

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### Commission for Independent Education

RULE TITLE: General Requirements

RULE NO.: 6F-1.001

PURPOSE AND EFFECT: The Commission proposes to repeal the rule as the content is now part of Chapter 6E, F.A.C., consolidated when the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education merged.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 246.205(1), 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 120.53(1)(b), 246.207(1)(e), 246.213(1), 246.215(1), 246.217(3), 246.226, 246.2265, 246.228 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: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 6F-1.001 General Requirements.

Specific Authority 246.205(1), 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e), 246.213(1), 246.215(1), 246.217(3), 246.226, 246.2265, 246.228 FS. History—New 12-19-74, Formerly 6F-7.01, Amended 7-26-78, 5-10-84, Formerly 6F-1.01, Amended 5-27-87, 7-17-90, 10-3-91, 3-29-93, 12-4-95, 1-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2003

### DEPARTMENT OF EDUCATION

#### Commission for Independent Education

RULE TITLES:	RULE NOS.:
Certificate of License for Schools	6F-2.001
Change in Ownership	6F-2.0015
Change in Control	6F-2.0016
Student Protection Fund	6F-2.0017
Minimum Standards for Licensure of Schools	6F-2.002
Fair Consumer Practices	6F-2.0024
Fee Schedule	6F-2.0026
School Descriptive Inventory	6F-2.003
Advertising	6F-2.004
Probable Cause Panel	6F-2.006

PURPOSE AND EFFECT: The Commission proposes to repeal the rules as the content is now part of Chapter 6E, F.A.C., consolidated when the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education merged.

SUMMARY: These rules are being repealed.

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

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

SPECIFIC AUTHORITY: 246.205(1), 246.207, 246.213, 246.219, 246.222, 246.226(3) FS.

LAW IMPLEMENTED: 120.60, 246.207(1)(e), 246.213, 246.215, 246.217, 246.219, 246.222 246.2235, 120.53(1)(b), 246.226, 246.228(1)(h) FS. 246.205(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

**6F-2.001 Certificate of License for Schools.**

Specific Authority 246.205(1), 246.207(1)(e), 246.213, 246.219 FS. Law Implemented 120.60, 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS. History—New 12-19-74, Formerly 6F-6.01, Amended 7-26-78, 5-10-84, Formerly 6F-2.01, Amended 5-27-87, 7-17-90, 10-3-91, 3-29-93, 11-27-95, 1-22-01, Repealed.

**6F-2.0015 Change in Ownership.**

Specific Authority 246.205(1), 246.207(1)(e), 246.213(1) FS. Law Implemented 246.207(1)(e), 246.213, 246.215 FS. History—New 7-17-90, Amended 3-29-93, 1-22-01, Repealed.

**6F-2.0016 Change in Control.**

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.213, 246.215 FS. History—New 7-17-90, Amended 3-29-93, 8-17-98, 1-22-01, Repealed.

**6F-2.0017 Student Protection Fund.**

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), (2)(g), 246.213(1) FS. History—New 10-3-91, Amended 12-4-95, 9-9-98, 1-22-01, Repealed.

**6F-2.002 Minimum Standards for Licensure of Schools.**

Specific Authority 246.207(1)(e), 246.213, 246.222 FS. Law Implemented 246.207(1)(e), 246.213(2)(a),(b),(d), 246.215(1), 246.222 FS. History—New 12-19-74, Formerly 6F-5.01, Amended 7-26-78, 11-14-78, 5-10-84, Formerly 6F-2.02, Amended 5-27-87, 7-16-89, 7-17-90, 5-14-91, 10-3-91, 3-29-93, 12-4-95, 1-22-01, Repealed.

**6F-2.0024 Fair Consumer Practices.**

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(2)(a), 246.2235 FS. History—New 11-27-95, Amended 1-22-01, Repealed.

**6F-2.0026 Fee Schedule.**

Specific Authority 246.205(1), 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e),(2)(g), 246.213(1), 246.215(1), 246.217(4)(a), 246.219, 246.2235(6) FS. History—New 11-27-95, Amended 1-22-01, Repealed.

