

TIME AND DATE: 9:00 a.m., November 25, 2003
 PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, FL
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Angela Wiggins, Acting Administrator, Economic Self-Sufficiency Program Office, Welfare Reform Policy Integration Unit, 1317 Winewood Boulevard, Building 3, Room 105 H, Tallahassee, Florida 32399-0700, (850)487-1707
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Recount Procedures

RULE NO.: 1S-2.031

PURPOSE AND EFFECT: Amend the recount procedures to reflect changes in Federal and Florida Law, and to clarify recount procedures under specific circumstances.

SUMMARY: The Florida Help America Vote Act Implementation bill granted the Division of Elections additional rulemaking authority pertaining to machine recounts. Generally, the rule is being amended to reflect the changes in the law.

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: 102.166 FS.

LAW IMPLEMENTED: 102.166 FS.

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

TIME AND DATE: 1:00 p.m., December 1, 2003
 PLACE: The Collins Building, Room 102, 107 West Gaines Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting: Sarah Jane Bradshaw or Marielba Torres, (850)245-6200.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.031 Recount Procedures.

(1) All procedures relating to machine and manual recounts shall be open to the public.

(2) At least two members of the canvassing board shall be present during all times a machine or manual recount is being conducted.

(3) All recounts are to be ordered by the board responsible for certifying the results of the race or races being recounted.

(4) As used in this rule, "undervote" means that the tabulator recorded no vote for the office or question or that the elector did not designate the number of choices allowed for the race.

(5) Machine Recounts shall be conducted as follows:

(a) Touchscreen Ballot Recounts.

1. The county canvassing board shall be required to produce printed vote totals for the affected race for each voting device.

2. The county canvassing board shall verify that the total votes for the recounted race taken from the printed vote totals for each voting device are the same as the total votes shown on the county totals from election night. If there is a discrepancy, the county canvassing board shall investigate and resolve the discrepancy.

(b) Optical Scan Ballot Recounts.

1. The supervisor of elections shall change the election parameters so that only the recounted race or races will be tabulated and so that ballots containing overvotes and undervotes in the recounted race or races can be sorted from the other ballots during the machine recount.

2. Prior to the machine recount being conducted, the tabulating equipment being used in the recount must be tested pursuant to the provisions of s. 101.5612, F.S. The canvassing board is not required to use the same tabulating equipment that ballots were originally tabulated on.

3. The canvassing board or its representatives shall put each ballot through the tabulating equipment and determine the votes in the recounted race or races. During this process, the overvoted and undervoted ballots in the recounted race or races must be sorted.

4. Sorted ballots shall be placed in a sealed container or containers until it is determined whether a manual recount will be conducted. Seal numbers shall be recorded at the time the ballots are placed in the containers.

5. Following the machine recount, the tabulating equipment that was used in the machine recount must be tested pursuant to the provisions of s. 101.5612, F.S.

6. If the test shows no error, the results of the machine recount shall be deemed correct.

7. If the test indicates an error, the canvassing board shall correct the error and repeat steps 1.-5.

~~(6)(1)~~ The following procedures apply to manual recounts of optical scan ballots involving all county, multicounty, federal or statewide offices or issues required by law to be recounted:

~~(a)~~ All procedures related to the manual recount shall be open to the public.

~~(b)~~ At least two members of the county canvassing board shall be present during all times the recount is in process.

~~(c)~~ The county canvassing board shall supervise the procedure used to identify and sort overvotes and undervotes in the affected race or issue. If the manual recount is being conducted at a location different from the location of the sorting process or is not being started immediately after the sorting, the sorted ballots shall be placed in a sealed container or containers until the manual recount is started. Seal numbers shall be recorded and announced at the time they are placed on the containers and the seal number shall be announced when the seal is broken and the ballots are removed from the container for the recount.

~~(a)(4)~~ Ballots with overvotes and undervotes shall be transported to the location of the manual recount by two members of the county canvassing board and a sworn law enforcement officer. From the time the manual recount is started until completion of the recount, including times of recess, the ballots shall be guarded by a sworn law enforcement officer.

~~(b)(e)~~ If the manual recount is ordered by the Elections Canvassing Commission, the Commission shall notify the candidates and chairmen of the state executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of an issue, that a manual recount has been ordered. The candidates or chairmen are responsible for contacting the supervisor of elections in each county involved in the manual recount to find out when and where the recount will be conducted and the number of representatives such candidate or committee is entitled to.

~~(c)(f)~~ If the manual recount is ordered by the county canvassing board, the supervisor of elections shall notify the candidates and chairmen of the county executive committee of the political parties, if applicable, entitled to representatives or the chairmen of the political committees, if any, in the case of an issue, that a recount has been ordered and shall provide information regarding the time and the place of the manual recount and the number of representatives such candidate or committee is entitled to.

~~(d)(g)~~ In addition, each county canvassing board shall provide public notice of the time and place of the manual recount immediately after determining the need for a manual recount pursuant to Section 102.166, F.S. The notice shall be in either a newspaper of general circulation in the county or posted in at least four conspicuous locations in the county. Because of the time constraints in conducting the manual

recount, the canvassing board shall also contact media outlets in the community so that the public is made aware of the recount as soon as possible. The manual recount shall begin as soon as practicable in order for the recount to be concluded in time for the certification of results to be submitted pursuant to Section 102.112, F.S.

~~(e)(h)~~ The manual recount shall be conducted in a room large enough to accommodate the necessary number of counting teams, the canvassing board members and representatives of each candidate, political party or political committee entitled to have representatives. Members of the public and the press (observers) shall be allowed to observe the recount from a separate area designated by the county canvassing board, which area may be outside of the actual recount area but which will allow the observers to view the activities. In addition to the sworn law enforcement officer guarding the ballots, there shall be a sworn law enforcement officer to keep order in and around the recount area.

~~(f)(i)~~ The canvassing board shall determine the number of overvotes and undervotes to be manually recounted. If the recount involves candidates or issues on a statewide or multicounty basis, each county canvassing board shall notify the Elections Canvassing Commission of the number of overvotes and undervotes in the county for the affected race. Any candidate whose ultimate success or failure in the race could be adversely or favorably impacted by the manual recount, presuming recount results most favorable and least favorable to the candidate, shall be entitled to representatives at the recount. In addition, in any primary where more than one candidate may proceed to a subsequent primary or general election, the candidates receiving the highest and second highest number of votes shall be entitled to representatives at the recount if the recount could result in those candidates switching positions in the official returns. In a first primary election, any candidate who could move into first or second place if all of the overvotes and undervotes were allocated to such candidate and any candidate who could lose his or her position in first or second place if all of the overvotes and undervotes were allocated to another candidate shall be entitled to representatives at the recount. In a second primary or general election or if there is only one primary, any candidate who could move into first place if all of the overvotes and undervotes were allocated to such candidate and any candidate who could lose his or her position in first place if all of the overvotes and undervotes were allocated to another candidate shall be entitled to representatives at the recount.

~~(g)(j)~~ Each candidate entitled to representatives as outlined in ~~(f)(i)~~ is entitled to a number of representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If the race being recounted is a partisan race, each political party with candidates entitled to

representatives is entitled to one representative. Each candidate or political party entitled to representatives must provide a list of the names of each representative designated.

~~(h)(4)~~ In order to be entitled to representatives at the manual recount, a political committee supporting or opposing an issue which is being recounted must have provided in its statement of organization, on file before the election, that the committee is specifically supporting or opposing the issue in question. If more than one committee is registered as supporting or opposing the issue, each side shall be entitled to one representative per counting team plus one for the canvassing board. The canvassing board shall notify each committee chairman of the number of representatives it is entitled to based on the number of committees involved. The committee chairman must provide a list of the names of each representative designated.

~~(i)(4)~~ In the case of a manual recount regarding the retention of a judicial candidate, the judicial candidate is entitled to representatives equal to the number of counting teams plus an additional representative for the county canvassing board. If there are political committees organized to oppose the retention of such judicial candidate, those committees are entitled to representatives pursuant to ~~(h)(4)~~.

~~(j)(4)~~ Representatives and observers must not interfere or disturb the recount in any way. If the conduct of the representatives or observers impedes the recount process, the recount will stop until the situation is corrected. If the disturbance continues, upon majority vote of the canvassing board, the persons causing the disturbance shall be removed from the premises by the law enforcement officer charged with maintaining order at the recount.

~~(k)(4)~~ Prior to the beginning of the manual recount, the canvassing board shall review the rules and statutes governing recount procedures and voter intent with the members of the counting teams and with the representatives entitled to be present. At the beginning of the manual recount, the seal numbers on the containers shall be announced as they are broken and compared to the numbers previously recorded.

~~(l)(4)~~ Each counting team shall review the ballots before them to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. If the counting team is unable to make the determination, or if there is an objection to the decision of the counting team by a designated representative, the ballot shall be set aside for the county canvassing board's determination.

~~(m)(4)~~ Each counting team shall place the ballots in stacks indicating:

1. Votes for each candidate or issue choice;
2. Ballots which the counting team has determined there is no clear indication that the voter made a definite choice for an office or ballot question; and
3. Ballots to be set aside for the canvassing board's determination.

~~(n)(4)~~ The counting team shall count the number of votes for each candidate or issue choice, the number of ballots which the counting team has determined there is no clear indication that the voter made a definite choice, and the number of ballots which are to be given to the canvassing board for its determination and shall submit those totals to the county canvassing board.

~~(o)(4)~~ Each ballot set aside because the counting team was unable to make a determination must be placed in a separate envelope with a notation of the precinct number, why the team was unable to make the determination, and the names of the members of the counting team. If a ballot was set aside because of an objection to the decision of the counting team by a representative, the envelope must contain the precinct number, the names of the members of the counting team, the counting team's initial determination, the reasoning behind the challenge and the person bringing the challenge.

~~(p)(4)~~ The county canvassing board shall review each ballot set aside to determine if there is or is not a clear indication that the voter has made a definite choice, as specified in Rule 1S-2.027, F.A.C. All three members of the county canvassing board must be present for this determination and the determination must be by majority vote.

~~(q)(4)~~ The records of the manual recount shall detail the number of votes each candidate or issue choice received and the number of ballots not allocated to any candidate or issue choice. The canvassing board shall then certify the number of votes for each candidate or issue choice by combining the totals on the machine during the sorting process with the totals of the manual recount.

~~(r)(4)~~ The activities of the canvassing board in making determinations of ballots to be counted shall be recorded by either audio or audio/video tape. In addition, minutes of the manual recount shall be made and approved by the canvassing board. All tapes and minutes shall be made available to the public within 2 weeks of the time the canvassing board certifies the results of the election.

~~(s)~~ In the event that more than one race on the same ballot requires a manual recount, the following additional procedures shall be used:

1. The election parameters shall be changed so that only overvoted and undervoted ballots for one recounted race will be sorted.

2. The ballots previously sorted pursuant to paragraph (5)(b) shall be put back through the tabulating equipment to sort the ballots for the first manually recounted race.

3. Following the manual recount, the sorted ballots from the first manually recounted race will be combined with the other sorted ballots.

4. The election parameters shall be changed to sort the overvoted and undervoted ballots for the next manually recounted race.

5. All previously sorted ballots shall be put back through the tabulating equipment to sort the ballots for the next manually recounted race.

(7)(2) Following a manual recount, the county canvassing board shall examine the ballots that were not allocated to any candidate or issue choice to determine if revisions to the voter intent rule are necessary and shall so notify the Division of Elections.

Specific Authority 102.166 FS. Law Implemented 102.166 FS. History--New 5-30-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Division Director
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State
DATE OF PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Polling Place Procedures Manual
PURPOSE AND EFFECT: Amend the Polling Place Procedures Manual to include new Federal Help America Vote Act provisions.

RULE NO.: 1S-2.034

SUMMARY: The proposed rule generally updates the manual to include new HAVA provisions.

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: 102.014(5) FS.

LAW IMPLEMENTED: 102.014(5) FS.

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

TIME AND DATE: 1:00 p.m., December 1, 2003

PLACE: The Collins Building, Room 102, 107 West Gaines Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting: Sarah Jane Bradshaw or Marielba Torres, (850)245-6200.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sarah Jane Bradshaw, 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250, (850)245-6200

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.034 Polling Place Procedures Manual.

The Department of State, Division of Elections, is required to establish a polling place procedures manual, Form DS-DE 11 (___/03) (~~4/02~~), which is hereby incorporated by reference and available from the Division of Elections, Room 100, The Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 102.014(5) FS. Law Implemented 102.014(5) FS. History--New 2-11-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Jane Bradshaw, Assistant Division Director
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Admission and Enrollment Requirements
PURPOSE AND EFFECT: The purpose of this Rule is to establish requirements for admission and continued enrollment in the Florida School for the Deaf and the Blind.

RULE NO.: 6D-3.002

SUMMARY: This rule indicates procedures for application for admission into the Florida School for the Deaf and the Blind as well as requirements for admission and continued enrollment.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

TIME AND DATE: 9:00 a.m., December 13, 2003

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-3.002 Admission and Enrollment Requirements.

(1) through (b) No change.

(c) ~~Dual-Sensory Deaf-Blind~~ One who has a hearing impairment and a visual impairment, the combination of which causes severe communication and other developmental and educational problems that cannot be properly accommodated in special programs solely for the hearing impaired or the visually impaired applicant.

(d) through (f) No change.

~~(g) Residential determination. An applicant's need to be in a residential setting, as determined by the school district through its Individual Educational Plan process.~~

~~(g)(h) Residential Service. Room and board provided by the School as a service to a Florida student at the request and consent of the parent at no cost to the parent.~~

~~(h)(i) Applicant. A child who meets or may meet one of the classifications defined in paragraph (a), (b), or (c), above who seeks admission, either directly or through his or her parents, guardian, or school district, into the educational program of the School.~~

~~(i)(j) Admission. The process of determining whether the applicant is qualified for enrollment and whether the applicant should or should not be enrolled.~~

~~(j)(k) Enrollment. The actual registration by the School of the applicant into the School's educational program.~~

~~(k)(l) Student. A child who has been enrolled in the School's educational program(s), and who may or may not be a residential student.~~

~~(l)(m) Assignment. The determination by the staffing committee of the educational program(s) in the School to which the enrolled student is assigned.~~

(2)(a) through (i) No change.

(j) An applicant is qualified for admission into the School's program for the dual-sensory deaf-blind if the applicant meets the following admissions criteria:

(k) 1. through (m) No change.

~~(3)(a) Applications for the admission of a student shall be submitted by school personnel from the school district in which the applicant or his or her parents, legal guardian, or person who has legal custody resides; or~~

~~(a)(b) Application for admission may be submitted to the School by parents, legal guardian or person who has legal custody.~~

~~(b)(e) If the applicant has not been evaluated by the school district, pursuant to Section 1003.57(3) 230.23(4)(m) and Rule 6A-6.0331, F.A.C., and determined eligible for a special program for exceptional students, the applicant or the requesting authority will be directed by the School to have the applicant evaluated by the school district and an Individual Educational Plan prepared by that school district. No applicant will be considered for admission to the School without the~~

school district evaluation. The School shall immediately send a copy of the completed application form to the school district in which the applicant or his or her parents, guardian or person having legal custody resides.

