these policies.

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: 414.45 FS.

LAW IMPLEMENTED: 414.115 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., December 23, 2002

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, FL 32399-0700, (850)488-3090

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 65A-4.214 follows. See Florida Administrative Code for present text.)

65A-4.214 Family Cap Requirements.

(1) Family Cap. The first child born to a recipient of temporary cash assistance more than ten months from the date of application will be added to the temporary cash assistance group at one-half the incremental increase for an additional person. In the case of multiple births, each child will be added at one-half the incremental increase. Second or subsequent children subject to this policy and born to a temporary cash assistance recipient will not increase the benefit amount. These subsequent children are considered ineligible for temporary cash assistance. The income and assets of the second and subsequent child(ren) will be considered in the budget calculation, except for child support income. A child subject to the family cap will be considered temporary cash assistance eligible for all other purposes, including Medicaid and

categorical eligibility for food stamps. Once imposed, the cap continues to apply to a child unless an exception provided for by s. 414.115(2), F.S., is met.

(2) Assistance Breaks/Family Cap Count. A child born to an applicant or a recipient of temporary cash assistance is subject to family cap policy if the parent was a recipient of temporary cash assistance in any month more than ten months prior to the birth month and there has not been a break in assistance of six or more continuous months from the month the client last received assistance and the month of application. SSI mothers and those who receive cash assistance from another state are not considered temporary cash assistance recipients for purposes of this policy.

(3) Incapacity, Institutionalization or Incarceration. Once the incapacity, institutionalization or incarceration of the birth parent ceases to exist, the child will again be subject to the family cap.

Specific Authority 414.45 FS. Law Implemented 414.115 FS. History—New 4-13-98, Amended 4-27-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 14, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 13, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES: Authority 65C-17.001
Definitions 65C-17.002
Planning and Budgeting Functions 65C-17.003
Department Caseworker and Legal Responsibilities 65C-17.006

PURPOSE AND EFFECT: To confirm specific rule sections to recommendations of the Joint Administrative Procedures Committee (JAPC).

SUMMARY: The proposed amendment to Rule 65C-17.001, F.A.C. To correct the name of the Family Safety program; the age requirement of the “client beneficiary class”; to delete monthly amount for foster care allowance and; to clarify the responsibilities of caseworkers and child welfare attorneys.

SPECIFIC AUTHORITY: 402.17(1)(a)9. (1996 Supp.), 402.33(7)(a) FS.

LAW IMPLEMENTED: 402.17, 402.17(2)(c) (1996 Supp.) FS.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement regulatory costs, or to provide a proposal for a lowest cost regulatory alternative must do so in writing within 21 days of this notice) or: An estimate of this regulatory cost was not been prepared for this rule.)

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

DATE AND TIME: 9:00 a.m., December 19, 2002

PLACE: 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Anthony Owens, Operations & Management Consultant, Manager, Policy Support Unit, Children and Families Office, 1317 Winewood Blvd., Building 7, Suite 230, Tallahassee, Florida 32399 or by telephone (850)922-0211

THE FULL TEXT OF THE PROPOSED RULE IS:

65C-17.001 Authority.

Section 1 of Chapter 96-402, Laws of Florida, effective October 1, 1996, amended section 402.17, Florida Statutes (F.S.), to clarify the authority of the Department of Children and Family Services to hold in trust, as trustee, money and property of department clients. Pursuant to this clarification, a Master Trust Declaration was promulgated by order of the Leon County Circuit Court dated July 8, 1997 (a copy of the Master Trust Declaration and any subsequent amendments can be obtained from the Department of Children and Family Services Agency Clerk, 1317 Winewood Blvd., Tallahassee FL 32399-0700). Section 1 of Chapter 96-402 requires the department to "act to protect both the short-term and long-term interests of the clients for whose benefit it is holding such money and property." This rule chapter establishes criteria for balancing the short-term and long-term needs of client beneficiaries within the Family Safety and Preservation Program, and includes procedures for fee waiver and change in allowance requests.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New 4-6-99, Amended _____.

65C-17.002 Definitions.

For purposes of this rule, the following definitions contained within the Master Trust Declaration shall apply:

(1) through (3) No change.

(4) "Family Safety and Preservation program client beneficiary class" includes those clients under the age of 18 (or 18 to ~~23~~ 24 if enrolled in a full-time educational program under Section 409.145(3), F.S., although not in the custody of the department) who are, or who are considered to be, in the legal custody, care or control of the department, and who have received, or will receive, money and tangible or intangible

property for their sole use and benefit from any other person or entity that is placed in the possession or control of the department and for whom a separate trust for such individual does not exist, and who are or who become program clients:

(b) Because they require foster or other substitute care, whether on a short or long-term basis, or are placed in independent living arrangements, as provided under Chapter 39, 393, 394, 409 or 415, F.S.

(d) Because they are awaiting adoption under Chapter 63, F.S., or placement with a relative or other individual in foster care under Chapter 39, 409, or 415, F.S.;

(5) No change.

