

SUBJECT AREA TO BE ADDRESSED: Modifications to several forms and exhibits incorporated into the rule by reference and clarifications to recently adopted rule language.

SPECIFIC AUTHORITY: 394.457(3), 394.493(2), 394.66(9),(12), 394.674(4),(6), 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(5), 402.73(7) FS.

LAW IMPLEMENTED: 394.457(3), 394.493(2), 394.66(9),(12), 394.674(3),(4), 394.74, 394.76(1),(5), 394.77, 394.78(1),(3),(6), 397.321(3)(c),(10), 397.431, 397.481 FS.

BECAUSE PROPOSED AMENDMENTS WILL BE BASED ON FEEDBACK RECEIVED FROM AFFECTED PROVIDERS AS A RESULT OF STATEWIDE TRAINING ON RECENTLY ADOPTED RULE AMENDMENTS, A RULE DEVELOPMENT WORKSHOP IS NOT PLANNED. IF A WORKSHOP IS 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, WHEN AVAILABLE, IS: Larry Ochalek, 1317 Winewood Blvd., Building 6, Room 307, Tallahassee, Florida 32399-0700, (850)414-1500

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

Commission develops. The affected counties have opted to form a single LRRC and the Commission anticipates delivering the preliminary rule proposal to the LRRC in July 2003. The LRRC has tentatively scheduled a series of public meetings to be held in July and August 2003, with the first meeting being scheduled for July 15 at the offices of the Tampa Bay Regional Planning Council in St. Petersburg. Additional information about the LRRC or its meeting schedule should be directed to Ms. Nanette Holland of the Tampa Bay Estuary Program, (727)893-2765.

SUBJECT AREA TO BE ADDRESSED: Manatee protection in the Tampa Bay area.

SPECIFIC AUTHORITY: 370.12(2)(g),(n),(o) FS.

LAW IMPLEMENTED: 370.12(2)(d),(g),(k),(n),(o) FS.

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 IS: Mr. Scott Calleson, Bureau of Protected Species Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manatees	68C-22
RULE TITLES:	RULE NOS.:
Hillsborough County Zones	68C-22.013
Manatee County Zones	68C-22.014
Pinellas County Zones	68C-22.016
Hillsborough County – Big Bend Zones Established	68C-22.022

PURPOSE AND EFFECT: In April 2001, the Florida Fish and Wildlife Conservation Commission agreed to consider the need to adopt or amend manatee protection regulations in several specific locations around the state. Tampa Bay is one of the areas identified for evaluation. The Commission is considering what (if any) additional regulations are needed to protect manatees or manatee habitat in this area. Options being considered include regulations that would limit allowable motorboat speed and operation, as well as regulations that would prohibit some human activities in limited portions of Tampa Bay. As required by §370.12(2)(f), F.S., the Commission has requested that the counties of Hillsborough, Manatee, and Pinellas establish a Local Rule Review Committee (LRRC) for the purpose of reviewing and commenting on the preliminary rule proposal that the

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Best Management Practices (BMPs) for Citrus, Cow/Calf, Dairies and Other Agriculture in the Lake Okeechobee priority basins (S-191, S-154, S65 D and E)	5M-3
RULE TITLES:	RULE NOS.:
Purpose	5M-3.001
Definitions	5M-3.002
Approved Best Management Practices	5M-3.003
Notice of Intent to Implement	5M-3.004
Presumption of Compliance	5M-3.005
Land Application of Animal Wastes	5M-3.006
Record Keeping	5M-3.007
Land Use Changes	5M-3.008
Preservation of Authority	5M-3.009

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have 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 presumption of compliance with state water quality standards, and release from the provisions of Section 376.307 (5), F.S., for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in s. 373.4595, F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

FACTS AND CIRCUMSTANCES: The legislature, through Section 373.4595 F.S., directed the Florida Department of Agriculture and Consumer Services to develop and adopt by rule suitable interim measures and/or Best Management Practices or other measures necessary for Lake Okeechobee Phosphorus load reduction. The development of these practices shall initially focus on the priority basins listed in Section 373.4595(b)1., F.S., These practices shall be part of an ongoing program for the improvement of existing, and the development of new, interim measures or best management practices.

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: 373.4594, 403.067 FS.

LAW IMPLEMENTED: 373.4595, 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 RULES IS: Clegg Hooks or Ken Kuhl, Environmental Administrators, Office of Agricultural Water Policy, 1203 Governors' Square Blvd., Suite 200, Tallahassee, Florida 32301, (850)488-6249 or Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-3.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state. The rule defines the phosphorus

management requirements of agricultural producers necessary to receive a presumption of compliance with state water quality standards, including those established by the Total Maximum Daily Load (TMDL) program and the South Florida Water Management District's Works of the District Program contained in Chapter 40E-61, F.A.C. Implementation of this rule is part of a comprehensive program to achieve water quality standards. Reasonable assurance for achieving water quality standards is enhanced through verification monitoring at representative sites and subsequent identification of additional or modified control measures where needed. Where it is determined that additional control measures are necessary to achieve compliance with water quality standards, established phosphorus reduction targets or total maximum daily loads, the implementation of these measures will be achieved through a modification of this rule.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History--New _____.

5M-3.002 Definitions.

(1) "Agricultural Nutrient Management Assessment and Plan" ("ANMAP") means a site-specific plan establishing the rate at which nutrients (manure, litter, waste bedding and process wastewater) can be land applied so as to meet crop nutrient needs while minimizing the amount of pollutant discharged to waters of the State. The ANMAP shall include site-specific Best Management Practices to address all relevant operation and maintenance activities. The ANMAP shall be consistent with the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) technical standards and the USDA's December 2000 Technical Guidance for Developing Comprehensive Nutrient Management Plans, which may be viewed or copied by going to <http://www.nrcs.usda.gov/programs/afo/> or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd Street, Gainesville, Florida 32614-1510.

(2) "Agronomic Rates" means the application of nutrients to the soil that equals the rate of nutrient uptake, by existing or planned agriculture crop or pasture grass, required to produce an expected yield while minimizing adverse environmental effects.

(3) "Animal Wastes" means manure, used bedding, litter, feed, soil, urine, compost, and process wastewater from animal production areas.

(4) "Buy-out Dairy Property" means property on which a "dairy farm", as defined in subsection 5D-1.001(49), F.A.C., and a "high intensity area", as defined in Chapter 62-670, F.A.C., have ceased operations.

