

(4) Trap owners affected by a disaster, pursuant to Chapter 370.143(4), Florida Statutes, will be allowed ten calendar days after notification to claim traps from a Commission authorized storage area. Unclaimed traps will be properly disabled and disposed of as trap debris.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New

68B-55.004 Retrieval of Derelict Traps.

(1) During the closed season for the harvest of any species for which traps are allowable gear, and after any authorized trap retrieval period together with any extensions, traps are considered to be derelict and may be retrieved as part of coastal cleanup events conducted by local, state, or federal government entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups. Such events shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised but without the mandatory reporting required in Rule 68B-55.003, F.A.C.

(2) During the open season for harvest of any species for which traps are allowable gear, retrieval of derelict traps may occur at any time deemed appropriate by the Commission. Commission employees, local, state, or federal personnel, or members of a fishery participant organization may retrieve derelict traps. Retrieval other than by Commission personnel shall only be pursuant to a Commission approved plan. The plan shall include the operational area and time period proposed, authorized personnel, the number of vessels, methods of disposition, and number and qualifications of supervisory personnel. An approved plan also include notification of the Commission's Division of Law Enforcement no less than 24 hours prior to commencement of retrieval under this program with final float plan information including contact information, vessel registration numbers, trip times, and number of days.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth D. Haddad, Executive Director, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 21, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2003

Section III Notices of Changes, Corrections and Withdrawals

PUBLIC SERVICE COMMISSION

DOCKET NO.: 020398-EQ

RULE NO.: 25-22.082

RULE TITLE:

Selection of Generating Capacity

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 43, October 25, 2002, issue of the Florida Administrative Weekly. The Notice of Rule Development was published in Vol. 28, No. 23, June 7, 2002, issue of the Florida Administrative Weekly.

25-22.082 Selection of Generating Capacity.

(1) ~~Scope and Intent. A Public Utility is required to provide reasonably sufficient, adequate, and efficient service to the public at fair and reasonable rates. In order to assure an adequate and reliable source of energy, a public utility must plan and construct or purchase sufficient generating capacity. To assure fair and reasonable rates and to avoid the further uneconomic duplication of generation, transmission, and distribution facilities in Florida, a public utility must select the most economical and cost effective mix of supply-side and demand-side resources to meet the demand and energy requirements of its end-use consumers.~~ The intent of this rule is to provide the Commission information to evaluate a public utility's decision regarding the addition of generating capacity pursuant to ~~Section Chapter~~ 403.519, Florida Statutes. The use of a Request for Proposals (RFP) process is an appropriate means to ensure that a public utility's selection of a proposed generation addition is the most cost-effective alternative available.

(2) through (a) No change.

(b) Next Planned Generating Unit: the next generating unit addition planned for construction by a public an investor-owned utility that will require certification pursuant to Section 403.519, Florida Statutes.

(c) through (e) No change.

(3) Prior to filing a petition for determination of need for an electrical power plant pursuant to Section 403.519, Florida Statutes, each public investor-owned electric utility shall evaluate supply-side alternatives to its next planned generating unit by issuing a Request for Proposals (RFP).

(4) through (c) No change.

(5) No term of the RFP shall be unfair, unduly discriminatory, onerous, or commercially infeasible. Each public utility's RFP shall include, at a minimum:

(a) through 13. No change.

(b) a copy of the public utility's most recent Ten-Year Site Plan Detailed information regarding the public utility's ten year historical and ten year projected net energy for load;

(c) through 8. No change.

(e) a detailed description of the criteria and the methodology, including any weighting and ranking factors, to be used to evaluate alternative generating proposals on the basis of price and non-price attributes;-

(f) All criteria, including all weighting and ranking factors that will be applied to select the finalists. Such criteria may include price and non-price considerations, but no criterion shall be employed that is not expressly identified in the RFP absent a showing of good cause;

~~(f)(g)~~ Any application fees that will be required of a participant. Any such fees or deposits shall be cost-based;

~~(g)(h)~~ best available Any information regarding system-specific conditions which may include, but not be limited to, preferred locations proximate to load centers, transmission constraints, the need for voltage support in particular areas, and/or the public utility's need or desire for greater diversity of fuel sources.