~~(c)(d) If the applicant has already been evaluated by the school district, pursuant to Section 1003.57(3) 230.23(4)(m), F.S. and Rule 6A-6.0331, F.A.C., and determined eligible for a special program for exceptional students, the applicant will be considered for admission. The School shall immediately send a copy of the completed application form to the school district in which the applicant or his or her parents, guardian or person having legal custody resides and request from the school district all current evaluation data and a copy of the current or proposed Individual Educational Plan.~~

~~(d)(e) Notwithstanding the provisions of paragraphs (b)(e) and (c)(d) above, a school district and the School may enter into an agreement for the School to perform one or more of the following activities:~~

1. Conduct an individual evaluation(s) by qualified individuals.
2. Determine that the student is handicapped.
3. Develop Individual Educational Plan.

~~(e)(f) Any determination made by the School pursuant to such an agreement shall be considered a determination by the school district, as provided for in paragraph (d)(e) above.~~

(4) Procedures for Determining Admissions and Assignment.

(a) Upon receipt of a completed form from ~~a school district or~~ a parent, legal guardian, or adult applicant, the School staffing committee shall review any evaluation data submitted and shall conduct or obtain any additional evaluations necessary.

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

Specific Authority 1002.36(4)(d) 242.331(3) FS. Law Implemented 1001.02(2)(h),(i), 1003.57(3), 1002.36(4)(d) 120.53(1)(b), 229.053(2)(i),(j), 230.23(4)(m), 242.331(4) FS. History--New 12-19-74, Revised 1-29-76, Amended 1-29-80, 5-2-86, Formerly 6D-3.02, Amended 5-5-87, 4-12-90, 12-20-92, 3-29-95, 3-25-96. Cf. P.L. 94-142, 20 USC 1401(18)(19), 1412(2),(5),(6), 1413(a)(2), Federal Register, Vol. 42, No. 163, Regulations 121a.4, 121a.503.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 37, September 12, 2003

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE:
Individual Educational Plan

RULE NO.:
6D-3.0021

PURPOSE AND EFFECT: The purpose of this Rule is to establish guidelines to ensure the Individual Educational Plan for each student enrolled in the Florida School for the Deaf and the Blind is in concert with federal and state laws.

SUMMARY: This rule assures that provisions for development/review/revision of the Individual Educational Plan follows requirements of Individuals with Disabilities Education Act as well as state mandates.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

TIME AND DATE: 9:00 a.m., December 13, 2003

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-3.0021 Individual Educational Plan.

(1) through (c)3. No change.

~~4. The Individual Educational Plan shall demonstrate that the residential determination was made by the school district or that the residential assignment is a service provided by the School at the request and consent of the parents.~~

~~(c)(4)~~ Meetings shall be held to develop, review and revise a student's Individual Educational Plan.

1. A meeting shall be held at least once a year to revise each student's Individual Educational Plan. A meeting shall also be held to review and revise a student's Individual Educational Plan when it is suspected that the student may no longer meet the School's admission and enrollment requirements.

2. Meetings shall include the following participants:

a. ~~The parents of the child; A representative of the School administration, other than the student's teacher, who is qualified to provide or supervise the provision of special education;~~

b. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment); ~~The student's teacher;~~

c. At least one special education teacher of the child, or if appropriate, at least one special education provider of the child; ~~One or both of the student's parents as provided in subsection 6D-3.0021(3), F.A.C.;~~

d. A representative of the School who: ~~The student when appropriate;~~

1. Is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;

2. Is knowledgeable about the general curriculum; and

3. Is knowledgeable about the availability of resources of the School.

e. An individual who can interpret the instructional implications of evaluation results. ~~Other individuals at the discretion of the parent, school district, of the School; and~~

f. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel, as appropriate; and

g. If appropriate, the child.

~~h.~~ In addition, for a student who has been evaluated for the first time, a member of the evaluation team or some other person who is knowledgeable about the evaluation procedures used with the student and is familiar with the results of the evaluation.

~~i.~~ If the purpose of the IEP meeting is to consider transition services, the School shall invite a representative of any other agency that may be responsible for providing or paying for transition services. If the student does not attend, the School shall take steps to ensure that the student's preferences and interests are considered; if an agency invited to participate in the IEP meeting does not attend, the School shall take steps to obtain the input of the agency in the planning of any transition services.

3. A representative of the school district in which the student resides shall be invited to attend each meeting to develop or revise the student's Individual Educational Plan.

(e) If a participating agency fails to provide agreed-upon transition services contained in the IEP of a student, the School shall, as soon as possible, initiate a meeting for the purpose of identifying alternative strategies to meet the transition objectives, and if necessary, revising the student's IEP. Nothing in this section relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition service that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

~~(f)~~ The above procedures apply to students referred by the School to public or private out-of-state schools and for whom the School provides an education through a contractual arrangement and students enrolled in a public or private school and receiving special education and related services from the Florida School for the Deaf and the Blind through dual enrollment.

~~(f)(g)~~ All Individual Educational Plans shall be implemented as soon as possible following the meeting to develop the plan. An exception to this would be when meetings

occur during the summer or a vacation period, or where there are circumstances which require a short delay such as arranging transportation. However, there can be no undue delay in providing special education to the student.

(2)(a) through (3)(a)4.e. No change.

f. The School shall give parents, ~~on request~~, a copy of the Individual Educational Plan.

(b) through (d) No change.

Specific Authority ~~1002.36(4)(d) 242.331(3)~~ FS. Law Implemented ~~1002.36(4)(d) 120.53(1)(b), 242.331(4)~~ FS. History--New 5-5-87, Amended 9-16-93, 3-25-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 37, September 12, 2003

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE TITLE: Provision of Non-Academic and Extracurricular Services and Activities

RULE NO.:

6D-3.007

PURPOSE AND EFFECT: The purpose of this Rule is to ensure that Least Restrictive Environment requirement is followed in extra-curricular activities.

SUMMARY: This rule assures that provisions of non-academic extracurricular activities are made available to students in the Least Restrictive environment.

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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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

TIME AND DATE: 9:00 a.m., December 13, 2003

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-3.007 Provision of Non-Academic and Extracurricular Services and Activities.

(1) The School shall assure that the provisions of all ~~eligible~~ non-academic and extracurricular services and activities to all eligible students is made available in the least restrictive environment appropriate to the needs of the student.

(2) No change.

Specific Authority ~~1002.36(4)(d) 120.53(1)(b)~~ FS. Law Implemented ~~1002.36(4)(d) 120.53(1)(b), 242.331(4)~~ FS. History--New 1-28-80, Formerly 6D-3-07, _____ Cf.P.L. 94-142, 20 USC 1401(18), 1412(2),(5),(6), 1414(a),(5),(6),(7), Federal Register Volume 42 Number 163, Regulations 121a.2, 121a.4. 121a.306.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 29, No. 37, September 12, 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."

PUBLIC SERVICE COMMISSION

DOCKET NO. 030697-WS

RULE TITLES: RULE NOS.:

General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding 25-30.445

Notice of and Public Information for Application for Limited Proceeding Rate Increase 25-30.446

PURPOSE AND EFFECT: To define the filing requirements and to specify the noticing requirements for a limited proceeding application.

SUMMARY: Rule 25-30.445, F.A.C., sets forth the information that must be included in a utility's application for a limited proceeding. Specifically, subsections (1) through (3) detail the minimum filing requirements for a limited proceeding application and set forth the format and administrative requirements for the application. Subsection (4) sets forth the information Class A and B utilities must provide to the Commission. Subsection (5) sets forth the information that a Class C utility must file in an application for a limited proceeding.

Subsection (6) lists some of the factors the Commission will consider when determining whether the utility should file a general rate case instead of a limited proceeding. Subsection (7) requires the utility to provide a statement in its application that addresses whether the utility's rate base has declined or whether any expense recovery sought by the utility would be offset by customer growth. Subsection (8) clarifies that a limited proceeding should not be filed for underearnings in lieu of a general rate case.

Rule 25-30.446, F.A.C., sets forth the noticing requirements for an application for a limited proceeding. Subsections (1) through (5) outlines the procedure by which the utility must provide notice to municipalities and counties within the service areas included in the rate request and to the utility's customers. Subsection (6) requires utilities to provide customers notice of any customer meeting conducted by staff on the utility's application. Subsection (7) requires the utility to provide notice of any Commission hearings that might be conducted in regard to the application. Subsection (8) requires the utility to inform its customers about the Commission's decision on the application and any change in rates.

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 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: 350.127(2), 367.0822, 367.081, 367.145(2), 367.121(1)(a) FS.

LAW IMPLEMENTED: 367.0822, 367.121 FS.

Written comments or suggestions on the proposed rule may be submitted to: FPSC, Division of the Commission Clerk and Administrative Services, within 21 days of the date of this notice for inclusion in the record of the proceeding.

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: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULES IS:

25-30.445 General Information and Instructions Required of Water and Wastewater Utilities in an Application for a Limited Proceeding.

(1) Each applicant for a limited proceeding shall provide the following general information to the Commission:

(a) The name of the applicant as it appears on the applicant's certificate and the address of the applicant's principal place of business;

(b) The type of business organization under which the applicant's operations are conducted; if the applicant is a corporation, the date of incorporation; the names and addresses of all persons who own 5% or more of the applicant's stock; or the names and addresses of the owners of the business.

(c) The number(s) of the Commission order(s), if any, in which the Commission most recently considered the applicant's rates for the system(s) involved.

(d) The address within the service area where the application is available for customer inspection during the time the rate application is pending.

(e) A statement signed by an officer of the utility that the utility will comply with the noticing requirements in Rule 25-30.446, F.A.C.

(2) In a limited proceeding application:

(a) Each schedule shall be cross-referenced to identify related schedules.

(b) Except for handwritten official company records, all data in the petition and application shall be typed.

(c) The original and seven copies shall be filed with the Division of the Commission Clerk and Administrative Services.

(3) A filing fee as required in Rule 25-30.020, F.A.C. shall be submitted at the time of application.

(4) The following minimum filing requirements shall be filed with the utility's application for limited proceeding for a Class A or B water or wastewater utility:

(a) A detailed statement of the reason(s) why the limited proceeding has been requested.

(b) If the limited proceeding is being requested to recover costs required by a governmental or regulatory agency, provide the following:

1. A copy of any rule, regulation, order or other regulatory directive that has required or will require the applicant to make the improvement or the investment for which the applicant seeks recovery.

2. An estimate by a professional engineer, or other person, knowledgeable in design and construction of water and wastewater plant, to establish the projected cost of the applicant's investment and the period of time required for completion of construction.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery. Supporting detail shall be provided for each item requested, including:

1. The actual or projected cost(s);

2. The date the item will be or is projected to be placed in service;

3. Any corresponding adjustments that are required as a result of adding or removing the requested component(s) from rate base, which may include retirement entries; and

4. Any other relevant supporting information.

(d) If the utility's application includes a request for recovery of plant in service, accumulated depreciation and depreciation expense, supporting detail shall be provided by primary account as defined by the NARUC Uniform System of Accounts, in accordance with Rule 25-30.110, F.A.C.

(e) A calculation of the weighted average cost of capital shall be provided for the most recent 12-month period, using the mid-point of the range of the last authorized rate of return on equity, the current embedded cost of fixed-rate capital, the actual cost of short-term debt, the actual cost of variable-cost debt, and the actual cost of other sources of capital which were used in the last individual rate proceeding of the utility. If the utility does not have an authorized rate of return on equity, the utility shall use the current leverage formula pursuant to s. 367.081(4)(f), F.S.

(f) If the utility is requesting recovery of operating expenses, the following information shall be provided:

1. A detailed description of the expense(s) requested;

2. The total cost by primary account pursuant to the NARUC Uniform System of Accounts;

3. Supporting documentation or calculations; and

4. Any allocations that are made between systems, affiliates or related parties. If allocations are made, submit full detail that shows the total amount allocated, a description of the basis of the allocation methodology, the allocation percentage applied to each allocated cost, and the workpapers supporting the calculation of the allocation percentages.

(g) Calculations for all items that will create cost savings or revenue impacts from the implementation of the requested cost recovery items.

(h) If the utility includes any other items where calculations are required, supporting documentation shall be filed that reflects the calculations or assumptions made.

(i) A calculation of the revenue increase including regulatory assessment fees and income taxes, if appropriate.

(j) Annualized revenues for the most recent 12-month period using the rates in effect at the time the utility files its application for limited proceeding and a schedule reflecting this calculation by customer class and meter size.

(k) A schedule of current and proposed rates for all classes of customers.

(l) Schedules for the most recent 12-month period showing that, without any increased rates, the utility will earn below its authorized rate of return in accordance with s. 367.082, F.S. The schedules shall consist of a rate base, net operating income and cost of capital schedule with adjustments to reflect those consistent with the utility's last rate proceeding.

(m) If the limited proceeding is being requested to change the current rate structure, provide a copy of all workpapers and calculations used to calculate requested rates and allocations between each customer class. The test year should be the most recent 12-month period. In addition, the following schedules, which are incorporated herein by reference, should be provided

from the Class A Water and/or Wastewater Utilities Accounting, Rate and Engineering Minimum Filing Requirements (Form PSC/ECR 20 (11/93)).

1. Schedule E-2, Revenue Schedule at Test Year Rates – Proof of Revenue.

2. Schedule E-12, Billing Analysis. Only two copies are required.

(n) Revised tariff sheets should not be filed with the application.

(5) In addition to the requirements stated in subsection (1) through (3), the following minimum filing requirements shall be filed with the utility's application for limited proceeding for a Class C water or wastewater utility:

(a) A detailed statement of the reason(s) why the limited proceeding has been requested.

(b) If the limited proceeding is being requested to recover costs required by a governmental or regulatory agency, provide a copy of any rule, regulation, order or other regulatory directive that has required or will require the applicant to make the improvement or the investment for which the applicant seeks recovery.

(c) A schedule that provides the specific rate base components for which the utility seeks recovery, if known. Supporting detail shall be provided for each item requested, including:

1. The actual or projected cost(s);

2. The date the item will be or is projected to be placed in service;

3. Any corresponding adjustments, if known, that are required as a result of adding or removing the requested component(s) from rate base, which may include retirement entries; and

4. Any other relevant supporting information, if known.

(d) If the utility is requesting recovery of operating expenses, provide an itemized description of the expense(s), including the cost and any available supporting documentation or calculations.

(e) Provide a description of any known items that will create cost savings or revenue impacts from the implementation of the requested cost recovery items.

(f) A calculation of the revenue increase including regulatory assessment fees and income taxes, if applicable.

(g) Annualized revenues for the most recent 12-month period using the rates in effect at the time the utility files its application for limited proceeding and a schedule reflecting this calculation by customer class and meter size.

(6) In evaluating whether the utility's request is improper for a limited proceeding, the Commission will consider factors such as:

(a) Whether the utility's filing includes more than 4 separate projects for which recovery is sought and the requested rate increase exceeds 30%. Corresponding adjustments for a given project are not subject to the above limitation;

(b) Whether the utility has not had a rate case in more than seven years and the requested rate increase exceeds 30%; or

(c) Whether the limited proceeding is filed as the result of the complete elimination of either the water or wastewater treatment process and the requested rate increase exceeds 30%.

(7) The utility shall provide a statement in its filing to the Commission which addresses whether the utility's rate base has declined or whether any expense recovery sought by the utility is offset by customer growth since its most recent rate proceeding or will be offset by future customer growth expected to occur within one year of the date new rates are implemented.

(8) A limited proceeding application shall not be filed for underearnings in lieu of a general rate case.