(5) "Conservation Plan" means a record of the landowner's decisions and supporting information for treatment of a unit of land or water as a result of the planning process that meets Field Office Technical Guide (FOTG) quality criteria for each natural resource (soil, water, air, plants, and animals) and takes into account economic and

social considerations. The plan must be developed in accordance with the United States Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) National Planning Procedures Handbook-Amendment 3 and approved by USDA/NRCS, and shall specify the schedule of operations and land activities needed to solve identified natural resource problems. The needs of the landowner, the resources, and federal, state and local requirements must be met. The National Planning Procedures Handbook-Amendment 3 may be viewed or copied by going to http://policy.nrcs.usda.gov/scripts/lpsiis.dll/H/H_180_600.htm, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(6) "Field Office Technical Guide (FOTG)" means the official NRCS guidelines, criteria, and standards for planning and applying conservation treatments, which may be viewed or copied by going to <http://www.nrcs.usda.gov/technical/efotg/> or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(7) "Nutrient Management" Plan means a component of a site specific conservation plan that is designed and applied according to the USDA- NRCS conservation practice standard, Nutrient Management, Code 590, located in Section IV of the FOTG/Efotg. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients including manure and animal by-products, and soil amendments. Nutrient Management Plans are applicable to all lands where plant nutrients and soil amendments are applied. The Nutrient Management, Code 590, Conservation practice standard may be viewed or copied by going to <http://policy.nrcs.usda.gov/scripts/lpsiis.dll/H/H.htm>.

Specific Authority 373.4595, 403.067 F.S. Law Implemented 373.4595, 403.067 F.S. History--New _____.

5M-3.003 Approved Best Management Practices.

The following best management practices (BMPs) are approved for the Lake Okeechobee priority basins (S-191, S-154, S-65 D and E) as identified in s. 373.4595 (3)(b)1, F.S.:

(1) The document titled *Water Quality/Quantity BMPs for the Indian River Area Citrus Groves*, (May 2000) is hereby incorporated and adopted by reference in this rule. Copies of this document may be obtained from the University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, Florida 34945.

(2) The document titled *Water Quality BMPs for Cow/Calf Operations*, (June 1999) is hereby incorporated and adopted by reference in this rule. Copies of the document may be obtained from the Florida Cattlemen's Association, P. O. Box 421929, Kissimmee, Florida 34742-1929.

(3) Implementation of a site specific conservation plan developed in accordance with the USDA/NRCS National Planning Procedures Handbook-Amendment 3 and approved by the USDA/NRCS. A copy of the National Planning

Procedures Handbook – Amendment 3 may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

(4) Implementation of a site specific Agricultural Nutrient Management Assessment and Plan (ANMAP), as defined in Rule 5M-3.002, F.A.C., developed for a dairy or cow/calf operation located on buyout dairy property.

Specific Authority 373.4594, 403.067 F.S. Law Implemented 373.4595, 403.067 F.S. History--New _____.

5M-3.004 Notice of Intent to Implement.

A Notice of Intent to Implement any of the non-regulatory and incentive based programs set forth in Rule 5M-3.003, F.A.C., shall be submitted to the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) Such notice shall identify those practices from the approved best management practices listed in Rule 5M-3.003, F.A.C., the applicant intends to implement. The notice shall also include: the name of the property owner; the location of the property (ies); the property tax ID number(s); a timeline for implementation, the gross acreage on which each practice will be implemented; the name and contact information for an authorized representative; and the signature of the owner, leaseholder, or authorized agent.

(2) Once filed with the Florida Department of Agriculture and Consumer Services, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 373.4595(3)(c)1.b., F.S.

Specific Authority 373.4595, 403.067 F.S. Law Implemented 373.4595, 403.067 F.S. History--New _____.

5M-3.005 Presumption of Compliance.

(1) Citrus:

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the implemented practices, the applicant must:

(a) Conduct an assessment of the subject properties, with the assistance of FDACS personnel, using the Citrus Grower Best Management Practices Checklist incorporated in the document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves*, (May 2000)

(b) Submit the Notice of Intent to Implement outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(d) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs;

(e) Allow FDACS access to the property(ies) for verification of implementation, operation, and maintenance of BMPs, and;

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 North, Okeechobee, Florida 34972-4168 for development of a Conservation Plan.

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, Florida 34972.

(2) Cow/Calf:

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the implemented practices, the applicant must:

(a) Conduct an assessment of the subject properties, with the assistance of FDACS personnel, using the Water Quality Risk Assessment section of the document titled *Water Quality BMPs for Cow/Calf Operations* (June 1999);

(b) Submit the Notice of Intent to Implement outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified as a result of the assessment of the subject properties;

(d) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs;

(e) Allow FDACS access to the property(ies) for verification of implementation, operation and maintenance of BMPs; and

(f) Within 60 days of submission of the Notice of Intent, sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 N., Okeechobee, FL 34972-4168 for development of a Conservation Plan.

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C.; and

(h) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 E. North Park St., Suite C, Okeechobee, FL 34972.

(3) Dairies/ Buyout Dairies:

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices, the applicant must:

(a) Submit a Notice of Intent to Implement as outlined in Rule 5M-3.004, F.A.C.;

(b) Implement the non-regulatory and incentive-based programs identified in the Agricultural Nutrient Management Assessment and Plan for the subject properties and listed in the Notice of Intent to Implement; and

(c) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

(d) Allow FDACS access to the property(ies) for verification and implementation, operation and maintenance of BMPs.

(4) Other Agriculture:

In order to receive the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices, the applicant must:

(a) Sign up with the USDA/NRCS Okeechobee Service Center, 482 Highway 98 North, Okeechobee, Florida 34972-4168 for development of a Conservation Plan.

(b) Submit a Notice of Intent to Implement as outlined in Rule 5M-3.004, F.A.C.;

(c) Implement the non-regulatory and incentive-based programs identified in the site-specific Conservation Plan developed in accordance with subsection 5M-3.003(3), F.A.C. for the subject properties; and

(d) Provide a copy of the completed Conservation Plan to the Okeechobee office of the Office of Agricultural Water Policy, 305 East North Park Street, Suite C, Okeechobee, Florida 34972.

(e) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based programs.

(f) Allow FDACS access to the property(ies) for verification of implementation, operation, and maintenance of the BMPs.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

5M-3.006 Land Application of Animal Wastes.

Animal wastes shall be applied at a phosphorous-based agronomic rate. The landowner or leaseholder must have a current (5 year old or less) nutrient management plan, prepared by a Certified Technical Service Provider, or the United States Department of Agriculture (USDA), Natural Resources Conservation Services (NRCS), consistent with USDA, NRCS Conservation Practice Standard – Code 590 “Nutrient Management” and Code 633 “Waste Utilization.” The landowner or leaseholder must maintain adequate records demonstrating adherence to the Nutrient Management Plan. The Nutrient Management Plan and associated records, shall be made available to the Department or its representative, upon request.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

5M-3.007 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive-based programs identified in the Notice of Intent to Implement. All documentation is subject to FDACS inspection.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

5M-3.008 Land Use Changes.