**6F-2.003 School Descriptive Inventory.**

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(2)(a), 246.217(1), 246.2235(6) FS. History—New 12-19-74, Formerly 6F-4.01, Amended 7-26-78, 5-10-84, Formerly 6F-2.03, Amended 5-27-87, 7-5-89, 7-17-90, 10-3-91, 11-27-95, 1-22-01, Repealed.

**6F-2.004 Advertising.**

Specific Authority 246.207(1)(d), 246.213 FS. Law Implemented 246.213(2), 246.215(3), 246.228(1)(h) FS. History—New 12-19-74, Formerly 6F-5.01(1)(g), Amended 7-26-78, 5-10-84, Formerly 6F-2.04, Amended 5-27-87, 11-27-95, 1-22-01, Repealed.

**6F-2.006 Probable Cause Panel.**

Specific Authority 246.213(1), 246.226(3) FS. Law Implemented 246.226 FS. History—New 11-26-02, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2003

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE TITLES:

RULE NOS.:

Agents; License Required

6F-3.001

Agents; Qualifications, Training, Limitation

of Authority, Responsibilities of Schools,

Agents, and Applicants

6F-3.002

PURPOSE AND EFFECT: The Commission proposes to repeal the rules as the content is now part of Chapter 6E, F.A.C., consolidated when the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education merged.

SUMMARY: These rules are being repealed.

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

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

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 246.207(1)(e), 246.213(3), 246.215(2), 246.219, 246.201(3), 246.226, 246.2265, 246.228 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

**6F-3.001 Agents; License Required.**

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 246.207(1)(e), 246.213(3), 246.215(2), 246.219 FS. History—New 12-19-74, Formerly 6F-5.01(2), Amended 10-7-75, 7-26-78, 5-10-84, Formerly 6F-3.01, Amended 5-27-87, 7-5-89, 7-17-90, 10-3-91, 1-22-01, Repealed.

**6F-3.002 Agents; Qualifications, Training, Limitation of Authority, Responsibilities of Schools, Agents, and Applicants.**

Specific Authority 246.207(1)(e), 246.213(1) FS. Law Implemented 246.201(3), 246.207(1), 246.213(3), 246.215(2), 246.226, 246.2265, 246.228 FS. History—New 7-17-90, Amended 1-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Commission for Independent Education  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Commission for Independent  
Education  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 16, 2003

#### DEPARTMENT OF EDUCATION

##### Commission for Independent Education

RULE TITLE: License Application Package

RULE NO.: 6F-4.001

PURPOSE AND EFFECT: The Commission proposes to repeal the rule as the content is now part of Chapter 6E, F.A.C., consolidated when the State Board of Independent Colleges and Universities and the State Board of Nonpublic Career Education merged.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 246.207(1)(e), 246.213 FS.

LAW IMPLEMENTED: 120.53(1)(b), 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 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: Samuel Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6F-4.001 License Application Package.

Specific Authority 246.207(1)(e), 246.213 FS. Law Implemented 120.53(1)(b), 246.207(1)(e), 246.213, 246.215, 246.217, 246.219 FS. History—New 12-19-74, Amended 7-26-78, 5-10-84, Formerly 6F-4.01, Amended 5-27-87, 7-16-89, 7-17-90, 10-3-91, 3-29-93, 11-27-95, 1-22-01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Commission for Independent  
Education

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 16, 2003

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and  
Landscape Management

RULE CHAPTER NO.: 14-40

RULE TITLES: Grant Application Process

RULE NOS.: 14-40.020

Florida Highway Beautification Council

Grant Award Process

14-40.022

Funding, Construction, and Maintenance  
of Beautification Projects

14-40.023

PURPOSE AND EFFECT: This amendment to Part II of Rule Chapter 14-40, F.A.C., makes several technical changes and simplifications. The Florida Highway Beautification Council Grant Application also is being revised to include these changes.

SUMMARY: This is an amendment to Part II of Rule Chapter 14-40, F.A.C.