Specific Authority 350.127(2), 367.0822, 367.081, 367.145(2), 367.121(1)(a) FS. Law Implemented 367.0822, 367.121 FS. History—New _____.

25-30.446 Notice of and Public Information for Application for Limited Proceeding Rate Increase.

(1) This rule applies to all requests for limited proceeding rate increases made by a water or wastewater utility.

(2) Upon filing a petition for limited proceeding rate increase, the utility shall mail a copy of the petition to the chief executive officer of the governing body of each municipality and county within the service areas included in the rate request. Each copy of the petition shall be accompanied by a statement that a copy of the minimum filing requirements (MFRs) set forth in Rule 25-30.445, F.A.C., when accepted by the Commission can be obtained from the petitioner upon request.

(3) Within 30 days after the official date of the filing established by the Commission, the utility shall place a copy of the petition and the MFRs at its official headquarters and at all business offices it has in the service areas included in the rate request. Such copies shall be available for public inspection during the utility's regular business hours. If the utility does not have a business office in a service area included in its rate request, the utility shall place a copy of the petition and the MFRs at the main county library, the local community center or other appropriate location which is within or most convenient to the service area and which is willing to accept and provide public access to the copies. If the Commission determines that these locations will not provide adequate access, the Commission will require that copies of the petition and MFRs be placed at other specified locations.

(4) Upon filing a petition and MFRs for a limited proceeding, the utility shall publish a notice of application in a newspaper of general circulation in the service areas included in the petition.

(5)(a) Within 50 days after the official date of filing established by the Commission, the utility shall provide, in writing, an initial customer notice to all customers within the service areas included in the rate request and to all persons in the same service areas who have filed a written request for service or who have been provided a written estimate for service within the 12 calendar months prior to the month the petition is filed.

(b) The initial customer notice must be approved by Commission staff prior to distribution and shall include the following:

1. The date the notice is to be issued;

2. A statement that the utility has filed a rate request with the Commission and a statement of the general reasons for the request;

3. A statement of the locations where copies of the MFRs and petition are available for public inspection and the hours and days when inspection may be made;

4. A comparison of current rates and charges and the proposed new rates and charges;

5. The utility's address, telephone number, and business hours;

6. A statement that written comments regarding utility service or the proposed rates and charges should be addressed to the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0870, and that such comments should identify the docket number assigned to the proceeding;

7. A statement that complaints regarding service may be made to the Commission's Division of Consumer Affairs at the following toll-free number: 1(800)342-3552; and

8. The docket number assigned by the Commission's Division of the Commission Clerk and Administrative Services.

(c) The initial customer notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(6) No less than 14 days and no more than 30 days prior to the date of a customer meeting conducted by the Commission staff, the utility shall provide written notice of the date, time, location, and purpose of the customer meeting to all customers within the service areas designated by the Commission staff. The notice must be approved by Commission staff prior to distribution. The notice shall be mailed to the out-of-town address of all customers who have provided the utility with an out-of-town address.

(7) If a proposed agency action order issued in the case is protested and any hearings are subsequently held, the utility shall give notice no less than 14 days and no more than 30 days prior to the date of each hearing held in or near a utility service area included in the rate request. The utility shall also have published in a newspaper of general circulation in the area in which such hearing is to be held a display advertisement

stating the date, time, location, and purpose of the hearing. The notice must be approved by Commission staff prior to publication.

(8) After the Commission issues an order granting or denying a rate change, the utility shall notify its customers of the order and any revised rates. The customer notification must be first approved by Commission staff and shall be distributed no later than with the first bill containing any revised rates.

Specific Authority 350.127(2), 367.0822, 367.121(1)(a) FS. Law Implemented 367.0822, 367.121 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Patricia Merchant
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 1, 2002, Vol. 28, No. 44

DEPARTMENT OF CORRECTIONS

RULE TITLE: Employee Grooming, Uniform and Clothing Requirements
RULE NO.: 33-208.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to permit staff to wear neatly trimmed 1/4 inch beards.

SUMMARY: The proposed rule permits staff to wear neatly trimmed 1/4 inch beards.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 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:

33-208.101 Employee Grooming, Uniform and Clothing Requirements.

(1) No change.

(2) In addition to the standards set forth in subsection (1), all male employees shall comply with the following grooming standards:

(a) Hair will not completely cover any part of the ear or go below the ear or extend below 1/2 inch of the top of the collar.

(b) ~~Staff shall be permitted to wear a neatly trimmed 1/4 inch beard. Sideburns shall not extend below the bottom of the ear, shall not be flared, and shall not connect with a mustache.~~

~~(c) A neatly trimmed mustache may be worn, but shall not extend below or in excess of 1/4 inch beyond the corners of the mouth or extend below the upper lip.~~

~~(d) The face will be clean shaven other than the wearing of an acceptable mustache or sideburns. Beards and goatees are prohibited.~~

~~(e) The only exception to the shaving policy shall be based on medical need. Any employee who cannot adhere to the shaving policy based on a medical diagnosis must provide a statement from a physician stating the medical condition, describing proposed treatment, and stating whether it is a temporary or permanent condition. If the physician indicates that it is a temporary condition and facial hair growth is prescribed, the physician's statement shall be forwarded through the chain of command for review, comment and recommendation to the appropriate director, Chief of Staff or Deputy Secretary. The Deputy Secretary, Chief of Staff or director may grant a temporary exemption to the shaving policy for medical reasons for a three to six month period. At the end of a period of temporary exemption, the employee shall be re-evaluated by his physician or a physician chosen by the department. Further temporary exemption periods of up to 12 months each may be granted under the foregoing criteria and procedures. If the physician states that the medical condition is permanent with no likelihood of improvement, a permanent exemption will be approved by the regional director, director of institutions, or deputy secretary. Facial hair in cases of exemption shall be neatly trimmed to 1/4 inch.~~

(3) through (10) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-27-85, Amended 6-19-85, Formerly 33-4.07, Amended 3-6-88, 8-15-89, 2-12-91, 10-13-91, 4-19-98, 12-7-98, Formerly 33-4.007, Amended 10-5-99, 3-21-00, 12-18-00, 4-30-02, 2-20-03, 6-26-03, 10-27-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Rathmann
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

DEPARTMENT OF CORRECTIONS

RULE TITLE: Permissible Items for Visitors
RULE NO.: 33-601.725

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add smokeless tobacco to the list of items which visitors are allowed to bring into a department facility, and to clarify that all items must be removed by the visitor at the end of the visit.

SUMMARY: The proposed rule adds smokeless tobacco to the list of items which visitors are allowed to bring into a department facility, and clarifies that all items must be removed by the visitor at the end of the visit.

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, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 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:

33-601.725 Permissible Items for Visitors.

(1) Visitors shall be allowed to bring only authorized items listed into any department facility. Entry shall be denied if the visitor attempts to enter the institution or facility while possessing any unauthorized item or any authorized item in more than the approved amounts. Authorized items shall be removed by the visitor at the end of the visit. Authorized items include:

(a) No change.

(b) One unopened, sealed package or can of smokeless tobacco, to include chewing tobacco and moist or powdered snuff.

(b) through (i) renumbered (c) through (j) No change.

(2) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 7-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
George Sapp

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2003

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE:

RULE NO.:

Delegation

40C-3.0321

PURPOSE AND EFFECT: The purpose and effect of this proposed amendment is to: (1) delegate authority to issue water well contractor licenses and renewals from the District's Governing Board to the Executive Director, Assistant Executive Director, Director, Department of Resource Management, Assistant Director, Department of Resource Management, and Division Director, Division of Water Use Regulation; and (2) further delegate authority to issue permits for construction, repair, or modification of water wells to the Assistant Executive Director, Director, Department of Resource Management, Assistant Director, Department of Resource Management, and Division Director, Division of Water Use Regulation.

SUMMARY: The proposed rule amendment would delegate authority to issue water well contractor licenses and renewals and further delegate authority to issue permits for the construction, repair, or modification of water wells.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.083(5), 373.308, 373.309(2), 373.323(5), 373.324(2), 373.333, 373.342 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 a statement of estimated regulatory cost, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

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

TIME AND DATE: December 9, 2003, following the regularly scheduled Regulatory/Governing Board Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting: Ann Freeman, (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, email:nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-3.0321 Delegation.

The authority for general administration of Chapter 40C-3, F.A.C., is delegated to the Executive Director of the District. It is the policy of the Board that in making this delegation the Executive Director is authorized to designate specific staff members to carry out various tasks but that overall supervision and responsibility shall rest with the executive director. The Executive Director, Assistant Executive Director, Director, Department of Resource Management, Assistant Director, Department of Resource Management, or Division Director, Division of Water Use Regulation are expressly authorized to issue permits under this chapter as provided in Sections 373.342(1), 373.323(5), and 373.324(2), F.S.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.083(5), 373.308, 373.309(2), 373.323(5), 373.324(2), 373.333, 373.342 FS. History—New 10-14-84, Formerly 40C-3.032, 40C-3.0032, Amended 9-17-89, Formerly 40C-3.032, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Thomas Mayton, Sr. Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, Suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow

RULE CHAPTER NO.: 40D-8

RULE TITLES: Definitions

RULE NOS.: 40D-8.021

Guidance and Minimum Levels for Lakes

40D-8.624

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C. to incorporate a methodology for the establishment of minimum lake levels and to add levels for the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUMMARY: Pursuant to 373.042, F.S., the proposed rules amendments create a methodology to be used to establish minimum lake levels for Category 3 lakes. Category 3 lakes are those with no fringing cypress wetlands equal to or less than .5 acre in size. The proposed amendments also establish guidance and minimum lake levels for Lake Calm, Church Lake, Cypress Lake, Echo Lake, Fairy Lake (a.k.a. Lake Maurine), Halfmoon Lake, Lake Barbara, Lake Crenshaw, Lake Ellen, Lake Helen, Lake Hobbs, Round Lake, and Saddleback Lake in Hillsborough County, Florida, and Big Fish Lake in Pasco County, Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 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: Karen A. Lloyd, Senior Attorney, Office of General Counsel, or Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.021 Definitions.

The terms set forth herein shall have the meanings ascribed to them unless the context clearly indicates otherwise, and such meanings shall apply throughout these rules. The terms defined in Rule 40D-1.102, F.A.C., shall also apply throughout Chapter 40D-8, F.A.C., and the terms defined in this 40D-8.021, F.A.C., apply throughout the District rules except that where there is a conflict or a difference between Rule 40D-1.102 and this Rule 40D-8.021, F.A.C., the definition in this Chapter 40D-8, F.A.C., will control.

(1) through (15) No change.

(16) “Reference Lake Water Regime 5090 (RLWR 5090)” means the median value of the difference between the P50 and P90 lake stages for all lakes with historic data with similar hydrogeologic conditions as the lake of concern.

(16) through (18) renumbered (17) through (19) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, Formerly 16J-8.02, Amended 8-7-00, _____.

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) Levels for lakes adopted during or after August 7, 2000, are set forth in Table 8-2 in 40D-8.624(13)(12), F.A.C. There are three Guidance Levels for lakes, the Ten Year Flood Guidance Level, the High Guidance Level and the Low Guidance Level. There are two Minimum Levels for lakes, the High Minimum Lake Level and the Minimum Lake Level. After the High Minimum Lake Level and Minimum Lake Level for each lake is a designation indicating which of the categories described below applied and, therefore, which method was used to determine the High Minimum Lake Level and the Minimum Lake Level.

(2) Levels for lakes adopted prior to August 7, 2000, are set forth in the table in subsection 40D-8.624(14)(13), F.A.C.

(3) No change.

(4) The High Guidance Level (HGL).

(a) The High Guidance Level (HGL) is provided as an advisory guideline for construction of lake shore development, water dependent structures, and operation of water management structures. Figure 8-2 depicts the method described below for calculating the HGL. The High Guidance Level is the expected Historic P10 of the lake. ~~This level may be calculated based on Historic lake water level or may be estimated from Hydrologic Indicators.~~ For Category 2 lakes as described in paragraph 40D-8.624(8)(7)(b), F.A.C., below, the HGL and the High Minimum Level may be calculated to be the same elevation.

~~(b)(a)~~ The HGL is established using best available information, including:

1. Hydrologic data;
2. Hydrologic Indicators;
3. Where the lake has been Structurally Altered, the apparent effectiveness of the Structural Alterations in controlling water levels; and
4. Other information indicative of previous water levels.

~~(c)(b)~~ Unless the best available information indicates that a different elevation more accurately approximates the Historic P10 of the lake, the HGL shall be established using the following procedure:

1. The HGL shall be established at the Historic P10, if competent Historic data are available.

1. through 4. renumbered 2. through 5. No change.

(5) Historic P50

(a) The Historic P50 is derived to support development of minimum lake levels. Figure 8-3 depicts the method described below for calculating the Historic P50.

(b) The Historic P50 shall be established using competent Historic data, if it is available.

(c) In those cases where competent Historic data are unavailable, but Current data are available, the Historic P50 is determined by first calculating the difference between the Current P10 and the Current P50 ("P10-P50") and comparing this to the region-specific Reference Lake Water Regime 50 (RLWR 50), then:

1. If the Current lake specific P10-P50 difference is greater than the RLWR 50, it is assumed the lake is impacted by water withdrawals, therefore, the Historic P50 is estimated by subtracting the RLWR 50 from the HGL.

2. If the Current lake specific P10-P50 difference is less than the RLWR 50 then the Historic P50 is estimated by subtracting the Current lake specific P10-P50 difference from the HGL.

3. If Current does not exist for the lake, the Historic P50 is estimated by subtracting the RLWR 50 from the HGL.

(5)(a) through (b) renumbered (6)(a) through (b) No change.

(6)(a) through (b) renumbered (7)(a) through (b).

~~(8)(7)~~ The method for establishing the High Minimum Lake Level and the Minimum Lake Level pursuant to subsections 40D-8.624(6)(5) and ~~(7)(6)~~ above, will depend on the category within which the subject lake falls, as follows:

(a) Category 1 Lakes – Those lakes with lake-fringing cypress swamp(s) greater than 0.5 acres in size where Structural Alterations have not prevented the Historic P50 from equaling or rising above an elevation that is 1.8 feet below the normal pool of the cypress swamp(s). Figure 8-3 depicts the method for calculating the Historic P50.

1. The High Minimum Level for Category 1 lakes is established 0.4 feet below the normal pool elevation in the cypress swamp(s) contiguous with the lake.

2. The Minimum Level for Category 1 lakes shall be 1.8 feet below the normal pool elevation in the cypress swamps contiguous with the lake. Figure 8-1 depicts the method for calculating the minimum lake levels for Category 1 lakes.

(b) Category 2 Lakes – Those lakes with lake-fringing cypress swamp(s) greater than 0.5 acres in size where Structural Alterations have prevented the Historic P50 from equaling or rising above an elevation that is equal to an elevation that is 1.8 feet below normal pool and the lake-fringing cypress swamp(s) remain viable and perform functions beneficial to the lake in spite of the Structural Alterations. Figure 8-3 depicts the method for calculating the Historic P50.