Any change in the land use shall require the landowner to demonstrate to the South Florida Water Management District that the proposed changes in land use will not result in increased phosphorus loading over that of the existing land uses. Affected landowners should contact the Florida Department of Agriculture and Consumer Services Okeechobee Office, 305 East North Park Street, Suite C, Okeechobee, Florida 34972 for assistance in the event of land use changes.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

5M-3.009 Preservation of Authority.

Nothing in this rule shall be construed as modifying of limiting the existing authority of the Department of Environmental Protection or the South Florida Water Management District's existing authority under Chapters 373 and 403, Florida Statutes, or the existing requirements of any permits, consent decree or rule.

Specific Authority 373.4595, 403.067 FS. Law Implemented 373.4595, 403.067 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard J. Budell, Assistant Director, Office of Agricultural Water Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Charles C. Aller, Director, Office of Agriculture Water Policy

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 2003

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and Toll Rate Schedule RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this rulemaking to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of an interchange on Florida's Turnpike at Becker Road in St. Lucie County. This new interchange will be

located on the Ticket System, approximately 5 miles north of the existing Stuart/Martin Downs Boulevard interchange and approximately 4 miles south of the existing Port St. Lucie/Port St Lucie Boulevard interchange.

SUMMARY: The proposed action is being taken to determine the Toll Rate Schedule resulting from the construction of an interchange at Becker Road and Florida's Turnpike. The Toll Rate Public Hearing is being held for the Becker Road interchange project, Financial Project ID 406162-1. The required Toll Rate Rule Development Workshop was held on March 27, 2003.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No 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 in writing within 21 days of this notice.

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

DATE AND TIME: Thursday, August 14, 2003, 6:00 p.m. – Informal Open House; 6:30 p.m. – Formal Hearing

PLACE: Port St. Lucie City Hall, 121 S. W. Port St. Lucie Boulevard, Port St. Lucie, Florida

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 RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, and April 10, 2003, and _____, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James L. Ely, Executive Director, Florida’s Turnpike Enterprise

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Morefield, Assistant Secretary for Transportation Policy, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2003

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Right of Way Property Management	14-19
RULE TITLES:	RULE NOS.:
Definitions	14-19.003
Real Property Conveyances	14-19.004
Payments Due to the Department on Sales, Leases, and Demolition and Removal Contracts	14-19.005
Demolition and Removal Contracting	14-19.006
Appraisal/Title Certification Requirements	14-19.012
Leasing of Department Owned Property	14-19.013
Asbestos Management	14-19.016
Outdoor Advertising Signs	14-19.017
Recreational Trail Leases	14-19.019

PURPOSE AND EFFECT: The amendment to Rule Chapter 14-19, F.A.C., is necessitated by changes in federal regulations regarding property management. The amendment incorporates the updated reference to 23 C.F.R., Part 710, Subpart D. The amendment moves required contract provisions from the rules to the three contract forms, which are incorporated by reference. The amendment also updates definitions; clarifies requirements regarding appraisals, leasing, and conveying property; makes miscellaneous editorial changes; and combines language from several individual rules. As a result of the restructuring of the rules and moving of contract provisions into forms, Rules 14-19.006, 14-19.012, 14-19.013, 14-19.016, 14-19.017, and 14-19.019, F.A.C., are being repealed.

SUMMARY: Rule Chapter 14-19, F.A.C., is amended to include revisions resulting from updated federal regulations, clarification of procedures, moving of contract provisions to incorporated forms, and repeal of six rules.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 215.34(2), 255.051, 255.551-.565, 260.0121, 334.044(28), 337.25, 337.18, 337.274 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 NOTICED 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 RULE IS:

14-19.003 Definitions.

The following words and phrases, as used in these rules, shall have the following meanings, except where the context clearly indicates a different meaning:

(1) “Airspace” means the area located above or below a highway or other transportation facility’s established grade line, lying within the horizontal limits of the approved right of way or project boundaries. ~~“Abandoned Rail Corridor” means a right of way that was originally assembled to facilitate railroad traffic on which rail service has been discontinued and for which the Interstate Commerce Commission has granted an order of abandonment.~~

~~(2) “Asbestos Abatement” means the removal, encapsulation, or enclosure of asbestos containing materials.~~

~~(2)(3) “Airspace Agreement” means an instrument conveying the leasehold interest of any airspace, which was acquired with federal funds, property within the right of way after final acceptance of the project by the Federal Highway Administration. This term includes the lease of any property above, at, or below the established grade line of the transportation facility and only refers to Department owned properties which are located on federal aid projects.~~

~~(3) “Appraisal” means an estimate of the value by a Department staff appraiser or an independent fee appraiser, prepared in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP), hereby incorporated by reference.~~

~~(4) “Asbestos Survey” means a comprehensive physical inspection of the building, including laboratory analyses, to identify all asbestos containing materials located within the building.~~

~~(4)(5) “Department” means the Florida Department of Transportation.~~

(6) “Demolition” means the wrecking or taking out of any load-supporting structural member of an improvement together with any related handling operations, or the intentional burning of any facility, per 40 C.F.R., Part 61, Subpart M.

(7) “Demolition and Removal” means the demolition of Department owned improvements from a parcel of real property, as defined above and the removal of the improvement from the right of way.

(8) “District” means the districts as defined in Section 20.23(4)(a), Florida Statutes.

(5)(9) “Excess Property” means Department-owned real property, of any value, located outside of the current operating right of way limits and not needed to support existing transportation facilities. This may include uneconomic remnants, additional Section 337.27(2), Florida Statutes, whole takes, and excess property created when design or construction requirements change after acquisition, or voluntarily acquired remainders. This property may be needed for future transportation purposes.

(6)(10) “Governmental Entity” means a federal, state, county, or any other entity that independently exercises any type of federal, state, or local municipal governmental function body. This term does not include non-profit organizations.

(7)(11) “Improvements” means permanent structures erected permanently on a site, such as buildings, fences, driveways, and retaining walls.

(8)(12) “Inequitable,” as used in Section 337.25(4)(c), Florida Statutes, means unfairly or unjustly affecting an abutting property owner’s ultimate or present use of real his or her property to the extent it will hinder or prevent its use him or her from using it for such purposes.

(13) “Interim Public Recreational Trail Use” means the public recreational trail use of an abandoned rail corridor during the period between the acquisition of the rail corridor and the construction of a transportation facility on the corridor.