SPECIFIC AUTHORITY: 339.2405 FS.

LAW IMPLEMENTED: 339.2405 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 RULE IS: James C. Myers, Clerk of Agency Proceedings, 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:

14-40.020 Grant Application Process.

(1) Definitions.

(a) "Agreement" means the contract between the Applicant and the Department setting forth the terms of the grant.

~~(b)(a)~~ "Applicant" means a local governmental entity, as defined in Section 11.45(1)(d), Florida Statutes, or a local highway beautification council.

~~(c)(b)~~ "Department" means the Florida Department of Transportation.

~~(d)(e)~~ "FHBC" means the Florida Highway Beautification Council.

~~(e)(d)~~ "Grant" means funds provided by the Department to Applicants, pursuant to this Rule Chapter.

~~(e) "Grant Agreement" means the contract between the Applicant and the Department setting forth the terms of the Grant.~~

(f) "Grant Application" means the Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. 04/03 ~~03/03~~, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450, or through the Department website at <http://www11.myflorida.com/emo/>.

(g) "Grant Coordinator" means the Department District employee responsible for the FHBC grant program.

(2) Grant Application.

(a) Grant applications for highway beautification grants from the FHBC must be filed and processed in accordance with this Rule Chapter. When preparing a grant ~~an~~ application for the next fiscal year, applicants should meet and work with the Grant Coordinator on or about October 1, to give adequate time for review and revisions before the February 1, application deadline.

(b) Previous recipients of grants are eligible to submit a grant application if their previous FHBC grant projects are maintained according to the terms of previous grant agreements, ~~and any construction or maintenance agreements~~.

(c) Applicants must submit grant requests on a completed grant application to the Grant Coordinator ~~Department District Maintenance Engineer~~ having jurisdiction over the state highway on which the beautification project is proposed. Grant applications must be accompanied by the following supporting documents: location map, photographs of existing conditions, one page written project narrative, written or graphic conceptual plan (in accordance with Part I of this Rule Chapter), one paragraph descriptions of each evaluation attribute, photographs or sketches of examples of proposed improvements, list of proposed plant species (scientific and botanical names) and anticipated quantities, anticipated maintenance schedule, proposed means of providing supplemental water, project schedule, and resolutions required in section (g) below.

(d) In order for the FHBC to consider a grant application for any Department fiscal year, ten paper copies or electronic file copies of the completed grant application and supporting documents must be received by the Grant Coordinator by February 1 of the Department fiscal year. When requested by the Grant Coordinator, additional copies will be provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be returned to the applicant. An applicant may amend and resubmit any returned grant application by the February 1 deadline.

(e) In accordance with Section 215.01, Florida Statutes, the Department's fiscal year begins on July 1 and ends on June 30.

(f) Applicants may submit an unlimited number of grant applications, for any number of project sites.

(g) The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant to execute agreements and documents associated with the grant; ~~including a grant agreement~~. A copy of such resolution must be included with the application.

Specific Authority 339.2405 FS, Law Implemented 339.2405 FS. History-- New 1-19-99, Amended 11-22-01, 3-20-03, \_\_\_\_\_.

14-40.022 Florida Highway Beautification Council Grant Award Process.

(1) The FHBC will consider all grant applications submitted by each Grant Coordinator.

(a) The FHBC will evaluate the applications based on the following attributes:

1. Aesthetic value and imaginative conceptual design.
2. Level of local support and community involvement.
3. Cost effectiveness.
4. Feasibility of installation and maintenance.
5. Contribution to improvement of environmental conditions, including litter prevention, erosion control, visual screening, and noise abatement.
6. Use of Florida native wildflowers, and diversity of other desirable native, hybrid native, or noninvasive plant species.
7. Emphasis on low maintenance, ~~irrigation~~, and water conservation.
8. Use of recycled materials such as mulch, reuse water, or solid yard waste compost.
9. Contribution to an area wide or regional beautification plan.
10. Value to the community.