1. The High Minimum Level shall be established at the HGL.

2. The Minimum Lake Level shall be established at the Historic P50 elevation. Figure 8-3 depicts the method for calculating the Historic P50. Figure 8-1 depicts the method for calculating the Minimum Lake Level for Category 2 lakes. ~~In those cases where competent Historic are unavailable, but Current are available, the Historic P50 is determined by first calculating the difference between the Current P10 and the Current P50 ("P10-P50") and comparing this to the Reference Lake Water Regime (RLWR) 50, then:~~

~~a. If the Current lake specific P10-P50 difference is greater than the RLWR 50, it is assumed the lake is impacted by water withdrawals, therefore, the Minimum Lake Level is estimated by subtracting the RLWR 50 from the HGL.~~

~~b. If the Current lake specific P10-P50 difference is less than the RLWR 50 then the Minimum Lake Level is estimated by subtracting the Current lake specific P10-P50 difference from the HGL.~~

~~c. If Current does not exist for the lake, the minimum level is estimated by subtracting the RLWR 50 from the HGL.~~

(c) Category 3 Lakes – Those lakes where there are no lake-fringing cypress swamp(s) greater than 0.5 acre in size.

1. High Minimum Level. Once the Minimum Lake Level is identified as described in subparagraph 40D-8.624(8)(c)2., F.A.C., below, the High Minimum Lake Level may be

established, using the region-specific reference lake water regime statistic, or Historic hydrologic data. If Historic data are available, the High Minimum Lake Level may be established at the elevation corresponding to the minimum Lake Level plus the difference between the Historic P10 and the Historic P50. If Historic data are not available, the High Minimum Lake Level may be established at the elevation corresponding to the Minimum Lake Level plus the region-specific RLWR50 value.

2. Reserved for the Minimum Level for Category 3 lakes is established utilizing a process that considers, applying professional experience and judgment, multiple parameters including changes in lake mixing and susceptibility to sediment resuspension, changes in water depth associated with docks, change in basin connectivity, changes in species richness, change in coverage of herbaceous wetland vegetation, change in coverage of aquatic macrophytes, and change in cultural (aesthetic and recreational) values as described below.

a. Lake Mixing Standard and Information for Consideration.

i. Step 1

(a) Establish stage specific dynamic ratio values (square root of the lake surface area in square kilometers divided by the mean depth in meters).

(b) Establish the Mixing Standard at the highest elevation at or below the Historic P50 elevation where the dynamic ratio shifts from a value of <0.8 to a value >0.8 or from a value of >0.8 to a value of <0.8.

ii. Step 2

(a) Develop water column depth profiles of water temperature, and dissolved oxygen concentration during summer months.

iii. Step 3

(a) Based on professional experience and judgment, review all relevant information pertaining to water column mixing and stratification in the lake (including the Mixing Standard and stability of water column thermal stratification) for development of minimum levels.

b. Dock-Use Standard and Information for Consideration

i. Step 1

If boats or other watercraft are used on the lake, determine the elevation of sediments at the end of existing docks, and establish the elevation exceeded by ten percent of the sediment elevation values.

ii. Step 2

(a) If Historic data are available, derive the Dock-Use Standard by adding 2 feet and the difference (in feet) between the Historic P50 and Historic P90 elevation to the elevation exceeded by ten percent of the sediment elevations at the end of existing docks.

(b) If Historic data are not available, derive the Dock-Use Standard by adding 2 feet and the region-specific RLWR5090 value (in feet) to the elevation exceeded by ten percent of the sediment elevations at the end of existing docks.

iii. Step 3

Based on professional experience and judgment, review relevant information pertaining to dock use and dock elevations at the lake (including the Dock-Use Standard) for development of minimum levels.

c. Basin Connectivity Standard and Information for Consideration.

i. Step 1

Determine elevations for areas of potential surface water connectivity among sub-basins within the lake basin or between the lake and other lakes.

ii. Step 2

Identify the highest elevation (or other appropriate elevation in the areas of connectivity) as the critical high-spot elevation.

iii. Step 3

(a) If powerboats are used at the lake and Historic data are available, derive the Basin Connectivity Standard by adding 2 feet and the difference (in feet) between the Historic P50 and Historic P90 elevations to the critical high spot elevation.

(b) If powerboats are used at the lake, and Historic data are not available, derive the Basin Connectivity Standard by adding 2 feet and the region-specific RLWR5090 value (in feet) to the critical high spot elevation.

(c) If powerboats are not used at the lake and Historic data are available, derive the Basin Connectivity Standard by adding 1 foot and the difference (in feet) between the Historic P50 and Historic P90 elevations to the critical high spot elevation.

(d) If powerboats are not used at the lake, and Historic data are not available, derive the Basin Connectivity Standard by adding 1 foot and the region-specific RLWR5090 value (in feet) to the critical high spot elevation.

iv. Step 4

(a) Based on professional experience and judgment, review relevant information pertaining to inter- and intra-basin connections for the lake basin (including the Basin Connectivity Standard) for development of minimum levels.

d. Species Richness Standard and Information for Consideration.

i. Step 1

Determine the lake surface area associated with the Historic P50 elevation.

ii. Step 2

Establish the Species Richness Standard at an elevation corresponding to the lowest elevation associated with less than a 15% reduction in lake surface area relative to the area at the Historic P50 elevation.

iii. Step 3

Based on professional experience and judgment, review relevant information pertaining to biological diversity within the lake basin (including the Species Richness Standard) for development of minimum levels.

e. Herbaceous Wetland Information for Consideration.i. Step 1

Determine stage-specific potential wetland area values (i.e., lake area with a water depth less than or equal to 4 feet) for the lake basin.

ii. Step 2

Identify elevations at which change in lake stage would result in substantial change in potential wetland area within the lake basin.

iii. Step 3

Based on professional experience and judgment, review relevant information pertaining to herbaceous wetlands in the lake basin (including elevations at which change in lake stage would result in substantial change in potential wetland area, and elevations of connections between the lake basin and contiguous wetland areas) for development of minimum levels.

f. Submersed Aquatic Macrophyte Information for Consideration.

i. Step 1

Determine lake-specific maximum depth of colonization values for submersed aquatic macrophytes using a representative, lake-specific Secchi Disk depth value and an empirically-derived relationship between Secchi Disk depth and maximum depth of macrophyte colonization.

ii. Step 2

Determine stage-specific lake area available for submersed aquatic macrophyte colonization using the lake-specific maximum depth of colonization value.

iii. Step 3

Identify elevations at which change in lake stage would result in substantial change in the area available for colonization by submersed aquatic macrophytes.

iv. Step 4

Based on professional experience and judgment, review relevant information pertaining to aquatic macrophyte coverage in the lake basin (including elevations at which change in lake stage would result in substantial change in the area available for colonization by submersed aquatic macrophytes, and coverage that could hinder navigation) for development of minimum levels.

g. Aesthetics Standard and Information for Consideration.i. Step 1

Establish the Aesthetics Standard at the Low Guidance Level.

ii. Step 2

Based on professional experience and judgment, review relevant information pertaining to aesthetic values associated with the lake basin (including the Aesthetics Standard) for development of minimum levels.

h. Recreation/Ski Standard and Information for Consideration.

i. Step 1

Determine whether the lake basin can contain a ski corridor delineated as a circular area with a radius of 418 feet or a rectangular or polygonal area 200 ft in width and 2,000 feet in length.

ii. Step 2

If the lake basin can contain a ski corridor, identify the minimum elevation at which the lake basin can contain a ski corridor with a depth of five feet (Ski Elevation) by adding five feet to the elevation at which the basin can contain the ski corridor.

iii. Step 3

(a) If Historic data are available, derive the Recreation/Ski Standard by adding the difference (in feet) between the Historic P50 and Historic P90 elevations to the Ski Elevation.

(b) If Historic data are not available, derive the Recreational/Ski Standard by adding the region specific RLWR5090 value (in feet) to the Ski Elevation.

iv. Step 4

(a) Compare the Recreation/Ski Standard to the Historic P50 elevation.

(b) If the Recreation/Ski Standard is less than or equal to the Historic P50 elevation, use of the standard for development of the Minimum Lake Level is appropriate.

(c) If the Recreation/Ski Standard is greater than the Historic P50 elevation, use of the standard for development of the Minimum Lake Level is not appropriate.

v. Step 5

(a) Based on professional experience and judgment, review relevant information pertaining to skiing and other recreational activities within the lake basin (including the Recreation/Ski Standard) for development of minimum levels.

i. Establish Minimum Lake Level – Following development of lake-specific standards (Mixing Standard, Dock-Use Standard, Basin Connectivity Standard, Species Richness Standard, Recreation/Ski Standard, Aesthetics Standard) and compilation of other relevant information, the Minimum Lake Level for Category 3 lakes shall be established at the elevation corresponding to the most conservative, i.e., the highest standard, except where that result is an elevation above the Historic P50, in which case the Minimum Level shall be established at the Historic P50 elevation.

(9) Where the Governing Board determines that there are unique factors to be addressed at a particular lake such that the Minimum Level that would be established based upon

subsection 40D-8.624(8), F.A.C., above is inappropriate, the Governing Board shall determine the Minimum High Level and the Minimum Level, as applicable, considering the appropriate category standards described above, and the lake's unique factors. Unique factors include:

(a) Elevations associated with residential dwellings, roads or other structures,

(b) Substantial changes in the coverage of herbaceous wetland vegetation or submersed aquatic macrophytes,

(c) Frequent submergence of dock platforms.

(d)(8) The Governing Board may consider additional information relating to protection of nonconsumptive uses when establishing the High Minimum Lake Level and the Minimum Lake Level, including. This information includes lake vegetation maps, faunal surveys, bathymetric maps, aerial photographs, elevations of docks, seawalls, house slabs, and other structures, typical uses of a lake (e.g. recreation, aesthetics, navigation, irrigation, and surrounding land uses), socio-economic effects of the minimum level and public health, safety and welfare matters.

(10)(9) Low Guidance Level – The Low Guidance Level is provided as an advisory guideline for water dependent structures, information for lake shore residents and operation of water management structures. The Low Guidance Level is the elevation that a lake's water levels are expected to equal or exceed ninety percent of the time on a Long-term basis. Therefore, this is also the elevation that a lake's water levels are expected to be below 10 percent of the time on a Long-term basis. The Low Guidance Level is established as:

(a) The Low Guidance Level (LGL) is established as:

1.(a) The Historic P90 elevation, if competent Historic data are available, or

2. In those cases where competent Historic data are unavailable, but Current data are available, the Low Guidance Level is determined by first calculating the difference between the Current P10 and the Current P90 and comparing this to the region-specific Reference Lake Water Regime 90 (RLWR90), then:

a. If the Current lake specific P10-P90 difference is greater than the RLWR 90, it is assumed the lake is impacted by water withdrawals, therefore, the Low Guidance Level is estimated by subtracting the RLWR 90 from the HGL.

b. If the Current lake specific P10-P90 difference is less than the RLWR 90, then the Low Guidance Level is estimated by subtracting the Current lake specific P10-P90 difference from the HGL.

3.(b) The HGL minus the region-specific RLWR 90 value if competent Historic or Current data are is not available.

(11)(a)(10) The Ten Year Flood Guidance Level is provided as an advisory guideline for lake shore development. The Ten Year Flood Guidance Level incorporates the level of flooding expected on a frequency of not less than the ten year recurring interval, or on a frequency of not greater than a ten percent probability of occurrence in any given year. The Ten Year Flood Guidance Level is established using methods that correspond to the hydrology and type of conveyance system of the lake being evaluated.

(b)(a) Open Basin Lakes That Discharge –

1. Data Available – If lake stage records of sufficient quality and quantity are available, the Ten Year Flood Guidance Level for open-basin lakes will be established using statistics derived from frequency analysis of the stage records (statistical method). Annual peak stages will be ranked and fit to a distribution or plotted to estimate the ten –year peak stage. At least thirty years of hydrologic data are preferred for establishment of the Ten Year Flood Guidance Level using the statistical method. The Ten Year Flood Guidance Level for these lakes shall be established using numerical single storm event models. Rainfall depths shall be taken from Part D of the District's Environmental Resource Permitting Information Manual described and incorporated by reference in Rule 40D-4.091, F.A.C., and is available upon request to the District. Runoff volumes shall be computed using conventional methods such as the Soil Conservation Service (SCS) curve number method, or with standard infiltration formulas (e.g., Horton's Equation, Green-Ampt Equation). Runoff distributions shall be computed using conventional methods including the SCS method or other unit hydrograph methods, or the kinematic wave overland flow method. Modeling programs that account for tailwater and compute backflow (dynamic models) are preferred for the hydraulic routing.

2. Data Not Available – Storm event modeling of open-basin lakes will be utilized when sufficient stage data for use of a statistical method are not available. Rainfall depths used for the process are taken from sources such as the National Weather Service Technical Paper 49, and Part D of the District's Environmental Resource Permitting Information Manual described and incorporated by reference in Rule 40D-4.091, F.A.C. Runoff volumes used for the modeling are computed using conventional methods such as the Natural Resources Conservation Service (NCRS) curve number method, or with standard infiltration formulas (e.g. Horton's Equation, Green-Ampt Equation). Runoff distributions are

computed using conventional methods including the NRCS method or other unit hydrograph methods, or the kinematic wave overland flow method. Modeling programs that account for tailwater and compute backflow (dynamic models) are preferred for the hydraulic routing component of the stormwater event modeling. Methods described in subparagraph 40D-8.624(11)(c)2., F.A.C. "Closed Basin Lakes – Not Available" below can also be applied when the probability of the 10-year flood elevation being exceeded in any given year is influenced by serial correlation to annual peak elevations.

(c)(b) Closed Basin Lakes –

1. Data Available – If lake stage records of sufficient quality and quantity are available, the Ten Year Flood Guidance Level for closed-basin lakes will be established using statistics derived from frequency analysis of the stage record (statistical method). Annual peak stages will be ranked and fit to a distribution or plotted to estimate the ten-year peak stage. As a general rule, at least thirty years of hydrologic data are preferred for establishment of the Ten Year Flood Guidance Level using the statistical method.

2. Data Not Available – Numerical or empirical modeling of closed-basin lakes will be utilized when sufficient stage data for use of a statistical method are not available. Simulation periods of thirty or more years are preferred for either numerical or empirical modeling techniques. A composite record of rainfall records from more than one rainfall station in the region in which the subject lake is located may be used for the process. Calibration of the simulation model shall be based on stage records, Hydrologic Indicators of water level, and eye-witness accounts of peak stages. Model simulations to determine the Ten Year Flood Guidance Level will exclude effects of water withdrawals.