(9)(14) “Lease-Back” means the temporary leasing a lease of Department-owned real property to a former owner or tenant where construction is scheduled or pending and the former owner or tenant has not been relocated.

(10) “Local Governmental Entity” means as defined in Section 11.45, Florida Statutes.

(11)(15) “Personal Property” means any property that is not real property, is generally moveable, and is not permanently attached to the land or improvements.

(12)(16) “Public Purpose” conveyance means a conveyance by the Department to another governmental entity for a social, economic, or environmental use purpose which would benefit the general public.

(17) “Public Recreational Trail Lease” means the lease of a Department-owned abandoned rail corridor for interim public recreational trail use.

(18) “Public Recreational Trail Use” means public recreational traffic limited to: bicycles; triecycles; wheelchairs (motorized and non-motorized); horseback; roller blades; roller skis; skateboards; baby strollers; human drawn trailers or wagons; other solely human powered devices; and surveillance vehicles.

(13)(19) “Rail Corridor” means a strip of real property owned by, or purchased from, a railroad company which is currently or was previously used as a railroad transportation facility (an operating or abandoned rail line corridor).

(14)(20) “Real Property” means land, including buildings; or other improvements permanently affixed to the land.

(21) “Regulated Asbestos-Containing Material” (RACM) means:

(a) Friable Asbestos Material, which is defined as any material containing more than one percent asbestos as determined in Appendix A, Subpart F, 40 C.F.R., Part 763, Section 1, by Polarized Light Microscopy that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure per 40 C.F.R., Part 61, Subpart M;

(b) Category I Non-Friable Asbestos-Containing Material that has become friable;

(c) Category I Non-Friable Asbestos-Containing Material that will be or has been subjected to sanding, grinding, or abrading; or

(d) Category II Non-Friable Asbestos-Containing Material that has a high probability of becoming or has become crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation per 40 C.F.R., Part 61, Subpart M.

(22) “Remove,” as it pertains to asbestos, means to take out RACM or facility components that contain or are covered with RACM from any facility per 40 C.F.R., Part 61, Subpart M.

(23) “Renovation” means altering a facility or one or more facility components in any way, including the stripping or removal of RACM from a facility component. An operation in which load-supporting structural members are wrecked or taken out is a demolition (as opposed to a renovation), per 40 C.F.R., Part 61, Subpart M.

(24) “Retention of Improvements” means a property owner’s election to retain possession of improvements, including houses, which can be moved or demolished and removed. Retention of improvements shall be negotiated prior to the Department acquiring title.

(25) “Salvage Value” means the probable sales of an item, if offered for sale on the condition that it will be removed from the property at the buyer’s expense, allowing a reasonable period of time to find a person buying with a knowledge of the uses and purposes for which it is adaptable and capable of being used, including the separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis per 49 C.F.R. 24.2(s).

~~(15)(26)~~ “Surplus Property” means excess real property that ~~has the District Secretary or authorized designee has declared, in writing, to have no present or future transportation use as determined by the District Secretary or authorized designee purpose.~~

~~(16)(27)~~ “Transportation Corridor” ~~means as defined in Section 334.03, Florida Statutes, means any land area designated by the state, a county, or a municipality which is between two geographic points and which area is used or suitable for the movement of people and goods by one or more modes of transportation and may include areas necessary for management of access and securing applicable approvals and permits. Transportation corridors shall contain the following:~~

~~(a) Existing publicly owned rights of way;~~

~~(b) All property or property interests necessary for future transportation facilities, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing future transportation rights of way, including any lands reasonably necessary now or in the future for securing applicable approvals and permits, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access could be impaired due to the construction of a future facility, and replacement rights of way for relocation of rail and utility facilities.~~

~~(17)(28)~~ “Transportation Facility” ~~means as~~ is defined in Section 334.03~~(31)~~, Florida Statutes. Excluded from this definition are properties which ~~are~~ must be administered by the Board of Trustees of the Internal Improvement Trust Fund such as maintenance or sub-maintenance yards, soil labs, and the Department’s administrative and construction offices.

~~(18)(29)~~ “Uneconomic Remnant” means real a property which, as a result of a partial taking by the Department, has little or no utility or value to the owner, ~~as determined by the review appraiser.~~

~~(30)~~ “Use Agreement” means a written agreement between a rail corridor’s owner and a second party. This agreement grants a specific use of the corridor, such as a lease, license, or permit. A rail corridor use agreement may have been granted by the original railroad owner or may be a new agreement granted by the Department subsequent to the acquisition of the rail corridor.

~~(31)~~ “Working Day” means Monday through Friday and includes holidays that fall on any of the days Monday through Friday per 40 C.F.R., Part 61, Subpart M.

Specific Authority 334.044(2) FS. Law Implemented 255-551, 337.25 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, _____.

14-19.004 Real Property Conveyances.

(1) In the event the Department is selling ~~disposing of~~ surplus property not governed by the exceptions in Section 337.25(4), Florida Statutes, the Department must first offer such property to the local governmental entity in the jurisdiction in which the parcel is situated, ~~prior to either~~

~~negotiation or competitive sale of the property.~~ The local governmental entity shall be allowed 10 working days to respond ~~determine~~ if there is a need for the subject parcel. ~~If a public purpose is identified by the local government, the property may be conveyed to the local government for no consideration; otherwise, the property shall be sold at the Department’s approved appraised value. When~~ If an independent appraisal has been performed, the acquiring local governmental entity shall reimburse the appropriate party for the cost of the appraisal.

~~(2)~~ In the event the Department is disposing of surplus property not governed by the exceptions in Section 337.25(4), Florida Statutes, such property will be sold in accordance with Section 337.25(4)(b), Florida Statutes.

~~(2)(3)~~ When disposing of surplus property by public bid or auction, a minimum bid will be specified when appropriate to ensure that bids received will reflect the fair market value of the property. The Department reserves the right to withdraw the property if the minimum bid is not reached. If a minimum bid is specified in the advertisement for bids or for auction, the Department reserves the right to withdraw the property when the minimum bid is not attained. Notice of the minimum bid and the Department’s right to withdraw the property when the minimum bid is not attained shall be included in the advertisement for bid or auction., ~~it shall be the amount determined pursuant to Rule 14-19.012(2). If the highest bid is below the specified minimum bid, acceptance of the bid will require the approval of the District Secretary.~~

~~(4)~~ For properties valued in excess of \$10,000, the appraisal which is procured by a prospective buyer or lessee is not approved until the Department has examined the appraisal and verified that it is in compliance with Section 475.628, Florida Statutes.

~~(3)(5)~~ If real property is disposed of through negotiation, sealed bid, or public auction, the buyer or successful bidder shall pay all costs associated with the closing of real property disposed of through negotiation, sealed bid, or public auction. The Department shall prepare all necessary closing documents.