(b) The FHBC will assign a numerical score to each application by:

1. Reviewing each grant application and assigning a numerical score using the established range of 0 to 10 points for each attribute for a total possible score of 100 points.
2. Totaling all the attribute scores for a total application numerical score.

(c) Grant ~~a~~Applications will be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

(2) The FHBC will provide the Department with a list of prioritized grant applications, with recommended funding levels, and conditions for grant awards, by the first day of the fiscal year in which the funds are available.

Specific Authority 339.2405 FS, Law Implemented 339.2405 FS. History-- New 3-9-99, Amended 11-22-01, 3-20-03, \_\_\_\_\_.

14-40.023 Funding, Construction, and Maintenance of Beautification Projects.

(1) Award of Grants.

(a) Each grant will be limited to a maximum of 10% of the total Department's FHBC grants budget. Applicants are encouraged to submit grant applications for projects supported with equal (50%) matching funds from other sources. Other match percentages will be considered.

(b) Official notice of each grant award will be made by the Department by certified mail to the applicant named in the grant application.

(c) To accept a grant, an applicant must send a letter of acceptance by certified mail to the Grant Coordinator within 15 days from the date of receipt of the offer of the award.

(d) Funds will be released by the Department when ~~the grant agreement and any construction and maintenance~~ agreements are executed, the project is constructed as per plans approved by the Department (see Part I of this Rule Chapter), there is written final acceptance by the Department, and receipts for grant expenses are reviewed and approved by the Department.

(e) All funding of grants is contingent upon legislative appropriations.

(2) Execution of Grant Agreements.

(a) ~~The applicant must execute a grant agreement within 90 days after the agreement is received from the Grant Coordinator. Construction and maintenance~~ Agreements associated with the grant must be executed within one year from date of the letter of acceptance grant agreement, and meet the requirements of Rule 14-40.003(3)(c), F.A.C. Failure to execute the required agreements will result in the grant award being withdrawn. Future grant applications from an applicant who fails to comply with this subsection will not be accepted for a period of two fiscal years.

(b) The ~~grant~~ agreement(s) between the applicant and the Department must state:

1. The intended use of the grant, as described in the grant application.

2. The payment terms for the grant (e.g., lump sum reimbursement or progress payments for long term work).

3. Any actions which the Department will take in the event of noncompliance by the applicant.

4. The methods to be used by the Department to determine compliance with the terms of ~~the grant and~~ the agreement.

(c) The individual(s) who sign the agreements on behalf of the grant applicant, or the grant applicant's designee, shall certify that the project is implemented as specified in the ~~grant agreement, and any construction and maintenance~~ agreements, and shall provide a certification of completion before the final invoices are submitted for the project.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History-- New 3-20-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeff Caster, State Transportation Landscape Architect,  
Environmental Management Office and the Florida Highway  
Beautification Council

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 27, 2003

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

## WATER MANAGEMENT DISTRICTS

### South Florida Water Management District

RULE TITLE: Forms and Instructions

RULE NO.: 40E-1.659

PURPOSE AND EFFECT: To amend Rule 40E-1.659, F.A.C. and Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. 0881, incorporated by reference in Rule 40E-1.659, F.A.C., to provide modified construction completion certification requirements for surface water management systems with wet retention/detention containing side slopes steeper than 4:1 (horizontal:vertical) for projects permitted prior to October 3, 1995.

SUMMARY: The proposed rule amendment provides modified construction completion certification requirements for surface water management systems with wet retention/detention containing side slopes steeper than 4:1 (horizontal:vertical) for projects permitted prior to October 3, 1995.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: 8:30 a.m., July 10, 2003

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, 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 RULE IS: For technical issues or for copies of Environmental Resource/Surface Water Management Permit Construction Completion Certification Form No. 0881A or

Form No. 0881B contact: Maria Clemente, P.E., South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 2996 or (561)682-2996, internet: mclement@sfwmd.gov; For procedural issues contact: Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33406-4680, 1(800)432-2045, Extension 6699 or (561)682-6699, internet: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works and Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	12-01	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188	12-01	Pumpage Report
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	12-01	Application for a Short-term Dewatering General Water Use Permit
0483	8-95	Request for Environmental Resource, Surface Water Management, Water Use, or Wetland Resource Permit Transfer
0645	12-01	Water Use Permit Application