~~The Ten Year Flood Guidance Level for closed basin lakes shall be derived using a frequency analysis of lake stage readings, or lake stages predicted by a physically based numerical "continuous simulation model," or an empirical simulation model derived by regression methods. The selection of one of these described methods shall be based on reasonable scientific judgment. The simulation periods for either numerical or empirical models shall be based on not less than thirty years of contiguous rainfall record. A composite of more than one rainfall station in the region in which the subject lake is located is acceptable. Calibration of the simulation model shall be based on as many of the following indicators as possible: stage records and Hydrologic Indicators of water levels. If stage records or Hydrologic Indicators do not exist or the record does not contain peak elevation readings, then eye-witness accounts of peak stages shall be considered. Model simulations to determine the Ten Year Flood Guidance Level shall exclude effects of water withdrawals.~~

~~(12)(11) Posted Notice~~

~~(a) through (b) No change.~~

~~(13)(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(7), F.A.C., to establish the level. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14)(13), F.A.C., below.~~

Table 8-2 Minimum and Guidance Lake Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.						
Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Low Guidance Level	Minimum Lake Level
(a) In Charlotte County Within the Peace River Basin RESERVED						
(b) In Citrus County Within the Coastal Rivers Basin RESERVED						
(c) In Citrus County Within the Withlacoochee River Basin RESERVED						
(d) In DeSoto County Within the Peace River Basin RESERVED						
(e) In Hardee County Within the Peace River Basin RESERVED						
(f) In Hernando County Within the Coastal Rivers Basin RESERVED						
(g) In Hernando County Within the Hillsborough River Basin RESERVED						
(h) In Hernando County Within the Withlacoochee River Basin RESERVED						
(i) In Highlands County Within the Peace River Basin RESERVED						
(j) In Hillsborough County Within the Alafia River Basin RESERVED						

(k) In Hillsborough County Within the Hillsborough River Basin RESERVED	Stemper Lake S-13, T-27, R-18 (Levels in feet NGVD)	62.6	61.2	60.8 (CAT 1)	59.1	59.4 (CAT 1)
(l) In Hillsborough County Within the Northwest Hillsborough Basin	Sapphire Lake S-14, T-27, R-18 (Levels in feet NGVD)	64.1	63.4	63.0 (CAT 1)	61.3	61.6 (CAT 1)
	Cypress Lake S-24, T-27, R-17	<u>50.86</u>	<u>48.89</u>	<u>48.89</u> RESERVED (CAT 3)	<u>46.79</u>	<u>47.89</u> (CAT 3)
	Dosson Lake S-20, T-27, R-18 (Levels in feet NGVD)	55.1	53.4	53.4 (CAT 2)	51.3	52.4 (CAT 2)
	Sunshine Lake S-20, T-27, R-18 (Levels in feet NGVD)	55.1	53.4	53.4 (CAT 2)	51.3	52.4 (CAT 2)
	Lake Helen S-19, T-27, R-18	<u>54.96</u> RESERVED	<u>53.15</u> RESERVED	<u>53.15</u> RESERVED (CAT 3)	<u>51.05</u> RESERVED	<u>52.15</u> RESERVED (CAT 3)
	Lake Ellen S-19, T-27, R-18	<u>54.96</u> RESERVED	<u>53.15</u> RESERVED	<u>53.15</u> RESERVED (CAT 3)	<u>51.05</u> RESERVED	<u>52.15</u> RESERVED (CAT 3)
	Lake Barbara S-19, T-27, R-18	<u>54.96</u> RESERVED	<u>53.15</u> RESERVED	<u>53.15</u> RESERVED (CAT 3)	<u>51.05</u> RESERVED	<u>52.15</u> RESERVED (CAT 3)
	Little Moon Lake S-28, T-27, R-17 (Levels in feet NGVD)	40.8	39.1	39.1 (CAT 2)	37.0	38.1 (CAT 2)
	Hobbs S-1, T-27, R-18	<u>67.75</u> RESERVED	<u>65.46</u> RESERVED	<u>65.46</u> RESERVED (CAT 23)	<u>63.36</u> RESERVED	<u>64.46</u> RESERVED (CAT 23)
	Brant S-23, T-27, R-18 (Levels in feet NGVD)	60.5	58.0	58.0 (CAT 2)	55.9	57.0 (CAT 2)
	Crenshaw S-22, T-27, R-18	<u>57.64</u> RESERVED	<u>55.5</u> RESERVED	<u>54.45</u> RESERVED (CAT 3)	<u>53.4</u> RESERVED	<u>53.45</u> RESERVED (CAT 3)
	Starvation S-21, T-27, R-18	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED	RESERVED (CAT 3)
	Deer S-1, T-27, R-18 (Levels in feet NGVD)	70.0	66.5	66.5 (CAT 2)	64.4	65.5 (CAT 2)

	Alice S-16, T-27, R-17 (Levels in feet NGVD)	42.4	40.9	40.9 (CAT 2)	38.8	39.9 (CAT 2)
	Calm S-14, T-27, R-17	51.02 RESERVED	49.41 RESERVED	49.41 RESERVED (CAT 3)	47.31 RESERVED	48.41 RESERVED (CAT 3)
	Rainbow S-22, T-27, R-17 (Levels in feet NGVD)	40.8	39.1	39.1 (CAT 2)	37.0	38.1 (CAT 2)
	Juanita S-22, T-27, R-17 (Levels in feet NGVD)	43.8	41.7	41.7 (CAT 2)	39.6	40.7 (CAT 2)
	Horse S-26, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED	RESERVED (CAT 3)
	Fairy (Maurine) S-34, T-27, R-17	34.51 RESERVED	33.41 RESERVED	33.41 RESERVED (CAT 3)	31.31 RESERVED	32.41 RESERVED (CAT 3)
	Halfmoon S-31, T-27, R-18	45.07 RESERVED	43.3 RESERVED	43.3 RESERVED (CAT 2 3)	41.2 RESERVED	42.3 RESERVED (CAT 2 3)
	Raleigh S-27, T-27, R-17	RESERVED	RESERVED	RESERVED (CAT 3)	RESERVED	RESERVED (CAT 3)
	Rogers S-27, T-27, R-17	Not Available	RESERVED	RESERVED (CAT 3)	RESERVED	RESERVED (CAT 3)
	Sunset S-17, T-27, R-17 (Levels in feet NGVD)	35.0	34.8	34.4 (CAT 1)	32.7	33.0 (CAT 1)
	Bird S-26, T-27, R-18 (Levels in feet NGVD)	53.0	49.6	49.6 (CAT 2)	47.5	48.6 (CAT 2)
	Crystal S-14, T-27, R-18 (Levels in feet NGVD)	62.1	59.8	59.8 (CAT 2)	57.7	58.8 (CAT 2)
	Merrywater S-22, T-27, R-18 (Levels in feet NGVD)	58.0	55.8	55.8 (CAT 2)	53.7	54.8 (CAT 2)
	Round S-22, T-27, R-18	56.49 Not Available	55.6 RESERVED	54.5 RESERVED (CAT 3)	53.5 RESERVED	53.5 RESERVED (CAT 3)
	Church S-28, T-27, R-17	36.74 RESERVED	35.64 RESERVED	35.64 RESERVED (CAT 3)	33.54 RESERVED	34.64 RESERVED (CAT 3)

	Echo S-28, T-27, R-17	36.74 RESERVED	35.64 RESERVED	35.64 RESERVED (CAT 3)	33.54 RESERVED	34.64 RESERVED (CAT 3)
	Saddleback S-22, T-27, R-18	56.11	54.58	54.58 (CAT 2)	52.48	53.58 (CAT 2)
(m) In Lake County Within the Green Swamp Basin RESERVED						
(n) In Levy County Within the Withlacochee River Basin RESERVED						
(o) In Manatee County Within the Manasota River Basin RESERVED						
(p) In Marion County Within the Withlacochee River Basin RESERVED						
(q) In Pasco County Within the Coastal Rivers Basin	Big Fish Lake S-21, T-24, R-19	77.41 RESERVED	76.05 RESERVED	75.65 RESERVED (CAT 3)	71.75 RESERVED	73.05 RESERVED (CAT 3)
(r) In Pasco County Within the Green Swamp Basin RESERVED						
(s) In Pasco County Within the Hillsborough County Basin RESERVED						
(t) In Pasco County Within the Pinellas-Anclotte River Basin	Camp Lake S-34, T-26, R-18 (Levels in feet NGVD)	64.3	63.8	63.4 (CAT 1)	61.3	62.0 (CAT 1)
(u) In Pasco County Within the Withlacochee River Basin RESERVED						
(v) In Pinellas County Within the Pinellas-Anclotte River Basin RESERVED						

(w) In Polk County Within the Alafia River Basin RESERVED						
(x) In Polk County Within the Green Swamp Basin RESERVED						
(y) In Polk County Within the Hillsborough River Basin RESERVED						
(z) In Polk County Within the Peace River Basin RESERVED						
(aa) In Sarasota County Within the Manasota Basin RESERVED						
(bb) In Sumter County Within the Green Swamp Basin RESERVED						
<u>(cc) In Sumter County Within the Withlacoochee River Basin RESERVED</u>						

(14)(13) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Location of Impoundment by County and Basin	Ten (10) Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) In Charlotte County Within the Peace River Basin				
(b) In Citrus County Within the Coastal Rivers Basin				
(c) In Citrus County Within the Withlacoochee River Basin				
Lake Bradley S23 T20S R20E	43.40'	42.50'	40.25'	38.25'
Lake Cato S5 T19 R20	38.82'	38.00'	35.50'	34.00'
Lake Connell S6 T19 R20	35.68'	35.50'	32.00'	30.00'

Lake Cooter S17 T19 R20	41.80'	40.50'	38.25'	36.25'
Lake Hog Pond (Nina) S2 T19 R19	35.92'	34.50'	32.00'	30.00'
Lake Holden (Inverness) S32 T19 R20	32.44'	32.00'	29.50'	28.00'
Lake Magnolia S3 T20 R20	32.36'	31.00'	28.50'	27.00'
Lake Rush (Williams) S3 T17 R18	36.20'	35.75'	33.25'	31.25'
Lake Tsala Apopka (Hernando Pool) Sec. Twsp. Rng. 1 18S 19E 2 18S 19E 11 18S 19E 12 18S 19E 13 18S 19E 23 18S 19E 24 18S 19E 25 18S 19E 26 18S 19E 5 18S 20E 6 18S 20E 7 18S 20E 8 18S 20E 16 18S 20E 17 18S 20E 18 18S 20E 19 18S 20E 20 18S 20E 21 18S 20E 27 18S 20E 28 18S 20E	40.50'	39.00'	36.75'	34.75'
29 18S 20E 30 18S 20E 31 18S 20E 32 18S 20E 33 18S 20E				
Lake Tsala Apopka (Inverness Pool) 33 18S 20E 34 18S 20E 35 18S 20E 1 19S 20E 2 19S 20E 3 19S 20E 4 19S 20E 8 19S 20E 9 19S 20E 10 19S 20E 11 19S 20E 12 19S 20E 13 19S 20E	41.80'	40.50'	38.25'	36.25'

14 19S 20E 15 19S 20E 16 19S 20E 17 19S 20E 21 19S 20E 22 19S 20E 23 19S 20E 18 19S 21E 19 19S 21E				
Lake Tsala Apopka (Floral City Pool) 19 19S 21E 21 19S 21E 22 19S 21E 27 19S 21E 28 19S 21E 29 19S 21E 30 19S 21E 31 19S 21E 32 19S 21E 33 19S 21E 34 19S 21E 1 20S 20E 2 20S 20E	43.40'	42.50'	40.25'	38.25'
3 20S 20E 10 20S 20E 11 20S 20E 12 20S 20E 13 20S 20E 14 20S 20E 3 20S 21E 4 20S 21E 5 20S 21E 6 20S 21E 7 20S 21E 8 20S 21E 17 20S 21E 18 20S 21E 25 19S 20E 26 19S 20E 34 19S 20E 35 19S 20E 36 19S 20E				
Little Lake (Consuella) S15 T20S R20E	43.40'	41.50'	39.00'	37.25'
Lake Twin S6 T19 R20	38.11'	37.00'	35.00'	33.00'
(d) In DeSoto County Within the Peace River Basin				
(e) In Hardee County Within the Peace River Basin				
(f) In Hernando County Within the Coastal Rivers Basin				

(g) In Hernando County Within the Hillsborough River Basin LAKES				
Nicks Lake S29 T23S R20E	114.46'	113.00'	110.50'	108.50'
St. Clair Lake S33 T23S R20E	114.46'	113.00'	110.50'	108.50'
(h) In Hernando County Within the Withlacoochee River Basin LAKES				
Elizabeth Lake S11 T23S R21E	62.90'	60.25'	57.00'	55.50'
Francis, Lake 11 23S 21E	62.90'	60.25'	57.00'	55.50'
Geneva, Lake 11 23S 21E	62.90'	60.25'	57.00'	55.50'
Lindsey, Lake 25 23S 19E	70.60'	69.00'	66.00'	64.50'
Mountain Lake 16 23S 20E	105.10'	104.00'	101.00'	99.00'
Neff Lake 20 23S 20E	104.40'	103.00'	100.00'	98.00'
Sparkman Lake 24 23S 19E	94.40'	91.50'	89.00'	88.00'
Spring Lake S15 T23S R20E	185.02'	184.25'	181.25'	178.25'
(i) In Highlands County Within the Peace River Basin LAKES Sec Twsp Rng				
Adelaide, Lake 5 33S 28E	110.00'	106.50'	104.00'	102.50'
Angelo, Lake 4 27S 25E	104.00'	99.50'	97.00'	95.00'
Anoka, Lake 27 33S 28E	124.00'	124.00'	122.00'	120.00'
Apthorpe, Lake 18 36S 30E	72.00'	71.50'	68.00'	66.00'
Blue, Lake 30 36S 30E	78.70'	77.50'	75.00'	73.50'
Bonnet, Lake 8 34S 29E	91.90'	90.75'	88.00'	86.00'
Brentwood, Lake 10 33S 28E	102.30'	102.75'	99.50'	98.00'
Buck, Lake 29 37S 30E	96.40'	94.00'	91.50'	89.50'
Byrd, Lake 9 33S 28E	110.60'	108.25'	105.50'	104.00'
Carrie, Lake 21 36S 29E	75.13'	75.50'	73.00'	72.50'

Charlotte, Lake 17 35S 29E	93.90'	93.75'	91.25'	89.75'
Chilton, Lake 17 33S 28E	116.30'	114.00'	111.00'	109.50'
Clay, Lake 29 36S 30E	79.00'	78.75'	76.00'	75.00'
Crews, Lake 32 36S 29E	120.50'	119.50'	117.00'	115.50'
Damon, Lake 3 33S 28E	102.30'	101.00'	98.00'	95.00'
Denton, Lake 2 34S 28E	117.10'	116.50'	114.00'	112.00'
Dinner, Lake 17 34S 29E	103.50'	102.50'	98.50'	97.00'
Francis, Lake 22 36S 29E	70.80'	70.50'	67.50'	66.50'
Glenada, Lake 34 33S 28E	118.40'	120.00'	117.00'	115.50'
Grassy, Lake 17 37S 30E	92.10'	91.50'	88.50'	87.50'
Harry, Lake 1 36S 29E	67.60'	67.50'	63.00'	62.00'
Henry, Lake 25 36S 29E	75.13'	75.50'	73.00'	72.50'
Hill 17 36S 29E	101.00'	99.25'	96.00'	94.50'
Huckleberry Lake 7 35S 29E	104.80'	104.50'	102.00'	101.00'
Huntley, Lake 5 37S 30E	83.40'	83.75'	81.00'	79.50'
Jackson, Lake 30 34S 29E	103.20'	103.00'	100.00'	98.00'
Josephine, Lake 32 35S 29E	72.70'	72.50'	69.00'	68.50'
June-in-Winter, Lake 34 36S 29E	75.13'	75.50'	73.00'	72.50'
Lake Lachard 36 36S 29E	79.56'	78.50'	76.00'	74.00'
Lelia, Lake 34 33S 29E	113.00'	114.50'	112.50'	110.50'
Letta, Lake 31 33S 29E	100.00'	100.00'	97.00'	95.00'
Little Bonnet Lake 36 33S 28E	101.70'	100.00'	97.00'	96.00'
Little Lake Jackson 6 35S 29E	103.20'	103.00'	100.00'	98.00'
Little Red Water Lake 14 36S 29E	104.10'	103.25'	100.50'	98.50'