(6) No attribute, criterion, or methodology shall be employed that is not identified in the RFP absent a showing that such attribute, criterion, or methodology is necessary for and consistent with the purpose of this rule.

(6) through (8) renumbered (7) through (9) No change.

~~(10)(9)~~ The public utility shall allow participants to formulate creative responses to the RFP, such as responses which employ innovative or inventive technologies or processes. The public utility shall evaluate all proposals.

~~(11)(10)~~ No change.

~~(12)(11)~~ A potential participant who attended the public utility's post-issuance meeting may file with the Commission specific objections to any terms of the RFP limited to specific allegations of violations of this rule within 10 days of the post-issuance of the RFP meeting. The public utility may file a written response within 5 days. Within 30 days from the date of the objection, the Commission panel assigned shall determine whether the objection as stated would demonstrate that a rule violation has occurred, based on the written submission and oral argument by the objector and the public utility, without discovery or an evidentiary hearing. The RFP process will not be abated pending the resolution of such objections. Failure to file objections within 10 days shall constitute a waiver of those objections. The Commission will address any objections to the terms of the RFP on an expedited basis.

~~(13)(12)~~ No change.

~~(14)(13)~~ The public utility shall evaluate the proposals received in response to the RFP in a fair comparison with the public utility's next planned generating unit identified in the RFP. The public utility may modify the construction costs and/or performance parameters affecting revenue requirements in its next planned generating unit that it included in the RFP.

However, if it chooses to do so, it must inform participants of its intent, and provide the participants (limited to the remaining finalists) a corresponding opportunity to revise their bids.

~~(15)(14)~~ If the Commission approves a purchase power agreement as a result of the RFP, the public utility shall be authorized to recover the prudently incurred costs of the agreement through the public utility's capacity, and fuel and purchased power cost recovery clauses absent evidence of fraud, mistake, or similar grounds sufficient to disturb the finality of the approval under governing law. If the public utility selects a self-build option, any costs in addition to those identified in the need determination proceeding shall not be recoverable unless the utility can demonstrate that such costs were prudently incurred and due to extraordinary circumstances unforeseen and beyond its control.

~~(16)(15)~~ No change.

(17) In implementing an RFP under this rule, the public utility may use or incorporate an auction process.

~~(18)(16)~~ Upon a showing by a public utility and a finding by the Commission that a proposal not in compliance with the rule's provisions will likely result in a lower cost supply of electricity to the utility's general body of ratepayers, increase the reliable supply of electricity to the utility's general body of ratepayers, or otherwise will serve the public welfare, the Commission shall exempt the utility from compliance with the rule or any part of it for which such justification is found. The Commission may waive this rule or any part thereof upon a showing that the waiver would likely result in a lower cost supply of electricity to the utility's general body of ratepayers, increase the reliable supply of electricity to the utility's general body of ratepayers, or is otherwise in the public interest.

Specific Authority 350.127(2), 366.01, 366.05(1), 366.05(7), 366.06(2), 366.07, 366.051 FS. Law Implemented 403.519, 366.04(1), 366.04(2), 366.04(5), 366.06(1), 366.06(2), 366.07, 366.041, 366.051 FS. History--New 1-20-94, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-210.101 Routine Mail

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 29, No. 14, April 4, 2003, will be held as follows:

TIME AND DATE: 10:00 a.m., Monday, May 21, 2003
PLACE: Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

RULE NOS.: RULE TITLES:
41-2.006 Insurance, Safety Requirements and Standards
41-2.012 Coordinating Board Structure and Duties

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rules in accordance with subparagraph 120.54(3)(a)1., F.S., published in Vol. 29, No. 15, April 11, 2003 issue of the Florida Administrative Weekly.