0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881A	<del>-03</del> 8-95	Environmental Resource/Surface Water Management Permit Construction Completion/ <del>Construction</del> Certification
0881B	<del>-03</del>	<u>Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995</u>
0889	8-95	Certification of Waiver of Permit Application Processing Fee
0920	8-95	Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0938	8-95	Mitigation Construction Commencement Notice
0941	8-95	Environmental Resource Standards/Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.
0960	8-95	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0961	8-95	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0970	8-95	Applicant Transmittal Form for Requested Additional Information
0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit

(2) No change.

Specific Authority 120.53, 373.044, 373.113, F.S. Law Implemented 120.53, 373.113 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 8-14-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Terrie Bates, Director, Environmental Resource Regulation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: South Florida Water Management  
District Governing Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 15, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 14, 2003

## WATER MANAGEMENT DISTRICTS

### South Florida Water Management District

RULE TITLES: RULE NOS.:

Publications, Rules and Interagency  
Agreements Incorporated by Reference 40E-4.091  
Conversion from Construction Phase  
to Operation Phase 40E-4.361  
General Conditions 40E-4.381

PURPOSE AND EFFECT: To amend Rules 40E-4.091, 40E-4.361, 40E-4.381, F.A.C., and Sections 10.1 and 10.2 of the "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District – April 2003" incorporated by reference in Rule 40E-4.091, F.A.C., to reflect modified construction completion certification requirements for surface water management systems with wet retention/detention containing side slopes steeper than 4:1 (horizontal:vertical) for projects permitted prior to October 3, 1995. In addition, Environmental Resource/Surface Water Management Permit Construction Completion/Construction Certification Form No. 0881, referenced in each of these rules is revised to reflect the modified requirements for construction completion certification.

SUMMARY: The proposed rule amendments provide modified construction completion certification requirements for surface water management systems with wet retention/detention containing side slopes steeper than 4:1 (horizontal:vertical) for projects permitted prior to October 3, 1995.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.413 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: 8:30 a.m., July 10, 2003

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, 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: For technical issues or for copies of Environmental Resource/Surface Water Management Permit Construction Completion Certification Form No. 0881A or Form No. 0881B: Maria Clemente, P.E., South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 2996 or (561)682-2996, internet: [mclement@sfwmd.gov](mailto:mclement@sfwmd.gov); For procedural issues contact: Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33406-4680, 1(800)432-2045, Extension 6699 or (561)682-6699, internet: [jsluth@sfwmd.gov](mailto:jsluth@sfwmd.gov)

THE FULL TEXT OF THE PROPOSED RULES IS:

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 – April 2003".

(b) through (j) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426 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, 6-26-02, 4-14-03, \_\_\_\_\_.

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

(1) No change.

(a) No change.

(b) A completed and executed Environmental Resource/Surface Water Management Permit Construction Completion/~~Construction~~ Certification Form No. 0881A or Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995 Form No. 0881B, 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 the South Florida Water Management District — ~~April 2003~~”, incorporated by reference in Rule 40E-4.091, F.A.C.; and

(c) No change.

(2) through (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, 4-14-03, \_\_\_\_\_.

40E-4.381 General Conditions.

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

(f) Within thirty days after completion of construction of the permitted activity, the permittee shall submit a written statement of completion and certification by a professional engineer or other individual authorized by law, utilizing the supplied Environmental Resource/Surface Water Management Permit Construction Completion/~~Construction~~ Certification Form No. 0881A or Environmental Resource/Surface Water Management Permit Construction Completion Certification — For Projects Permitted Prior to October 3, 1995 Form No. 0881B, 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 deviation 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) through (s) No change.

(2) No change.

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, 4-14-03, \_\_\_\_\_.

(The following represents proposed changes to section 10.1 and 10.2 of the document entitled “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District — April 2003” incorporated by reference in Rule 40E-4.091, F.A.C.)