Lost 12 37S 29E	90.60'	88.00'	84.00'	82.75'
Lotela, Lake 26 33S 28E	106.60'	108.50'	105.00'	104.00'
McCoy, Lake 6 37S 30E	87.39'	87.00'	84.00'	82.00'
Mirror, Lake 7 37S 30E	94.70'	93.50'	90.00'	88.00'
Center Nellie 13 36S 29E	73.20'	71.50'	67.00'	65.00'
N.W. Nellie 13 36S 29E	73.20'	71.50'	67.00'	65.00'
S.E. Nellie 13 36S 29E	73.20'	71.50'	67.00'	65.00'
Olivia, Lake 6 33S 28E	118.10'	117.50'	114.50'	113.00'
Pearl, Lake 6 37S 30E	87.27'	87.00'	84.00'	82.00'
Persimmon 10 36S 29E	69.30'	68.25'	65.00'	63.50'
Pioneer, Lake 11 33S 28E	108.60'	108.00'	104.50'	103.00'
Placid, Lake 30 36S 30E	94.70'	94.50'	91.50'	90.00'
Pythias, Lake 2 33S 28E	101.20'	101.00'	98.00'	95.00'
Red Beach Lake 15 35S 29E	76.80'	76.50'	73.75'	72.75'
Red Water Lake 14 36S 29E	70.80'	70.50'	67.50'	66.50'
Ruth, Lake 18 35S 29E	94.20'	94.00'	91.50'	90.00'
Saddlebags, Lake 6 37S 30E	84.27'	84.00'	81.00'	79.00'
Sebring, Lake 14 34S 28E	107.60'	107.25'	104.50'	103.00'
Simmons 24 36S 29E	74.30'	72.50'	68.00'	66.50'
Sirena, Lake 1 37S 29E	87.27'	87.00'	84.00'	82.00'
Trout Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Tulane, Lake 27 33S 28E	120.50'	120.00'	116.00'	114.00'
Unnamed Lake (B) 20 37S 30E	92.10'	91.50'	88.50'	87.50'
Unnamed Lake (F) 24 36S 29E	78.50'	78.00'	74.00'	72.00'

Verona, Lake 23 33S 28E	123.00'	119.00'	115.25'	113.00'
Viola, Lake 14 33S 28E	112.20'	109.50'	105.75'	104.00'
Wolf Lake 24 35S 28E	93.80'	92.50'	90.00'	88.00'
(j) In Hillsborough County Within the Alafia River Basin LAKES				
Carlton Lake	93.60'	93.50'	90.50'	88.00'
Edward Medard Reservoir	67.10'	62.75'	57.50'	56.00'
Grady Lake	40.70'	39.00'	36.00'	34.00'
Hickory Hammock Lake	32.80'	32.25'	30.50'	29.00'
Unnamed Lake #2	56.00'	56.00'	No Recommendation	
Wimauma, Lake	87.20'	86.75'	83.00'	81.00'
(k) In Hillsborough County Within the Hillsborough River Basin LAKES				
Bellows Lake (East Lake)	24.50'	23.75'	21.50'	19.00'
Burrell Lake	50.50'	50.00'	47.50'	45.00'
Commiston Lake	64.20'	63.00'	60.50'	59.00'
Eckles Lake	33.40'	32.50'	30.00'	28.00'
Egypt Lake	38.50'	37.50'	35.00'	32.50'
Gornito Lake	39.00'	38.50'	36.00'	34.00'
Hanna Lake	63.50'	62.50'	59.50'	58.25'
Hart Lake	67.20'	66.00'	64.00'	63.00'
Hog Island Lake	67.00'	66.00'	64.00'	61.00'
Hooker Lake	45.50'	45.00'	43.00'	42.00'
Kathy, Lake	45.50'	43.50'	42.50'	42.00'
Keene Lake	63.90'	63.00'	60.50'	59.00'
Kell Lake	67.30'	66.00'	63.50'	62.50'
Long Lake	52.00'	50.25'	48.00'	46.00'
Long Pond	48.50'	46.50'	44.00'	42.00'
Mud Lake (Lake Walder)	115.80'	115.00'	112.50'	110.50'
Thonotosassa, Lake	39.10'	37.00'	34.50'	33.00'
Unnamed Lake	63.40'	63.00'	60.50'	59.00'
Unnamed Lake	62.00'	61.00'	58.50'	57.00'
Valrico Lake	48.50'	45.00'	42.50'	41.00'
Weeks, Lake	43.80'	43.25'	41.00'	39.50'
(l) In Hillsborough County Within the Northwest Hillsborough Basin LAKES Sec Twsp Rng				
SWEETWATER CREEK WATERSHED				
Avis Lake 15 28S 18E	38.50'	37.00'	34.50'	32.50'
Bay Lake	47.00'	46.75'	44.00'	42.50'

Boat Lake	38.00 ³	35.50 ³	33.75 ³	31.25 ³
Brooker Lake	66.00 ³	64.25 ³	61.00 ³	59.00 ³
Carroll Lake	38.50 ³	37.00 ³	34.50 ³	32.50 ³
Chapman Lake	52.30 ³	52.25 ³	49.50 ³	48.00 ³
Charles, Lake	56.10 ³	54.75 ³	52.00 ³	50.00 ³
Cooper, Lake	64.00 ³	61.75 ³	59.75 ³	57.00 ³
Crenshaw, Lake	57.50²	56.25²	54.50²	51.00²
Elaine, Lake 15 28S 18E	38.50 ³	37.00 ³	34.50 ³	32.50 ³
Ellen, Lake	41.80²	41.50²	39.00²	37.00²
Gass Lake	51.50 ³	49.50 ³	46.25 ³	44.50 ³
George, Lake	51.00 ³	48.00 ³	45.00 ³	42.00 ³
Geraci, Lake	65.00 ³	63.50 ³	61.50 ³	59.50 ³
Halls Lake 3 28S 18E	50.70 ³	50.00 ³	47.50 ³	46.00 ³
Hobbs, Lake	68.20²	66.75²	63.25²	61.50²
Lipse, Lake	42.50 ³	41.50 ³	39.00 ³	37.00 ³
Magdalene, Lake	50.70 ³	50.00 ³	47.50 ³	46.00 ³
Platt Lake	51.80 ³	50.50 ³	45.75 ³	46.00 ³
Reinheimer, Lake	61.50 ³	59.50 ³	57.00 ³	56.00 ³
Saddleback Lake	56.50²	55.50²	53.00²	52.00²
Strawberry Lake	62.80 ³	62.00 ³	59.75 ³	57.00 ³
Thomas, Lake	64.00 ³	63.50 ³	61.25 ³	59.25 ³
Twin Lake	34.00 ³	32.00 ³	30.00 ³	27.75 ³
White Trout Lake	38.50 ³	36.50 ³	34.00 ³	32.50 ³
ROCKY CREEK WATERSHED				
Allen, Lake	62.60 ³	62.50 ³	59.75 ³	57.50 ³
Armistead, Lake	46.50 ³	44.00 ³	40.50 ³	39.00 ³
Browns Lake	63.70 ³	63.50 ³	60.75 ³	59.00 ³
Halfmoon Lake	47.00²	45.00²	42.00²	39.00²
Harvey, Lake	62.90 ³	62.50 ³	60.25 ³	58.00 ³
Josephine, Lake	47.50 ³	46.00 ³	42.75 ³	40.00 ³
LeClare, Lake	53.50 ³	52.00 ³	49.50 ³	47.00 ³
Pretty Lake	46.70 ³	45.50 ³	42.75 ³	40.00 ³
Rock Lake	48.00 ³	46.00 ³	42.75 ³	40.00 ³
Starvation Lake	55.00 ³	53.00 ³	50.00 ³	48.00 ³
Turkey Ford Lake	55.00 ³	54.00 ³	51.50 ³	50.00 ³
Virginia Lake	63.00 ³	62.50 ³	60.25 ³	58.00 ³
DOUBLEBRANCH CREEK WATERSHED				
Fairy Lake	36.00²	34.75²	32.00²	29.50²
Hixon Lake	37.00 ³	36.50 ³	33.25 ³	31.00 ³
Unnamed Lake #1 2 28S 17E	38.90 ³	37.50 ³	35.00 ³	34.50 ³
Unnamed Lake #2 2 28S 17E	38.90 ³	37.50 ³	35.00 ³	34.50 ³
BROOKER CREEK WATERSHED				

Artillery, Lake 3 27S 17E	44.50'	44.00'	40.50'	39.00'
Buck Lake	35.50'	35.00'	32.00'	29.50'
Calm Lake	52.20²	50.50²	47.50²	45.50²
Church Lake	36.40²	36.25²	34.00²	31.50²
Crescent Lake	44.20'	42.50'	40.00'	38.50'
Echo Lake	36.40²	36.25²	34.00²	31.50²
Elizabeth Lake	54.00'	53.00'	51.00'	49.00'
Fern, Lake	48.00'	46.00'	43.00'	41.50'
Frances, Lake	42.50'	40.50'	38.00'	36.00'
Garden Lake	35.00'	32.00'	29.00'	26.50'
Horse Lake	48.40'	46.50'	44.00'	42.00'
Island Ford Lake	42.30'	41.50'	39.00'	37.00'
Jackson, Lake	36.00'	33.50'	31.00'	29.00'
James Lake 23 27S 17E	47.70'	46.50'	43.50'	42.00'
Keystone Lake	43.20'	42.00'	39.75'	39.00'
Little Lake 23 27S 17E	47.70'	46.50'	43.50'	42.00'
Mound Lake	51.60'	51.00'	48.00'	46.00'
Raleigh, Lake	43.30'	42.50'	38.00'	35.00'
Rogers, Lake	NO LEVELS RECOMMENDED			
Taylor, Lake	39.70'	39.25'	36.75'	34.75'
Velburton Lake	41.50'	40.00'	37.25'	35.00'
ANCLOTE RIVER WATERSHED				
Dan, Lake	35.00'	32.00'	28.00'	25.00'
Hiawatha, Lake	52.50'	50.50'	48.00'	45.00'
Osceola, Lake	47.40'	46.50'	44.50'	42.50'
(m) In Lake County Within the Green Swamp Basin				
(n) In Levy County Within the Withlacoochee River Basin				
Marion, Lake S02 T14 R17	56.60'	53.00'	50.50'	48.50'
(o) In Manatee County Within the Manasota Basin				
(p) In Marion County Within the Withlacoochee River Basin				
Bonable, Lake S31 T15 R18	65.10'	64.00'	61.50'	59.50'
Little Bonable, Lake S30 T15 R18	59.80'	58.00'	55.50'	53.50'
Tiger, Lake S32 T15 R18	65.10'	64.00'	61.50'	59.50'
(q) In Pasco County Within the Coastal Rivers Basin LAKES				

Crews Lake S16 T24S R18E	57.00'	55.00'	52.00'	50.00'
Garden Lake S16 T25S R16E	22.10'	19.00'	16.25'	15.75'
Moon Lake S28 T25S R17E	41.00'	40.50'	37.50'	35.50'
Pasco Lake S22 T24S R18E	67.50'	67.00'	64.00'	62.00'
Pierce Lake S9 T25S R18E	73.60'	73.00'	70.00'	68.00'
Richey Lake S3 T26S R16E	14.10'	13.00'	10.00'	8.00'
Unnamed Lake No. 22 S27 T24S R18E	62.60'	62.50'	59.50'	57.50'
Worrell, Lake (Bass Lake) S26 T25S R16E	22.10'	19.00'	16.25'	15.75'
(r) In Pasco County Within the Green Swamp Basin				
(s) In Pasco County Within the Hillsborough River Basin LAKES				
Bell Lake S13 T26S R18E	72.53'	72.50'	70.00'	69.00'
Bird Lake	67.70'	67.50'	65.00'	63.00'
Catfish Lake S30 T25 R19	68.72'	68.00'	65.50'	63.50'
Cow (East) Lake S19 T26S R19E	78.63'	78.50'	76.00'	75.00'
Floyd, Lake S36 T26 R19	68.41'	68.50'	66.00'	64.00'
Gooseneck, Lake S29 T26 R19	75.10'	73.50'	71.00'	69.00'
Hancock, Lake S5 T24S R20E	107.48'	106.50'	104.00'	102.00'
Hog (Joyce) Lake S19 T26S R19E	76.66'	76.50'	73.50'	72.50'
Iola, Lake S15 T24S R20E	147.55'	147.50'	145.00'	142.50'
Jessamine, Lake S11 T24S R20E	144.18'	142.00'	138.00'	136.00'
JoAnn, Lake S30 T26 R19	68.72'	68.00'	65.50'	63.50'
King Lake S7 T26S R19E	73.58'	73.50'	71.50'	69.50'
King Lake (East) S22 T25S R20E	105.49'	105.25'	102.50'	100.00'
Middle Lake S4 T24S R20E	107.48'	107.00'	105.00'	103.00'

Moody Lake S10 T24S R20E	110.48'	110.00'	107.50'	105.50'
Myrtle, Lake S30 T26 R19	68.72'	68.00'	65.50'	63.50
Padgett, Lake S24 T26S R18E	71.34'	71.25'	69.00'	67.50'
Saxon Lake S30 T26S R19E	71.34'	71.25'	69.00'	67.50'
Tampa (Turtle) Lake S32 T26 R19	66.00'	65.50'	63.00'	61.00'
Toni, Lake S30 T26 R19	68.72'	68.00'	65.50'	63.50'
Twin, Lake S28 T26 R19	68.35'	67.50'	65.00'	63.00'
Unnamed #26 S25 T26 R18	68.75'	68.00'	65.50'	63.50'
(t) In Pasco County Within the Pinellas-Anclote River Basin LAKES				
Bass Lake (Holiday) S34 T26E R17S	48.80'	48.75'	45.75'	45.00'
Big Lake Vienna 23 26 18	70.70'	70.25'	67.00'	65.00'
Fishing Lake S34 T26E R17S	48.80'	48.75'	45.75'	45.00'
Geneva Lake (Mud) S26 T26E R17S	51.20'	50.00'	48.00'	46.00'
Linda 26 26 18	67.30'	66.75'	64.00'	62.00'
Little Moss (Como) 35 26 18	67.00'	66.00'	63.00'	62.00'
Minniola, Lake S34 T26E R17S	51.20'	50.00'	48.00'	46.00'
Moss 35 26 18	65.00'	64.00'	61.50'	59.00'
Parker Lake (Ann) S35 T26E R17S	48.80'	48.75'	45.75'	45.00'
Seminole, Lake S35 T26E R17S	49.20'	48.75'	46.00'	45.00'
Thomas 11 26 18	75.60'	75.00'	72.50'	71.50'
Wistaria 2 26 18	74.90'	74.00'	71.00'	69.00'
(u) In Pasco County Within the Withlacoochee River Basin LAKES				
Buddy, Lake S17 T25S R21E	97.02'	94.50'	91.50'	90.00'
Pasadena, Lake S16 T25S R21E	97.02'	94.50'	91.50'	90.00'