~~(4)(6)~~ The buyer or successful bidder shall pay all costs to record the conveyance of the property in the county of record and provide a copy of the recorded deed, showing the book, and page number, and the date of recordation, to the Department within 30 days of the closing date.

~~(7)~~ A governmental entity may request conveyance of real property or personal property for a public purpose in accordance with Section 337.25(4)(h), Florida Statutes, unless legislation or bond provisions provide otherwise. If property is to be conveyed for no monetary consideration, an appraisal is not required.

~~(5)(8)~~ Prior to conveying or leasing ~~When transfers are made to a governmental entity for a public purpose, the head of the governmental entity shall furnish a letter identifying the public purpose use for the property, from the agency head, or,~~

if the governmental public entity consists of a group requiring consensus to take such action, a copy of the resolution confirming such consensus. This documentation shall be furnished to the Department at the time of application for purchase or lease of the Department-owned property. All public purpose conveyances shall provide for the reversion of all property rights to the Department for failure to continue public ownership and use. When full fair market value for the property is obtained, a reverter clause in the conveyance document is not required.

(6)(9) Governmental entities If real property is conveyed for a public purpose, the governmental entity to which real the property will be conveyed shall pay all closing costs associated with public purpose the conveyances. The Department shall prepare all necessary closing documents.

(7) When a lease or conveyance is executed pursuant to Section 337.25(4)(c), (d), or (5)(a), Florida Statutes, the lessee or purchaser must provide, at his or her own cost, evidence of ownership. This evidence shall be in the form of the last deed of record and an affidavit signed by the owner attesting to the fact that he or she is the owner of the abutting property. The affidavit shall be dated no more than six months prior to the date of the execution of the lease or conveyance document. Lease-backs to owners from whom the property was acquired, or holders of existing leasehold estates, are exempt from this requirement.

(8) The provisions of 23 C.F.R., Part 710 (Effective April 1, 2001) are incorporated into this rule by reference. 23 C.F.R., Part 710 is available from the Federal Highway Administration's website at <http://www.access.gpo.gov/nara/cfr>. Local governmental entities administering transportation projects or project phases receiving, anticipating receipt of, or intending to receive federal funds for any phase of a project on the State Highway System or intended to be on the State Highway System, must comply with 23 C.F.R., Part 710, Section 337.25, Florida Statutes, and the requirements of this rule chapter. Anticipating receipt includes discussion by local or state officials regarding the intended or potential use of federal funds in any phase of the project. This rule chapter does not apply to projects on or intended to be on the State Highway System funded by Department long term loans programs to governmental entities, which entities have independent statutory authority to provide transportation projects on the State Highway System.

(9) Leasing of Department Owned Property.

(a) Forms. For purposes of this section, the forms listed herein are hereby incorporated by reference. Copies of these forms are available from the Department of Transportation Office of Right of Way, 605 Suwannee Street, MS 22, Tallahassee, Florida 32399.

1. Lease Agreement, Form 575-060-33, Rev. 05/03.

2. Release and Right of Entry Agreement for Asbestos Survey, Form 575-060-17, Rev. 05/03.

3. Airspace Agreement, Form 575-060-32, Rev. 05/03.

(b) Lease. The Department may enter into a lease of any of its lands, buildings, or other properties, real or personal, which were acquired to secure or utilize transportation rights of way for existing, proposed, or anticipated transportation facilities on the State Highway System, on the State Park Road System, in a rail corridor, or in a transportation corridor designated by the Department. A written lease shall contain all the provisions of the Lease Agreement, Form 575-060-33, Rev. 05/03.

(c) Lease-Backs.

1. Lease-backs may extend until advertisement of the project for construction or, with special provisions, until physical construction.

2. Any extension of a lease-back will require approval of the appropriate District Secretary on Department projects, the Executive Director of the Turnpike Enterprise for Turnpike Enterprise projects, or the authorized local governmental entity official on its projects.

3. In the event of a lease-back, a signed and witnessed Release and Right of Entry Agreement for Asbestos Survey, Form 575-060-17, Rev. 05/03, shall be submitted by all occupants. Otherwise, further occupancy will be denied unless ordered by the court.

(d) Airspace Agreement. In accordance with 23 C.F.R., Part 710, Subpart D, when the property is located on the Interstate Highway System within the right of way line on the approved right of way maps or when a change in the access control line will occur, leasing of airspace for non-highway purposes will require the execution of a written agreement containing all the provisions of the Airspace Agreement, Form 575-060-32, Rev. 05/03. In accordance with 23 C.F.R., Part 710, Subpart D, the airspace agreement, its transfer, assignments, or conveyance to another party must be concurred with, in writing, by the Federal Highway Administration.

(e) Leasing of Outdoor Advertising Signs and Sites. The Department shall acquire all interests in property necessary for the construction of transportation facilities. The Department shall not lease sites for outdoor advertising signs except as described below. All outdoor advertising signs shall be removed from such right of way, except as provided herein. Further:

1. The Department shall ensure at the time of purchase that all rights of lessees under outstanding leases are acquired.

2. If an outdoor advertising sign is temporarily leased back, the new lease shall specify the terms and conditions for removal of the sign or other improvement.

3. Outdoor advertising signs and sites leased back on Department right of way must comply with the requirements of Chapter 479, Florida Statutes. However, a nonconforming sign shall be permitted to retain its existing nonconforming status until the sign is removed.

4. The property on which the outdoor advertising sign stands must be subject to an executed lease between the Department and the sign owner or lessee, and such lease shall contain a cancellation provision which provides that all sign structures will be removed by the Department without further notice if not removed by the lessee within 30 days of receipt of the notice of cancellation, in the event the Department should require use of the subject property prior to the expiration date of the lease.

5. The estimated market rental rate is calculated for the land and, if applicable, the sign.

6. Relocation of Outdoor Advertising Signs. Conforming signs, as defined in Chapter 479, Florida Statutes, located on existing Department property, i.e., property located outside of current operating right of way limits, may be relocated to other Department-owned property under the following conditions:

a. The sign must comply with all requirements of federal and state law.

b. The proposed site shall not result in nor cause any safety hazard to the general or traveling public.

c. The proposed site shall not interfere with any current or on-going project.

d. The proposed site shall not interfere with any current or proposed future transportation use or operational requirements of the facility.

e. The proposed site (and accompanying sign) shall comply with the zoning requirements of the land directly adjacent to the site.

f. The owner of the sign shall waive any rights to future compensation should the proposed site be needed for a transportation project.

(10) If the property transferred is used for other than the identified public purpose by the governmental entity, all property rights shall revert to the Department.