The correction is as follows:

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AT THE COMMISSION'S NEXT MEETING TO BE HELD BY TELEPHONE CONFERENCE CALL ON MAY 29, 2003.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, Florida 32399-0450.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.012
 RULE TITLE: Physician Assistant Performance

NOTICE OF PUBLIC HEARING

The Council on Physician Assistants of the Board of Medicine hereby gives notice of a public hearing on the above-referenced rule to be held on May 9, 2003, at 1:00 p.m., or as soon thereafter as can be heard, at the Hilton Tampa Airport, 2225 North Lois Avenue, Tampa, Florida 33607.

The rule was originally published in Vol. 29, No. 12, of the March 21, 2003 issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.006
 RULE TITLE: Examination Security and Sanctions for Subversion

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule In accordance with subparagraph 120.54(3)(d)1., F. S., published in the Vol. 28, No. 50, December 13, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on April 11, 2003.

Subsection (2) of 64B17-3.006 shall now read as follows:

(2) An applicant or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be disqualified from taking the examination and from licensure as a physical therapist, and shall receive a failing grade on the examination if applicable.

Specific Authority 486.023(4), 486.025 FS. Law Implemented 456.017(1)(d) FS. History--New _____

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-4.006
 RULE TITLE: Examination Security and Sanctions for Subversion

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule In accordance with subparagraph 120.54(3)(d)1., F.S., published in the Vol. 28, No. 50, December 13, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on April 11, 2003.

Subsection (2) of 64B17-4.006 shall now read as follows:

(2) An applicant or examinee who is found by the Board, prior to, during, or after the administration of an examination, to have engaged or to have attempted to engage in conduct that subverts or undermines the integrity of the examination process shall be disqualified from taking the examination and from licensure as a physical therapist assistant, and shall receive a failing grade on the examination if applicable.

Specific Authority 486.023(4), 486.025 FS. Law Implemented 456.017(1)(d) FS. History--New _____

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Board Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-12.009
 RULE TITLE: Continuing Education Provider Fees

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 1, of the Florida Administrative Weekly on January 3, 2003, has been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE RULE IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64D-3.002
RULE TITLES: Notifiable Diseases or Conditions to be Reported, Human
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the above proposed rules published in the Florida Administrative Weekly, Vol. 29, N. 9, February 28, 2003. The changes were made in response to written comments received by the public and incorporated into the Public Hearing record.

64D-3.002 Notifiable Diseases or Conditions to be Reported, Human.

Subsection (1)(w) through (1) (hhhh) shall now read as follows:

- (w) Epsilon toxin of Clostridium perfringens
- (w) through (ddd) renumbered as (x) through (eee)
- (fff) Ricin Toxin
- (eee) through (bbbb) renumbered as (ggg) through (dddd)
- (eeee) (~~eeee~~) Viral hemorrhagic ~~hemorrhagic~~ fever (includes Ebola, Marburg, Lassa and Machupo) (T)
- (dddd) through (hhhh) renumbered as (ffff) through (jjjj).

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 479,
FOUR CARD CASH
RULE NO.: 53ER03-22

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 479, "FOUR CARD CASH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-22 Instant Game Number 479, FOUR CARD CASH.

(1) Name of Game. Instant Game Number 479, "FOUR CARD CASH."

(2) Price. FOUR CARD CASH lottery tickets sell for \$1.00 per ticket.

(3) FOUR CARD CASH lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning FOUR CARD CASH lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any FOUR CARD CASH lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR CARD" play symbols are as follows:

INSERT SYMBOLS

(5) The "DEALER'S CARD" play symbols are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prizewinners. There are four "YOUR CARD" play areas and one "DEALER'S CARD" play area on a ticket. Players may win on one or more cards per ticket.

(a) A ticket having a card in a "YOUR CARD" play area that beats the card in the "DEALER'S CARD" play area shall entitle the claimant to the corresponding prize shown for that card. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$400, and \$1,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a FOUR CARD CASH lottery ticket that entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.