Clear Lake S1 T25S R20E	127.90'	127.50'	125.25'	123.75'
(v) In Pinellas County Within the Pinellas-Anclote River Basin LAKES				
Lake Tarpon Sec. Twsp. Rng. 7 27S 16E 8 27S 16E 16 27S 16E 17 27S 16E 18 27S 16E 19 27S 16E 20 27S 16E 21 27S 16E 28 27S 16E 29 27S 16E 30 27S 16E 32 27S 16E 33 27S 16E 4 28S 16E	4.20'	3.80'	2.20'	1.00'
(w) In Polk County Within the Alafia River Basin LAKES				
Scott, Lake	168.60'	168.00'	165.00'	164.25'
(x) In Polk County Within the Green Swamp Basin LAKES				
Agnes, Lake	135.20'	135.75'	134.75'	130.75'
Alfred S30 T27S R26	132.30'	130.75'	128.25'	126.25'
Arietta, Lake	144.00'	144.00'	141.00'	138.00'
Camp, Lake	133.40'	134.50'	132.00'	130.00'
Clearwater Lake	146.20'	143.50'	141.00'	139.00'
Cummings S31 T27 R26	131.50'	131.00'	127.50'	125.50'
Eva S29 T27 R26	132.30'	131.50'	129.00'	127.00'
Grassy Lake (Big Glades)	133.20'	132.00'	129.50'	128.00'
Griffin S30 T27 R26	132.30'	131.50'	129.00'	127.00'
Gum, Lake	132.60'	131.00'	128.50'	126.00'
Haines, Lake	129.70'	128.75'	126.50'	124.50'
Helene, Lake	144.80'	144.00'	141.00'	139.00'
Juliana, Lake	134.70'	132.50'	130.00'	127.50'
Little Lake Agnes	135.20'	136.00'	133.00'	131.00'
Little Van Lake	141.40'	139.00'	136.50'	135.50'
Mattie, Lake	134.70'	132.50'	130.00'	127.50'
Mud, Lake	141.80'	141.50'	137.75'	136.00'
Myrtle, Lake	141.70'	141.00'	138.50'	136.50'

Swoope, Lake	133.00'	132.50'	130.00'	128.00'
Tennessee, Lake	134.70'	134.00'	130.00'	128.00'
Van, Lake	133.00'	132.75'	130.00'	128.00'
Whistle, Lake	140.90'	137.50'	135.00'	133.75'
(y) In Polk County Within the Hillsborough River Basin LAKES				
Bonnet, Lake	146.60'	148.00'	145.00'	142.50'
Hunter, Lake	162.30'	162.75'	160.25'	159.00'
(z) In Polk County Within the Peace River Basin				
Ada S33 T28 R27	123.80'	123.00'	120.00'	118.00'
Altamaha S11 T30 R27	122.60'	122.50'	120.00'	118.00'
Amoret Lake 24 30 27	115.50'	115.25'	113.00'	111.00'
Annie, Lake S3 T29S R27E	122.10'	119.00'	116.00'	114.00'
Arianna, Lake 3 28 25E	137.10'	137.00'	134.50'	132.50'
Aurora, Lake 13 30 28	103.30'	100.00'	97.00'	95.00'
Banana, Lake 10 29 24E	106.75'	106.50'	103.50'	102.00'
Belle, Lake 11 30 27	123.60'	120.00'	117.00'	115.00'
Bess, Lake 18 29S 27E	125.50'	125.25'	123.00'	121.00'
Big Gum Lake 26 29 R28	95.50'	95.00'	92.00'	89.00'
Blue S13 T28 R25	149.80'	149.00'	146.50'	144.50'
Blue, Lake 24 30S 27E	118.00'	117.00'	114.00'	--
Bonnie S31 T29 R28	113.30'	113.00'	110.00'	108.00'
Bonny, Lake 20 28S 24E	130.90'	130.50'	128.00'	126.00'
Buckeye S22 T28S R26E	130.10'	129.00'	126.00'	124.50'
Buffum, Lake 12 31S 26E	132.75'	132.25'	129.25'	--
Cannon, Lake 19 28S 26E	132.60'	132.00'	129.50'	127.00'
Clinch, Lake 31 31S 28E	108.00'	106.75'	104.00'	102.50'
Connie, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'

Cooper (Worth) S02 T30 R27	124.20'	123.50'	121.00'	119.00'
Crooked, Lake 1 31S 27E	122.60'	122.00'	118.50'	--
Cyrstal S02 T30 R27	121.40'	121.25'	118.00'	115.00'
Crystal S21 T28 R27	122.90'	122.00'	119.00'	117.00'
Crystal, Lake 23 29S 26E	130.00'	129.50'	127.00'	125.00'
Cypress 36 29 28E	100.20'	98.50'	95.00'	93.00'
Lake Daisy S6 T29 R27	130.90'	130.00'	127.00'	126.00'
Lake Deer 25 28 25E	141.30'	140.75'	138.50'	136.50'
Dell S28 T28 R27	125.70'	123.75'	121.50'	119.50'
Lake Dexter S2 T29 R26	132.20'	132.00'	129.00'	127.50'
Dinner, Lake 15 29S 27E	120.90'	118.50'	116.00'	114.00'
Lake Eagle 1 29 25E	131.00'	130.75'	128.50'	126.50'
Easy, Lake 19 30 28	115.50'	115.25'	113.00'	111.00'
Echo S05 T28 R26	132.30'	131.00'	128.00'	126.00'
Effie, Lake 3 30 27	119.60'	118.00'	115.00'	113.00'
Elbert S22 T28 R26	137.50'	135.50'	133.00'	131.50'
Eloise, Lake 3 29S 26E	132.60'	132.00'	129.50'	127.00'
Fannie, Lake 11 28S 26E	127.00'	125.75'	123.50'	120.00
Lake Florence S35 T28 R26	128.80'	128.75'	127.00'	125.00'
Lake Fox S6 T29 R27	135.20'	135.00'	132.00'	131.00'
Garfield, Lake 5 30 26E	105.70'	104.75'	101.00'	100.00'
Gator, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
George S06 T28 R26	130.70'	130.00'	127.50'	125.50'
Gibson, Lake 25 27S 23E	144.20'	143.50'	141.50'	141.50'

Gordon S16 T28 R27	121.30'	119.00'	116.00'	114.00'
Lake Grassy 2 29 25E	134.80'	129.00'	126.50'	125.50'
Lake Gross (Grassy) S14 T29 R26	138.50'	136.00'	133.50'	132.00'
Hamilton, Lake 18 28S 27E	122.50'	121.50'	119.00'	117.25'
Hancock, Lake 8 29S 25E	102.40'	99.00'	96.00'	94.00'
Hart, Lake 24 29S 26E	124.70'	124.50'	122.00'	120.00'
Hartridge, lake 8 28S 26E	132.60'	132.00'	129.50'	127.00'
Henry, Lake 16 31S 26E	160.10'	159.00'	156.00'	154.00'
Henry, Lake 36 27S 26E	127.00'	126.50'	124.50'	122.50'
Hickory, Lake 17 32S 28E	98.50'	98.50'	96.00'	94.00'
Howard, Lake 30 28S 26E	132.60'	132.00'	129.50'	127.00'
Ida, Lake 28 31S 28E	80.00'	79.00'	76.50'	75.00'
Ida S17 T28 R26	136.70'	135.25'	132.00'	130.50'
Idyl S16 T28 R26	134.90'	134.00'	131.50'	130.00'
Idylwild, Lake 18 28S 26E	132.60'	132.00'	129.50'	127.00'
Jessie, Lake 12 28S 25E	132.60'	132.00'	129.50'	127.00'
Josephine, Lake 13 30 27	121.30'	120.00'	116.50'	114.50'
Josephine S27 T28 R27	124.10'	121.50'	118.00'	116.50'
Lee S16 T28 R27	123.50'	123.50'	121.50'	120.00'
Lena, Lake 9 28S 25E	137.10'	137.00'	134.50'	132.50'
Leonore, Lake 10 31S 28E	87.40'	87.00'	84.50'	83.00'
Link, Lake 27 28S 26E	128.70'	128.00'	125.00'	123.00'
Little Aurora	103.30'	100.50'	98.00'	96.00'
Lake (Iris) 13 30 28				
Little Gum Lake 35 29S 28E	96.80'	96.50'	94.00'	92.00'

Little Lake Hamilton 5 28S 27E	122.50'	121.50'	119.00'	117.25'
LuLu, Lake 4 29S 26E	132.60'	132.00'	129.50'	127.00'
Lee, Lake 10 29S 27E	122.10'	119.00'	116.00'	114.00'
Lake McLeod 7 29 26E	133.10'	132.00'	129.50'	128.00'
Mabel, Lake 11 29S 27E	114.50'	110.75'	107.00'	105.00'
Mariam, Lake 27 28S 26E	--	124.75'	122.75'	121.00'
Marie S27 T28 R27	121.00'	121.00'	118.00'	116.00'
Martha S21 T28 R26	142.50'	142.00'	139.00'	137.00'
Maude S21 T28 R26	141.70'	140.50'	137.50'	136.00'
May, Lake 29 28S 26E	132.60'	132.00'	129.50'	127.00'
Medora S36 T27 R25	140.40'	138.00'	134.50'	133.00'
Menzie S28 T28 R27	127.00'	122.00'	120.00'	118.00'
Middle Lake Hamilton 7 28S 27E	122.50'	121.50'	119.00'	117.25'
Lake Millsite 11 29 25E	125.30'	123.50'	121.00'	119.00'
Mirror, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Moody, Lake 17 31S R28E	92.80'	93.50'	91.00'	89.00'
Myrtle, Lake 19 29S 27E	118.70'	118.50'	116.50'	114.50'
Lake Ned S1 T29S R26	129.60'	128.50'	126.00'	124.00'
North Lake Wales S01 T30 R27	116.80'	115.00'	112.00'	110.00'
Otis, Lake 28 28S 25E	128.70'	128.00'	125.00'	123.00'
Pansy S08 T28 R26	130.00'	129.00'	126.50'	124.50'
Parker, Lake 32 29S 27E	122.50'	122.00'	119.50'	117.50'
Parker, Lake 8 28 24E	131.60'	131.00'	128.75'	127.50'
Parks, Lake 36 29S 28E	104.50'	102.50'	100.00'	98.00'

Polecat, Lake 27 30S 26E	142.40'	142.00'	139.50'	137.50'
Reedy, Lake 35 31S 28E	80.00'	79.75'	77.25	75.25'
Reeves, Lake 13 29S 26E	125.10'	124.50'	122.00'	120.00'
Lake River S1 T29 R26	141.60'	139.50'	136.00'	134.00'
Rochelle, Lake 4 28 26E	129.70'	128.75'	126.50'	124.50'
Round, Lake 13 29S 26E	129.40'	129.25'	126.50'	124.50'
Roy, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Ruby, Lake 12 29S 26E	125.50'	125.25'	123.00'	121.00'
Ruth S28 T28 R27	123.50'	121.50'	117.50'	115.50'
Saddlebag, Lake 6 30S 29E	106.80'	105.00'	102.00'	100.00'
Saint Anne Lake 14 30 28	97.50'	96.00'	93.00'	91.00'
Sanitary (Marianna) S01 T28 R25	138.60'	137.50'	135.00'	133.00'
Sara S17 T28 R27	122.50'	121.50'	119.00'	117.25'
Scott, Lake 18 29S 24E	168.60'	168.00'	165.00'	164.25'
Lake Sears 36 28 25E	143.20'	141.00'	138.00'	136.00'
Serena S12 T30 R27	125.30'	118.00'	115.00'	113.00'
Shipp, Lake 32 28S 26E	132.60'	132.00'	129.50'	127.00'
Silver, Lake 5 32S 28E	105.00'	103.00'	100.50'	98.50'
Silver S20 T28 R26	147.10'	146.50'	144.00'	142.00'
Smart, Lake 9 28S 26E	129.70'	128.75'	126.50'	124.50'
Lake Spirit 35 28 25E	134.10'	131.50'	129.00'	127.00'
Spring, Lake 20 28S 27E	132.60'	132.00'	129.50'	127.00'
Starr, Lake 14 29 27	115.50'	113.00'	110.00'	108.00'
Streety Lake 24 32S 27E	108.70'	105.50'	102.50'	101.00'

Summit, Lake 34 28S 26E	132.60'	132.00'	129.50'	127.00'
Sunset Lake 10 30 28	101.10'	98.00'	95.50'	93.50'
Surveyors, Lake 26 30S 26E	133.60'	133.00'	130.75'	128.50'
Thomas, Lake 1 30E 28E	104.20'	99.50'	97.00'	95.00'
Lake Thomas 35 28 25E	135.60'	132.00'	128.00'	126.00'
Tractor Lake 14 30 27	125.00'	123.25'	121.00'	119.00'
Trask S22 T28 R27	114.90'	113.00'	108.00'	106.00'
Trout, Lake 34 32S 28E	100.60'	101.00'	98.00'	95.00'
Twin Lakes S11 T30 R27	124.10'	123.75'	120.00'	118.00'
Venus, Lake 9 29S 27E	126.10'	125.00'	122.00'	120.00'
Wales S01 T30 R27	114.10'	112.50'	110.00'	108.00'
Walker, Lake 21 30S 26E	143.00'	141.00'	137.00'	135.00'
Warren S11 T30 R27	124.60'	123.50'	121.00'	119.00'
Weader (Weaver) S03 T30 R27	122.00'	121.75'	119.00'	117.00'
Winterset, Lake 11 29S 26E	132.60'	132.00'	129.50'	127.00'
(aa) In Sarasota County Within the Manasota Basin				
(bb) In Sumter County Within the Green Swamp Basin				
(cc) In Sumter County Within the Withlacoochee River Basin LAKES				
Big Gant S14 T22S R22E	76.50'	76.25'	74.50'	72.50'
Black S23 T18S R23E	56.70'	55.00'	53.00'	51.00'
Cherry S24 T18S R23E	56.70'	55.00'	53.00'	51.00'
Deaton S14 T19S R23E	65.50'	65.00'	62.00'	60.00'
Miona S27 T18S R23E	56.70'	55.00'	53.00'	51.00'
Okahumpka S21 T19S R23E	59.90'	58.75'	56.25'	54.00'
Panasofkee	42.80'	42.50'	39.50'	38.50'

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2003

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

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER TITLE: Hospice
 RULE CHAPTER NO.: 58A-2

RULE TITLES: Hospice Employee Training Requirements
 RULE NOS.: 58A-2.027

Hospice Training Provider and Curriculum Approval 58A-2.028

PURPOSE AND EFFECT: Proposed Rules 58A-2.027 and 58A-2.028, F.A.C., were developed in consultation with the Agency for Health Care Administration to implement Section 4 of Chapter 2003-271, Laws of Florida, which directs the Department of Elder Affairs in Section 400.6045(1), F.S., to adopt rules to establish standards for Alzheimer’s disease or other related disorders training providers and training for specified hospice employees. The Department held rule development workshops on August 19 and September 30, 2003, in Tallahassee, Florida. Comments received by the Department from the public were incorporated into the proposed rules.

SUMMARY: Proposed Rules 58A-2.027 and 58A-2.028, F.A.C., will establish minimum standards for training providers and training, and describe procedures for approval of Alzheimer’s Disease training curricula and training providers.

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: 400.6045(1) FS.

LAW IMPLEMENTED: 400.6045(1) 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: 1:00 p.m. – 2:00 p.m., December 1, 2003

PLACE: Department of Elder Affairs, Conference Room 309, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-2.027 Hospice Employee Training Requirements.

(1) Each hospice licensed under Part VI of Chapter 400, Florida Statutes, shall provide that hospice employees receive the following training:

(a) Completion of the required initial one hour of training after June 30, 2003, shall satisfy the requirement referenced in subsection 400.6045(1)(b), F.S. Initial one-hour training shall address the following subject areas:

- 1. Understanding Alzheimer’s Disease and Related Disorders;
- 2. Characteristics of Alzheimer’s Disease and Related Disorders; and
- 3. Communicating with patients with Alzheimer’s Disease or Related Disorders.