Specific Authority 334.044(2) FS. Law Implemented 255.553, 334.044(28), 337.25(4), 337.274 FS. History—New 8-18-92, Amended 5-24-94, 11-17-98, _____.

14-19.005 Payments Due to the Department on Sales, Leases, and Demolition and Removal Contracts.

(1) Payments due the Department on the sale of property, or under a demolition and removal contract, must be in the form of a cashier's check or other noncancellable instrument, such as a money order. No cash will be accepted by the Department.

(2) In addition to noncancellable instruments, personal checks are acceptable for lease payments. If a personal check is not honored, no further personal checks will be accepted from the lessee by the Department. When a personal check is not honored, the Department shall pursue collection in accordance with Section 215.34(2) and Chapter 83, Florida Statutes.

(3) When real property is conveyed in a sealed bid or at public auction, a nonrefundable deposit, in the form of a noncancellable instrument, of at least ten percent of the bid

amount will be required of the successful bidder at the time of the award of the bid. Full payment shall be required, in the form of a noncancellable instrument, at the time of closing.

Specific Authority 334.044(2) FS. Law Implemented 215.34, 255.051, 337.18, 337.25(4) FS. History—New 8-18-92, Amended 5-24-94, 11-17-98, _____.

14-19.006 Demolition and Removal Contracting.

Specific Authority 334.044(2), 337.18(1) FS. Law Implemented 255.05, 255.551-255.565, 337.11, 337.18 337.25 FS. History—New 8-18-92, Amended 11-17-98, Repealed _____.

14-19.012 Appraisal/Title Certification Requirements.

Specific Authority 334.044(2), 337.25 FS. Law Implemented 334.044(27), 337.25 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, Repealed _____.

14-19.013 Leasing of Department Owned Property.

Specific Authority 334.044(2) FS. Law Implemented 337.25 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, Repealed _____.

14-19.016 Asbestos Management.

Specific Authority 334.044(2) FS. Law Implemented 255.551-565 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, Repealed _____.

14-19.017 Outdoor Advertising Signs.

Specific Authority 334.044(2) FS. Law Implemented 337.25, 479.01-24 FS. History—New 8-18-92, Amended 5-24-94, 4-25-95, 11-17-98, Repealed _____.

14-19.019 Recreational Trail Leases.

Specific Authority 334.044(2) FS. Law Implemented 260.0161, 337.25 FS. History—New 4-25-95, Amended 11-17-98, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Barnes, Deputy Right of Way Manager, Relocation and Property

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Morefield, Assistant Secretary for Transportation Policy, for José Abreu, P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: State Highway System Connection RULE CHAPTER NO.: 14-96

Permits	14-96
RULE TITLES:	RULE NOS.:
Forms	14-96.0011
Definitions	14-96.002
Application	14-96.005
Application Submittal, Review, Approval, and Conditions	14-96.007

PURPOSE AND EFFECT: Three forms are being amended and Rule subsection 14-96.005(3), F.A.C., is amended to clarify language relating to authorized representatives and signature requirements. The amended forms are: Driveway/Connection Application for All Categories, Form 850-040-15; Receipt of Connection Application and Fee (or Waiver of Fee), Form 850-040-16; and Driveway Connection Permit for All Categories, Form 850-040-18. The revised forms have to be incorporated by reference. Cross references to these forms are also updated to reflect the revision date.

SUMMARY: Three forms are being amended. The revised forms have to be incorporated by reference. Cross references to these forms are also updated to reflect the revision date.

SPECIFIC AUTHORITY: 334.044(2), 335.182(2) FS.

LAW IMPLEMENTED: 334.044(14), 335.18-.187 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 NOTICE 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:

14-96.0011 Forms.

The following forms shall be used in the connection application administrative process and are incorporated by reference and made a part of the rules of the Department:

Title	Form Number	Date
Driveway/Connection Application – Category A	850-040-14	09/02
Driveway/Connection Application for All Categories	850-040-15	<u>04/03</u> 09/02
Receipt of Connection Application and Fee (or Waiver of Fee)	850-040-16	<u>04/03</u> 09/02
Record of Waived Requirements for All Categories	850-040-17	09/02
Driveway Connection Permit for All Categories	850-040-18	<u>04/03</u> 09/02

Record Drawings Report by Permittee’s Professional Engineer	850-040-19	09/02
Security Instrument Receipt	850-040-200	4/93
State Highway Access Connection Completeness Review	850-040-21	11/94
Applicant Time Extension Form	850-040-22	04/93
Proposed State Highway Access Driveway/Connection Notice of Intent to Deny Permit	850-040-230	9/02
Proposed State Highway Access Connection Notice of Intent to Issue Permit	850-040-240	9/02
Violation and Notice to Show Cause	850-040-26	09/02

These forms are available from the Department of Transportation’s local area Maintenance Office, District Office, Urban Area Office, or Central Office at 605 Suwannee Street, Mail Station 19, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 335.182(2) FS. Law Implemented 334.044(14), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03,

14-96.002 Definitions.

For the purposes of this rule chapter the following definitions of the terms shall apply unless the context clearly indicates otherwise:

(1) No change.

(2) “Application” means a completed Driveway/Connection Application – Category A, Form 850-040-14, 09/02, or Driveway/Connection Application for All Categories, Form 850-040-15, 04/03 ~~09/02~~, the required application fee, and related property, site, driveway, roadway, and traffic information required in this rule chapter.

(3) through (37) No change.

Specific Authority 334.044(2), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History–New 4-18-90, Amended 7-16-95, 1-23-03, _____.

14-96.005 Application.

(1) Connection Permit Application and Information. The Driveway/Connection Application – Category A, Form 850-040-14 (09/02) and Driveway/Connection Application for All Categories, Form 850-040-15, (04/03 ~~09/02~~), and application information are available from the office of the local area Maintenance Engineer, District Office, or Urban Area Office. A complete application shall consist of the Connection Permit Application, (with original signatures, the number of signatures to be determined by the District staff)

application fee, site plans, drawings, traffic data, and connection and roadway information specified in this rule chapter.

(a) through (2) No change.

(3) Information Required for All Applications. The following information is required of all applications for all connections categories:

(a) Identification ~~and signature~~ of property owner and applicant. The complete names, and current mailing addresses and telephone numbers of property owner(s), ~~the developer(s)~~, the applicant, and ~~the authorized representative transportation and legal consultants representing the applicant (if any)~~, will be noted on the appropriate application as detailed in this rule chapter.

(b) Notarized letter of authorization. If the ~~applicant property owner~~ desires to have a representative sign, file, and handle the application, a notarized letter of authorization from the ~~applicant property owner~~ designating the ~~applicant and~~ the authorized representative shall be provided with the application package.