## 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 Florida licensed 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 Construction Completion/~~Construction~~ Certification Form #0881A, or equivalent.

(b) The District recognizes that Form #0881A does not apply to all water management systems. If Form #0881A does not apply to a particular system, ~~for example, exfiltration trench~~, then a certification confirming the constructed appropriate elements and dimensions of that system, such as lengths, diameters and elevations ~~of the exfiltration system~~ must be provided. The following certification statement must also appear on the certification report: ~~Note that if no deviations are detected by the certifying engineer, then the District is not requiring that a copy of the approved permit drawings be submitted.~~

I HEREBY NOTIFY THE DISTRICT OF THE COMPLETION OF CONSTRUCTION OF ALL THE COMPONENTS OF THE SURFACE WATER MANAGEMENT FACILITIES FOR THE ABOVE REFERENCED PROJECT AND CERTIFY THAT THEY HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS PERMITTED BY THE DISTRICT. [A COPY OF THE APPROVED PERMIT DRAWINGS IS ATTACHED WITH DEVIATIONS NOTED, IF APPLICABLE.] I HEREBY AFFIX MY SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_. (REFERENCE 373.117, 373.419, F.S.)

(c) If no deviations are detected by the certifying engineer, copies of the approved permit drawings need not be submitted.

(d) The District will accept Construction Completion Certification Form #0881B for surface water management systems with wet retention/detention areas for projects permitted prior to October 3, 1995 provided that a Florida licensed Professional Engineer certifies that:

1. Existing side slopes are no steeper than 2:1 (horizontal:vertical) from top of bank out to a minimum depth of two feet below the control elevation, except at headwalls, and/or other structural connections;

2. The surface water management system currently functions as intended, consistent with the permitted surface water management system, including level of water quality treatment, level of flood protection, and storm attenuation;

3. The wet retention/detention area side slopes have been adequately maintained and stabilized to support the operation of the surface water management system;

4. All other components and facilities associated with the permitted surface water management system are certified as being constructed in substantial conformance with the plans and specifications permitted by the District;

### 10.2 Construction Completion/~~Construction~~ Certification for Phased Projects

(a) through (b) No change.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
Terrie Bates, Director, Environmental Resource Regulation  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: South Florida Water Management  
District Governing Board  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 15, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 14, 2003

## WATER MANAGEMENT DISTRICTS

### South Florida Water Management District

RULE TITLE: Content of Permit Applications  
RULE NO.: 40E-4.101  
PURPOSE AND EFFECT: To require a Notice of Individual Environmental Resource Permit ("ERP") or Surface Water Management Permit ("SWM") be recorded in the county where the property is located. The purpose is to provide sellers and purchasers of real property containing a surface water management system with notice that there is an ERP or SWM permit and that the permit does not run with the land. It is therefore necessary to transfer the permit. The notice shall not operate as an encumbrance.

SUMMARY: This rule amendment will require recording of Individual Environmental Resource permits and Surface Water Management permits in the county where the property is located. The notice shall not operate as an encumbrance.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No formal statement of estimated regulatory costs 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: 373.016, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.117, 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., July 10, 2003

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

Although Governing Board meetings, hearings and workshops are normally recorded, 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 RULE IS: Jan Sluth, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6669 or (561)682-6669, internet: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.101 Content of Permit Applications.

(1) No change.

(2) The application must be signed by the owner or the owner's authorized agent and include documentation of ownership. Applications signed by agents must contain a letter of authorization which is signed by the owner. Those having the right to exercise the power of eminent domain or having a contract to purchase real property may apply for a permit, however, the permit shall prohibit commencement of work until the permittee provides proof of ownership to the District. A permit shall only be issued to the record title holder, holder of a recorded easement conveying the right to utilize the property for a purpose consistent with the authorization requested in the permit application, those having the right to exercise the power of eminent domain or having a contract to purchase real property. A Notice of Individual Environmental Resource or Surface Water Management Permit shall be filed in the county where the property is located. This notice shall not be considered an encumbrance upon the property.