(6) "Foster care allowance" means a monthly stipend, ~~currently \$11.00~~, which is included in the foster care board payment sent to the foster parent for the personal needs of each foster child living in the home. See ss. 402.33(3), F.S. A child is eligible to apply for a change in the allowance through the fee waiver review process established in Rule 65C-17.005, F.A.C.

(7) through (8) No change.

(9) "Personal Allowance" means an amount (in addition to the ~~\$11.00~~ monthly foster care allowance – See definition (6) above) set aside from a child's Social Security Administration Title II (SSA), Supplemental Security Income (SSI), Veterans' (VA) or other federal benefit payment for the child's personal needs before any amounts are applied to the cost of care. See ss. 402.33(3); Rule 65-6.018, F.A.C. For children in foster care receiving a federal benefit payment, the amount set aside shall be no less than \$15.00 per month. The child is eligible to apply for a change in the monthly allowance through the fee waiver review process. The personal allowance, as well as any other portion of the benefit payment not deducted for cost of care, shall be placed in the child's current needs trust account and shall be available to the child at all times. Pursuant to s. 402.17, F.S., the department is authorized to transfer funds to an account for the long-term and other needs of the child if the amount in the current needs account accumulates to the extent that it endangers the child's eligibility for benefits (the eligibility limit is \$2,000). The personal allowance shall be used to obtain clothing, recreational needs or activities, therapeutic equipment, transportation, and other personal and comfort items for the child. If a child has other special needs which cannot be provided by the department, another local, state or federal source, or from the child's family members or other responsible party, the fee waiver process established in Rule 65C-17.005, F.A.C., shall be used to document the necessity of providing the essential item to the child.

(10) through (13) No change.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New 4-6-99, Amended _____.

65C-17.003 Planning and Budgeting Functions.
Balancing the current and long-term needs of a Family Safety program Master Trust client beneficiary shall involve the following planning and budgeting functions which must be cooperatively performed by district caseworkers and fiscal office personnel.

(1) No change.

(2) Family Safety ~~and Preservation~~ program Master Trust client beneficiaries who are in substitute care, and who receive Supplemental Security Income (SSI) benefits, are eligible to submit a Plan for Achieving Self-Support (PASS) to the Social Security Administration for approval. The approved Plan enables the department to set aside funds for long-term educational or vocational needs of the client as enumerated in the Plan, without affecting SSI eligibility. A PASS, Independent Living, or other case plan shall be developed for each member of this Master Trust client beneficiary group. A copy of the plan shall be kept in the client’s case file and a copy shall also be filed with the court exercising jurisdiction over the client. As part of the PASS or Independent Living plan, the caseworker is responsible for ensuring that a vocational aptitude assessment and report is done on each client who is able to participate. Unless waived or performed in-house, costs of such assessment shall be charged against the client’s applicable trust subaccount.

(3) No change.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New 4-6-99, Amended.

65C-17.006 Department Caseworker and Legal Responsibilities.

(1) The caseworker is responsible for ensuring that a copy of the client’s most recent quarterly accounting will be filled in the official record of the court having jurisdiction over the client or the client’s money and property at the time of each judicial review held in regard to the client.

(2) The department shall apply for an order from the court exercising jurisdiction over the client to direct the disposition of the money and property belonging to that client. The department’s attorney of record shall also provide notice of hearing to the Agency for Health Care Administration.

Specific Authority 402.17(1)(a)9. (1996 Supp.), 402.33(2), 402.33(7)(a) FS. Law Implemented 402.17, 402.17(2)(c) (1996 Supp.) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anthony Owens
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elizabeth Wynn
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 8, 2002
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 30, 2002

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.:	RULE TITLES:
6E-1.003	Definition of Terms
6E-1.0032	Fair Consumer Practices
6E-1.0041	Honorary Degrees

NOTICE OF CHANGE

Notice is hereby given that proposed Rules 6E-1.003, 6E-1.0032, and 6E-1.0041, F.A.C., published in Vol. 28, No. 43, October 25, 2002, Florida Administrative Weekly, have been changed to reflect comments received from the Joint Administrative Procedures Committee on November 12, 2002, and during public discussions at several Rules Development Workshops held between July and November, 2002, a Rules Committee meeting on November 14, 2002, and a Public Hearing on November 15, 2002. The proposed rules have been changed so that when adopted they will read:

(Substantial rewording of Rule 6E-1.003 follows. See Florida Administrative Code for present text.)

6E-1.003 Definition of Terms.

Terms used in these rules are defined in Section 1005.02, Florida Statutes. In addition, as used in the rules of this Commission, unless the context clearly indicates otherwise:

(1) “Accredited foreign medical schools” means institutions chartered outside the United States, in a nation whose accreditation standards have been determined by the United States Department of Education to be comparable to the accreditation standards applied to United States medical schools, when the foreign medical school has been inspected