(c) Responsible ~~person officer~~. When the owner or applicant is a company, corporation, or other public agency, the name, address, and telephone number of the responsible officer shall be furnished with the application.

(d) Signatures. The names of all individuals signing the application and their titles shall be typed or printed ~~with directly below~~ the signatures.

(e) Property use. The existing and planned property use shall be noted in sufficient detail to determine the appropriate connection category of the application.

(f) Location of all existing and proposed connections. This will include a site plan indicating any physical features (existing ~~and~~ ~~or~~ proposed) that would have an impact on traffic circulation and sight distance on the public road system. Examples of such physical features are walls, fences, trees, mail boxes, gates, and utility poles.

(4) No change.

Specific Authority 334.044(2), (27), 335.182(2), 335.183, 335.184 FS. Law Implemented 334.044(14), 335.18-.187 FS. History--New 4-18-90, Amended 7-16-95, 1-23-03, _____.

14-96.007 Application Submittal, Review, Approval, and Conditions.

(1) through (5) No change.

(6) Issuance of Permit. A Driveway Connection Permit for All Categories, Form 850-040-18, (09/02), will be issued after the applicant provides satisfactory evidence of compliance with all conditions that must be met before issuance of a permit. A permit shall be subject to all the conditions set forth in the Proposed State Highway Access Connection Notice of Intent to Issue Permit, Form 850-040-24, (04/03 ~~09/02~~). A

permit authorizes construction for one year from the date of issuance and expires if construction of the connection is not completed within that period.

(6)(a) through (9) No change.

Specific Authority 334.044(2), 334.187(4), 335.182(2), 335.183 FS. Law Implemented 334.187, 335.181-.1825, 335.184, 335.185 FS. History--New 4-18-90, Amended 7-16-95, 6-24-99, 1-23-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gary Sokolow, Senior Transportation Planner, Systems Planning Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth Morefield, Assistant Secretary for Transportation Policy, for José Abreu, P. E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 13, 2003

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE TITLE: Legal Documents and Legal Mail
 RULE NO.: 33-210.102

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for handling undeliverable legal mail and to incorporate a form for this purpose.

SUMMARY: The proposed rule provides a standard process and incorporates a form for handling undeliverable legal mail.

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: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.102 Legal Documents and Legal Mail.

(1) through (12) No change.

(13) The address on all incoming legal mail should contain the inmate's committed name, identification number, institutional name and address. However if the addressee can be identified, the mail shall be delivered without delay. When legal mail cannot be delivered because the envelope does not contain enough information for a positive identification of the inmate recipient, the mail will be returned to the sender along with Form DC2-528, Legal Mail – Unable to Deliver. Form DC2-528 is hereby incorporated by reference. A copy of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(14) through (16) No change.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History–New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlie Terrell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 30, 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 Coverage and Limitations Handbook, January 2002. The handbook changes include the January 2002 Independent Laboratory Fee Schedule, elimination of the –22 modifier, revisions to the Procedure Code Frequency Limitations (Appendix C), revisions to procedure codes in the Family Planning Waiver Laboratory (Appendix D), and replaces the Health Care Financing Administration (HCFA) with the new name Centers for Medicare and Medicaid Services (CMS). The effect will be to incorporate by reference in the rule the current Florida Medicaid Independent Laboratory Coverage and Limitations Handbook.

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: 9:00 a.m., July 28, 2003

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Rinaldi, Medicaid Services Office, 2728 Ft. Knox, Building 3, MS #20, Tallahassee, Florida 32308-5403, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.190 Independent Laboratory Services.

(1) No change.

(2) All independent laboratory providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Independent Laboratory Coverage and Limitations Handbook, January 2002 ~~April 2004~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and Child Health Check-Up 221, which is incorporated by reference in Rule 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, Medicaid Services Office

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2002

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 17, 2002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Definitions RULE NO.: 61G4-12.011

PURPOSE AND EFFECT: The proposed amendment updates the rule with the addition of a definition for “structural” as used in Section 489.113(3)(c), Florida Statutes.

SUMMARY: The proposed rule amendment defines “structural” for the purposes of the requirements for swimming pool construction.

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: 489.103(5), 489.105(3), 489.108, 489.113(3) FS.

LAW IMPLEMENTED: 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) 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: Timothy Vacarro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-12.011 Definitions.

(1) through (13) No change.

(14) “Structural” as used in Section 489.113(3)(c), Florida Statutes, refers to the shell of the pool and then only if it is an integral part of a building’s structure. Aside from this limited exception, no work on the pool beyond the shell itself can be performed without a certified or registered swimming pool contractor. In all other applications, all the pool work must be completed by a certified or registered swimming pool contractor.

(15)(14) No change.

Specific Authority 489.103(5), 489.105(3), 489.108, 489.113(3) FS. Law Implemented 489.103(5), 489.105(3), 489.113(3), 489.115(6), 489.119(5) FS. History—New 9-16-80, Formerly 21E-12.11, Amended 1-1-89, 4-18-89, 7-4-89, 4-22-90, 7-3-91, 12-21-92, Formerly 21E-12.011, Amended 11-4-93, 11-22-94, 10-10-95, 4-29-96, 9-18-96, 12-3-96, 11-25-97, 10-4-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 1003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES:	RULE NOS.:
Examination	61H1-28.001
Examinations	61H1-28.0011

Number of Sittings, Passing Grade and Granting of Credit, Effective Dates, Release of Grades and	
Completion of Examination	61H1-28.005

Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules	61H1-28.0052
Examination Credit from Other States	61H1-28.006
Examination Credit from Other States	61H1-28.0061

PURPOSE AND EFFECT: The Board proposes the development of rules to address computer-based examinations, to become effective on January 1, 2004 and the deletion of rules that will become obsolete with the adoption of these newly proposed rules.

SUMMARY: These rules identify the required examinations, define the terms used therein, and set forth the requirements for examination and re-examination; set out the number of sittings allowed, explain how credit is granted, and explain release of credit and completion of examinations, transition rules, and explain the differences between computer-based and paper-based examinations; and explain how examination credit is given for out-of-state credit which qualifies for Florida credit. The rules being repealed are being replaced by the new rules set forth below. The repeals will take effect at the same time the new rules become effective.

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: 455.217(1), 473.304, 473.306 FS.

LAW IMPLEMENTED: 455.217(1), 473.306 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N.W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-28.001 Examination.

THIS RULE REPEAL SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, 9-16-84, Formerly 21A-28.01, Amended 4-8-86, Formerly 21A-28.001, Amended 5-23-94, 9-20-00, Repealed 1-1-04.