Specific Authority 373.016, 373.044, 373.113, 373.17 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, Formerly 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, \_\_\_\_\_.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 14, 2003

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Medicaid

RULE TITLE: Independent Laboratory Services  
RULE NO.: 59G-4.190

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, October 2003. The handbook change consists of

the March 2003 fee schedule. The effect will be to incorporate by reference in the rule the current Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Independent Laboratory Services Coverage and Limitations Handbook, October 2003. The handbook change consists of the March 2003 fee schedule.

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: 409.905, 409.908, 409.9081 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: TBA

PLACE: TBA

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.190 Independent Laboratory Services.

(1) This rule applies to all freestanding clinical laboratories enrolled in the Medicaid program. ~~under Section 409.905(7), F.S.~~

(2) All independent laboratory providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, October 2003 ~~April 2001~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 ~~and Child Health Check-Up 221~~, which is incorporated by reference in Rule 59G-4.001 ~~59G-5.020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Amended 10-11-81, Formerly 10C-7.41, Amended 6-30-92, Formerly 10C-7.041, Amended 9-28-94, 1-9-96, 10-20-96, 9-14-97, 3-22-00, 5-16-01, 2-14-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan Rinaldi, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7308

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rhonda M. Medows, M.D., FAFP, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 29, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 14, 2003

## DEPARTMENT OF MANAGEMENT SERVICES

### Division of Facilities Management

RULE CHAPTER TITLE: Leases for Real Property RULE CHAPTER NO.: 60H-1

RULE TITLE: Right-to-Terminate Clause Required RULE NO.: 60H-1.007

PURPOSE AND EFFECT: These amendments conform the rules to the current statute by specifically including “renewals” of leases within the scope of the rules.

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

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

SPECIFIC AUTHORITY: 255.249, 255.25, 255.503 FS.

LAW IMPLEMENTED: 255.249, 255.21, 255.25, 255.254, 255.503 FS.

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

TIME AND DATE: 10:00 a.m., July 6, 2003

PLACE: The Department of Management Services, Room 260L, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Randall C. Baker, Chief, Real Property Management, Department of Management Services, 4050 Esplanade Way, Building 4030, Suite 380, Tallahassee FL 32399-0950, (850)488-6519, bakerr@dms.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

60H-1.007 Right-to-Terminate Clause Required.

Article XXI of the Standard Lease Agreement, the right-to-terminate clause, allowing the agency to terminate the lease with notice if public space becomes available, shall be a part of any lease for a term exceeding one year, may not be omitted from an agency’s lease for any reason and shall be deemed a part of any lease and given full legal force and effect. However, prior to or during the term of any lease, extension(s) or renewal(s) thereof, or any replacement lease of 5,000 square feet or greater, the Department of Management Services, at the written request of the user Agency, may exempt any lease,

extension(s) or renewal(s) thereof, or any replacement lease from the requirements of this rule if the cumulative cost of the new lease, extension(s) or renewal(s), or replacement lease being proposed by the existing Lessor, is at least 10 percent less than the current market value of a comparable lease in the private sector as determined by an independent market analysis performed by the Agency, plus documented moving costs. A present value analysis index shall be used in calculating lease costs.

Specific Authority 255.25 FS. Law Implemented 255.25(2) FS. History—New 8-11-75, Amended 4-25-79, Formerly 13D-7.07, 13M-1.007, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Randall C. Baker, Chief, Real Property Management,  
Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Robert Hosay, Assistant Deputy  
Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 27, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 28, 2003

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

### Board of Funeral Directors and Embalmers

RULE TITLE: Disciplinary Guidelines RULE NO.: 61G8-30.001

PURPOSE AND EFFECT: The Board proposes the rule amendments to delete the aggravating and mitigating circumstances that contravene the law implemented.

SUMMARY: The rule deletes language that lists “severity of the offense” and “repetition of the offense” as aggravating factors when determining a penalty for violation of the rules, statutes, or both.

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

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

SPECIFIC AUTHORITY: 455.2273, 470.005 FS.