61H1-28.0011 Examinations.

(1) The Board adopts the Uniform CPA Examination “CPA Examination” prepared by the Board of Examiners of the American Institute of Certified Public Accountants and the examination approved by the Board on Chapters 455 and 473, F.S., and the related administrative rules “Law and Rules Examination” as its licensure examinations.

(2) As used in Chapter 61H1-28, F.A.C., the following terms are hereby defined:

(a) “Examination window” means a three-month period in which candidates have an opportunity to take the CPA Examination (comprised of two months in which the examination is available to be taken and one month in which the examination will not be offered while routine maintenance is performed and the item bank is refreshed). Thus candidates will be able to test two out of the three months within each examination window.

(b) “Special examination window” means the period from April 5, 2004 to September 30, 2004 during which a candidate may have the opportunity to take the CPA Examination and during which the examination may be available for a period of time more than two months due to the unique circumstances surrounding the initial administration of the CPA Examination. The special examination window shall count as one examination window. During the special examination window a candidate may retake a failed section(s) one time.

(3) For purposes of the Uniform CPA Examination:

(a) A first-time candidate is defined as a candidate who is required to file an application in order to qualify to sit for all sections of an examination.

(b) A re-examination candidate is defined as a candidate who has not received credit for all sections within the time frame allotted, as set out in Rule 61H1-28.0052, F.A.C.

(c) Candidates cannot retake a failed test section(s) in the same examination window.

THIS RULE SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04.

61H1-28.005 Number of Sittings, Passing Grade and Granting of Credit, Effective Dates, Release of Grades and Completion of Examination.

THIS RULE REPEAL SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-28.05, 21A-28.005, Amended 11-4-93, Repealed 1-1-04.

61H1-28.0052 Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules.

(1) With respect to the CPA Examination:

(a) A candidate may take the required test sections individually and in any order. Credit for any test section(s) passed shall be valid for eighteen months from the actual date the candidate took that test section, without having to attain a minimum score on any failed test section(s) and without regard to whether the candidate has taken other test sections.

(b) Candidates must pass all four test sections of the CPA Examination within a rolling eighteen-month period, which begins on the date that the first test section(s) passed is taken. In the event all four test sections of the CPA Examination are not passed within the rolling eighteen-month period, credit for any test section(s) passed outside the eighteen-month period will expire and that test section(s) must be retaken.

(c) For purposes of this section, credit for passing a test section of the computer-based examination is valid from the actual date of the testing event for that test section, regardless of the date the candidate actually receives notice of the passing grade.

(2) A candidate shall be deemed to have passed the CPA Examination when the candidate has been granted credit for all sections of the CPA Examination. Upon certification by the Board to the Department that the applicant has met all licensure requirements as imposed by Chapters 455 and 473, F.S., and the rules promulgated pursuant thereto, the Department shall issue a license to practice public accounting to such individual.

(3) After January 1, 2004, this rule shall be effective for all first-time candidates or re-examination candidates except as provided in (4) herein.

(4) For candidates in conditioned status after the November 2003 CPA Examination the following transition rules shall apply:

(a) Candidates who have attained conditional status as of the effective date of this rule will be allowed a transition period to complete any remaining test sections of the CPA Examination. The transition period shall end upon the exhaustion of either of the following:

1. As of the effective date of this rule, the candidate having sat for the exam for the maximum number of opportunities (that is, examination windows) that the candidate who conditioned under the paper-and-pencil examination had remaining to complete all remaining test sections under the paper-and-pencil examination, or

2. The number of remaining opportunities under the paper-and-pencil examination, multiplied by six months but limited by the number of sittings remaining under the paper

and pencil examination. Thus, for example, if a candidate has two remaining sittings under the paper and pencil examination then that candidate will have one year to complete the CPA Examination but may only sit during two of the examination windows available during that year.

(b) If a previously conditioned candidate does not pass all remaining test sections during the transition period, conditional credits earned under the paper-and-pencil CPA Examination will expire and the candidate will lose credit for the test sections earned under the paper-and-pencil CPA Examination. However, any test section(s) passed during the transition period is subject to the retention provisions of the computer-based CPA Examination as indicated in (1) above, except that a previously conditioned candidate will not lose conditional credit for a test section of the computer-based CPA Examination that is passed during the transition period, even though more than eighteen months may have elapsed from the date the test section is passed, until the end of that candidate's transition period.

(5) Translation of subjects passed on the pen and paper CPA Examination to sections on the computer-based CPA Examinations shall be as follows:

<u>Paper-Based Examination</u>	<u>Computer-Based Examination</u>
<u>Auditing</u>	<u>Auditing & Attestation</u>
<u>Financial Accounting & Reporting (FARE)</u>	<u>Financial Accounting & Reporting</u>
<u>Accounting & Reporting (ARE)</u>	<u>Regulation</u>
<u>Business Law & Professional Responsibilities (LPR)</u>	<u>Business Environment & Concepts</u>

THIS RULE SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04.

61H1-28.006 Examination Credit from Other States.

THIS RULE REPEAL SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History—New 12-4-79, Formerly 21A-28.06, 21A-28.006, Repealed 1-1-04.

61H1-28.0061 Examination Credit from Other States.

Upon application, an individual who has been granted credit by another state for any section on the CPA Examination, the specific examinations for which sections were identical to those offered in Florida, shall receive Florida credit for such out-of-state credit provided similar credit would have been granted in Florida at the time out-of-state credit was granted had the candidate met all the Florida requirements and sat for such examinations in Florida. For purposes of this rule in determining whether to transfer examination credit from another state, the Board shall consider and hold binding the examination requirements in effect in Florida at the time the

individual received out-of-state credit. An individual so receiving Florida credit shall be deemed to have been a Florida candidate for such purpose in determining future sittings and credit granting for the remaining section(s). Any person desiring to receive credit under this rule shall file an application with the Department and be certified as eligible to the Department by the Board.

THIS RULE SHALL TAKE EFFECT ON JANUARY 1, 2004.

Specific Authority 455.217(1), 473.304, 473.306 FS. Law Implemented 455.217(1), 473.306 FS. History—New 1-1-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 6, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are 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."

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Board of Funeral and Cemetery Services

RULE NO.: 3F-5.010

RULE TITLE: List of Approved Forms; Incorporation

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 28, No. 48, November 27, 2002, issue of the Florida Administrative Weekly. In response to written comments submitted by the staff of the Joint Administrative Procedures Committee, the Board has voted to change the rule as follows:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Evans, Executive Director, Dept. of Financial Services, Division of Consumer Services, Bureau of Funeral and Cemetery Services, 200 E. Gaines Street, Tallahassee, FL 32399-0361