LAW IMPLEMENTED: 455.2273, 470.019, 470.031, 470.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE  
PROPOSED RULE IS: Juanita Chastain, Executive Director,  
Board of Funeral Directors and Embalmers, Northwood  
Centre, 1940 N. Monroe Street, Tallahassee, Florida  
32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G8-30.001 Disciplinary Guidelines.

(1) through (5) No change.

(6) Based upon consideration of the following factors, the Board may impose disciplinary action other than the penalties recommended in paragraphs (1) through (5) above:

~~(a) The severity of the offense;~~

~~(a)(b) The danger to the public~~

~~(c) The number of repetitions of offenses;~~

(d) through (p) renumbered (b) through (m) No change.

Specific Authority 455.2273, 470.005 FS. Law Implemented 455.2273, 470.019, 470.031, 470.036 FS. History—New 12-15-86, Amended 9-27-88, Formerly 21J-30.001, Amended 7-9-95, 2-11-96, 5-1-96, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Funeral Directors and Embalmers

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Funeral Directors and  
Embalmers

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: April 30, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 5, 2003

## DEPARTMENT OF HEALTH

### Board of Occupational Therapy

RULE TITLE: Inactive and Delinquent Status Fees RULE NO.: 64B11-5.006

PURPOSE AND EFFECT: To update inactive status fees.

SUMMARY: The Board determined to delete subsection (1) of this rule pursuant to comments from the staff at Joint Administrative Procedures Committee.

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: 468.221 FS.

LAW IMPLEMENTED: 468.221 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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.006 Inactive and Delinquent Status Fees.

The fees for individuals holding a license pursuant to Section 468.221, F.S., shall be as follows:

- (1) ~~The fee for an inactive status license shall be \$55.00.~~
- (2) through (4) renumbered (1) through (3) No change.

Specific Authority 468.221 FS. Law Implemented 456.036, 468.221 FS. History—New 4-17-95, Formerly 59R-64.040, Amended 2-7-02, 2-10-03,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2003  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

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

#### DEPARTMENT OF INSURANCE

RULE NO.: 4-211.320  
RULE TITLE: Curriculum Standards for Special Designations

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 16, April 18, 2003, of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

In Subsection (2), the words, "or Professional Claims Adjuster (PCA)" are deleted.

The remainder of the rule reads as previously published.

#### BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: (02-48R)

RULE CHAPTER NO.: 18-21  
RULE CHAPTER TITLE: Sovereignty Submerged Lands Management

RULE NOS.:  
18-21.003  
18-21.004

RULE TITLES:  
Definitions  
Management Policies, Standards,  
and Criteria

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 13, (March 28, 2003), issue of the Florida Administrative Weekly and on the Department's official notice Internet site at [www.dep.state.fl.us](http://www.dep.state.fl.us).

These proposed changes, along with the rule as published March 28, 2003, will be considered by the Board of Trustees at the Rule Adoption Hearing to be held June 26, 2003, beginning at 9:00 am, in Room LL03 (Cabinet Meeting Room), The Capitol, Tallahassee, Florida.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Bascom, Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd, MS 140, Tallahassee, FL 32399-3000, (850)245-2784, facsimile (850)245-2786 or e-mail: [Michael.Bascom@dep.state.fl.us](mailto:Michael.Bascom@dep.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULES IS:

18-21.003 Definitions.

When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) through (52) No change.

(53) "Spring" – means a point where ground water emerges onto the earth's surface, including under any surface water of the state, excluding seeps. The term "spring" shall include karst windows, a depression opening that reveals portions of a subterranean flow or the unroofed portion of a cave ~~where ground water is visible from the surface~~.

(54) "Spring run" – means a body of flowing water that originates from a spring or whose primary source of water is from a spring or springs under average rainfall conditions.

(53) through (57) renumbered (55) through (59) No change.

18-21.004 Management Policies, Standards and Criteria.

The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereignty submerged lands.

(1) No change.

(2) Resource Management.

(a) through (m) No change.