(b) Completion of the required three hours of training after June 30, 2003, shall satisfy the requirement referenced in subsection 400.6045(1)(c), F.S. The three hours of training must address the following subject areas as they apply to Alzheimer’s Disease and Related Disorders:

- 1. Behavior management;
- 2. Assistance with activities of daily life to promote the patient’s independence;
- 3. Activities for patients;
- 4. Stress management for the care giver;
- 5. Family issues;
- 6. Patient environment; and
- 7. Ethical issues.

(c) A detailed description of the subject areas that shall be included in a curriculum which meets the requirements of paragraphs (a) and (b) of this subsection can be found in the document Training Guidelines for the Special Care of Hospice Patients with Alzheimer’s Disease or Related Disorders, September 2003, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(d) Persons who seek to provide Alzheimer’s Disease or Related Disorders training in accordance with this subsection shall provide the Department of Elder Affairs or its designee documentation that they hold a Bachelor’s degree in a

health-care, human service, or gerontology related field from an accredited college or university or hold a license as a registered nurse, and:

1. Possess teaching or training experience as an educator of care givers for persons with Alzheimer's Disease or Related Disorders or;

2. Have one year of practical experience in a program providing care to persons with Alzheimer's Disease or Related Disorders; or

3. Have completed a specialized training program in Alzheimer's Disease or Related Disorders from a university or an accredited health care or human service or gerontology continuing education provider.

(e) With reference to requirements in paragraph (d), years of teaching experience or training as an educator of care givers for persons with Alzheimer's Disease or Related Disorders may substitute on a year-by-year basis for the required Bachelor's degree. A Master's degree from an accredited college or university in a subject related to health-care, human service, or gerontology can substitute for the teaching or training experience referenced in paragraph (d).

(2) A hospice employee who has successfully completed training and continuing education consistent with the requirements of Section 400.4178, Florida Statutes, or completed training consistent with the requirements of Sections 400.1755 or 400.5571, Florida Statutes, shall be considered as having met the training requirements of this rule.

(3) All training required by this rule and Section 400.6045, F.S., must be completed only once for each applicable employee.

Specific Authority 400.6045(1) FS. Law Implemented 400.6045(1) FS. History—New _____.

58A-2.028 Hospice Training Provider and Curriculum Approval.

(1) Persons seeking approval as an Alzheimer's Disease or Related Disorders training provider shall complete DOEA form Hospice/ADRD-001, Application for Alzheimer's Disease or Related Disorders Training Provider Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Persons seeking to obtain approval of the Alzheimer's Disease or Related Disorder curriculum shall complete DOEA form Hospice/ADRD-002, Application for Alzheimer's Disease or Related Disorders Training Three-Year Curriculum Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Approval must be obtained from the Department or its designee for the training provider and the training curriculum prior to commencing training activities. Approval of the

training curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the Department or its designee for re-approval.

(2) Upon receipt of the training provider's or the training curriculum application, the Department or its designee shall respond in writing within 30 calendar days in one of the following three ways:

(a) Notify the applicant that the application is approved or not approved. If an application is not approved, the Department or its designee shall respond in writing indicating the reasons for not approving the application and information or documentation needed for approval;

(b) Request additional information from the applicant in order to make a determination. Requested information omitted from an application shall be filed with the Department or its designee within 90 days of the Department's or its designee's request for omitted information, or the application shall be deemed incomplete, and shall be withdrawn from further consideration. Once the additional information has been received by the Department or its designee the Department or its designee will have 30 calendar days to make a determination; or

(c) Notify the applicant that an additional 30 calendar days is needed to review the application and make a determination. Upon notice of approval from the Department or its designee, the applicant may be identified as an approved training provider or as having an approved training curriculum as indicated by the Department or its designee. The Department or its designee shall maintain a list of approved training providers and training curriculum and provide a list of approved training providers to all interested parties upon request.

(3) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the training and the Department of Elder Affairs curriculum approval number, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name and the Department of Elder Affairs training provider's approval number, and dated signature. The training provider's signature on the certificate shall serve as documentation that the training provider has verified that the trainee has completed the required training pursuant to Section 400.6045, F.S., and Rule 58A-2.027, F.A.C.

(4) The Department reserves the right to attend and monitor training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curricula, the provider's failure to maintain required training credentials, or circumstances in which the provider is found to knowingly disseminate any false or misleading information.

(d) Persons who seek to provide Alzheimer's Disease or Related Disorders training in accordance with this subsection shall provide the Department of Elder Affairs or its designee documentation that they hold a Bachelor's degree in a health-care, human service, or gerontology related field from an accredited college or university or hold a license as a registered nurse, and:

1. Possess teaching or training experience as an educator of care givers for persons with Alzheimer's Disease or Related Disorders or;

2. Have one year of practical experience in a program providing care to persons with Alzheimer's Disease or Related Disorders; or

3. Have completed a specialized training program in Alzheimer's Disease or Related Disorders from a university or an accredited health care or human service or gerontology continuing education provider.

(e) With reference to requirements in paragraph (d), years of teaching experience or training as an educator of care givers for persons with Alzheimer's Disease or Related Disorders may substitute on a year-by-year basis for the required Bachelor's degree. A Master's degree from an accredited college or university in a subject related to health-care, human service, or gerontology can substitute for the teaching or training experience referenced in paragraph (d).

(2) An adult day care center employee who has successfully completed training and continuing education consistent with the requirements of Section 400.4178, Florida Statutes, or completed training consistent with the requirements of Sections 400.1755 or 400.6045, Florida Statutes, shall be considered as having met the training requirements of this rule.

(3) All training required by this rule and Section 400.5571, F.S., must be completed only once for each applicable employee.

Specific Authority 400.5571(1) FS. Law Implemented 400.5571(1) FS. History—New _____.

58A-6.016 Adult Day Care Center Training Provider and Curriculum Approval.

(1) Persons seeking approval as an Alzheimer's Disease or Related Disorders training provider shall complete DOEA form ADC/ADR-001, Application for Alzheimer's Disease or Related Disorders Training Provider Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Persons seeking to obtain approval of the Alzheimer's Disease or Related Disorder curriculum shall complete DOEA form ADC/ADR-002, Application for Alzheimer's Disease or Related Disorders Training Three-Year Curriculum Certification, dated September 2003, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee Florida 32399-7000.

Approval must be obtained from the Department or its designee for the training provider and the training curriculum prior to commencing training activities. Approval of the training curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the Department or its designee for re-approval.

(2) Upon receipt of the training provider's or the training curriculum application, the Department or its designee shall respond in writing within 30 calendar days in one of the following three ways:

(a) Notify the applicant that the application is approved or not approved. If an application is not approved, the Department or its designee shall respond in writing indicating the reasons for not approving the application and information or documentation needed for approval;

(b) Request additional information from the applicant in order to make a determination. Requested information omitted from an application shall be filed with the Department or its designee within 90 days of the Department's or its designee's request for omitted information, or the application shall be deemed incomplete, and shall be withdrawn from further consideration. Once the additional information has been received by the Department or its designee the Department or its designee will have 30 calendar days to make a determination; or

(c) Notify the applicant that an additional 30 calendar days is needed to review the application and make a determination. Upon notice of approval from the Department or its designee, the applicant may be identified as an approved training provider or an approved training curriculum as indicated by the Department or its designee. The Department or its designee shall maintain a list of approved training providers and training curriculum and provide a list of approved training providers to all interested parties upon request.

(3) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the training and the Department of Elder Affairs curriculum approval number, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name and the Department of Elder Affairs training provider's approval number, and dated signature. The training provider's signature on the certificate shall serve as documentation that the training provider has verified that the trainee has completed the required training pursuant to Section 400.5571, F.S. and Rule 58A-6.015, F.A.C.

(4) The Department reserves the right to attend and monitor training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curricula, the provider's failure to maintain required training credentials, or circumstances in which the provider is found to knowingly disseminate any false or misleading information.

(5) Training providers and training curricula which are approved consistent with the provisions of Sections 400.4178, 400.1755, and 400.6045, Florida Statutes, shall be considered as having met the requirements of this rule.

(6) Certificates or copies of certificates of any training required by this rule shall be documented in the facility's personnel files.

Specific Authority 400.5571(1) FS. Law Implemented 400.5571(1) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Macdonald
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry White, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Adult Family Care Home	58A-14
RULE TITLES:	RULE NOS.:
License Application, Renewal and Conditional Licenses	58A-14.003
Admission and Appropriateness of Placement	58A-14.0061
Staff Qualifications, Responsibilities and Training	58A-14.008

PURPOSE AND EFFECT: The proposed amendments to Rules 58A-14.003, 58A-14.0061, and 58A-14.008, F.A.C., were developed in consultation with the Agency for Health Care Administration (A.H.C.A.). Proposed amendments to Rule 58A-14.003, F.A.C., will: (a) revise the Adult Family Care Home (A.F.C.H.) application, AHCA Form 3180-1022, by omitting the social security number from the application as the Department does not have rule authority to require this confidential information, (b) update the name and incorporate by reference the Level 1 Criminal History Screening, ACHA form 3110-002, dated January 2003, (c) delete the reference to the Florida Abuse Hotline Information System Background Check, AHCA Form 3110-0003 which is no longer required, and (d) require that the A.H.C.A provide A.F.C.H. providers the application forms for license renewal either electronically or by mail delivery annually pursuant to changes in Section 400.619, F.S. Proposed amendments to Rule 58A-14.0061, F.A.C., will: (a) clarify that when someone is admitted as a resident to an A.F.C.H., the individual must be free from apparent signs and symptoms of any communicable disease, which is likely to be, transmitted to others not simply residents of the A.F.C.H., (b) smooth the interface of A.F.C.H. rule requirements and requirements of the Medicaid Assistive Care Services Program under Rule 59G-4.025, F.A.C., by revising

the Resident Health Assessment, DOEA form 1110, to include additional questions regarding the residents activities of daily living needs, and (c) clarify that the examiner is only required to provide their medical license number by deleting "Florida" and inserting "Medical" in the Resident Health Assessment, DOEA form 1110. Proposed amendments to Rule 58A-14.008, F.A.C., will: (a) eliminate the references to the Department of Elder Affairs providing the required A.F.C.H. training pursuant to changes in Section 400.6211, F.S, and (b) require the A.F.C.H. provider to documented in the facility's personnel files the certificates of any training required by this rule.

SUMMARY: Proposed amendments to Rule 58A-14.003, F.A.C., will: (a) revise, update, and delete obsolete forms, and (b) require the A.H.C.A to provide A.F.C.H. providers the license renewal application forms either electronically or by mail delivery annually. Proposed amendments to Rule 58A-14.0061, F.A.C., will: (a) clarify that an individual admitted to an A.F.C.H. must be free from apparent signs and symptoms of any communicable disease, which is likely to be, transmitted to others, and (b) revise the Resident Health Assessment, DOEA form 1110, to include additional questions regarding the residents activities of daily living needs and require the examiner to provide their medical license number. Proposed amendments to Rule 58A-14.008, F.A.C., will: (a) eliminate the provisions relating to the Department of Elder Affairs providing the required A.F.C.H. training, and (b) require certificates of the required training be documented in the facility's personnel files.

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: 400.619, 400.621, 400.6211 FS.

LAW IMPLEMENTED: 400.618, 400.619, 400.621, 400.6211, 400.625, 400.628 FS.

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

TIME AND DATE: 2:00 p.m. – 3:00 p.m., December 1, 2003

PLACE: Department of Elder Affairs, Conference Room 309, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) LICENSE APPLICATION.

(a) Any individual desiring to obtain an initial license to operate an adult family care home shall file an Adult Family Care Home License application, AHCA Form 3180-1022, ~~August 2003 February 1999~~, which is incorporated by reference, with the Assisted Living Unit, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5402, phone (850)487-2515. The completed application must be signed by the applicant, notarized, and be accompanied by the following:

1. A completed Request for Level 1 Criminal History ~~Screening Check~~, AHCA Form 3110-0002, ~~January 2003 June 1998~~, and Florida Abuse Hotline Information System ~~Background Check~~, AHCA Form 3110-0003, ~~July 1998~~, which ~~is~~ ~~are~~ incorporated by reference, available from the Background Screening Unit, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5402, phone (850)410-3400, for the applicant, each relief person, all adult household members, and all staff. The completed forms will not be required for persons who:

a. Submit proof of Level I screening conducted within the last 5 years pursuant to a facility or professional license requirement of AHCA or the Department of Health and provide a copy of the professional or facility license, and an affidavit of current compliance with the background screening requirements of Section 435.03, F.S.; or

b. Have been continuously employed in the same type of occupation for which the person is seeking employment without a break in service that exceeds 180 days, and can provide proof that level 1 background screening has been conducted within the last 2 years. Proof of compliance must be obtained by the applicant from the person's previous employer and not from the person.

2. through 9. No change.

(b) through (d) No change.

(2) LICENSE RENEWAL.

(a) Application forms for license renewal, AHCA Form 3180-1022, shall be provided electronically or by mailed delivery annually by the agency to the AFCH provider at least 120 days prior to the expiration of the current license. The provider shall mail or hand-deliver the license renewal application to the agency a minimum of 90 days prior to the expiration date appearing on the currently held license.

(b) through (c) No change.

(3) through (4) No change.

Specific Authority 400.619, 400.621 FS. Law Implemented 400.619, 400.621 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.003, Amended 9-19-96, 3-25-98, 6-6-99, _____.

58A-14.0061 Admission and Appropriateness of Placement.

(1) ADMISSION. In order to be admitted as a resident to an AFCH an individual must:

(a) Be at least 18 years of age.

(b) Be free from apparent signs and symptoms of any communicable disease, including tuberculosis, which is likely to be transmitted to others ~~residents~~, as documented in the Health Assessment Form described in subsection (2). A person who has HIV infection may be admitted provided the person would otherwise be eligible for admission according to this rule.

(c) through (l) No change.

(2) HEALTH ASSESSMENT. Prior to admission to an AFCH, the individual must be examined by a health care provider using the Resident Health Assessment, DOEA Form 1110, ~~August 2003 February 1999~~, which is incorporated by reference, and available from the ~~Assisted Living Program~~, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000. Previous versions of this form completed up to 6 months after the effective date of this rule (effective date of the rule) are acceptable.

(3) through (6) No change.

Specific Authority 400.621 FS. Law Implemented 400.618, 400.621, 400.625, 400.628 FS. History—New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, _____.

58A-14.008 Staff Qualifications, Responsibilities and Training.

(1) through (3) No change.

(4) TRAINING.

(a) All AFCH providers must attend a 12-hour basic adult family-care home training program ~~provided by the department~~ which covers the minimum requirements of Section 400.6211, F.S., prior to accepting any residents, or for providers who already have persons residing in the home that will be considered residents, prior to licensing.

(b) through (e) No change.

(f) Except as otherwise noted, certificates of any training required by this rule shall be documented in the facility's personnel files. The department's AFCH trainer in the planning and service area where an AFCH is located shall notify AFCH providers of record, and others who request notification, of AFCH training offered by the department. A schedule of department training offered and a list of trainers is available from the Assisted Living Program, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, telephone number (850)414-2309.

~~(g) Fees.~~

~~1. Except for licensed AFCH providers, each relief person, and AFCH license applicants, the department shall charge the following fees for training provided under this rule:~~

~~a. AFCH basic training \$50~~

~~b. Update training \$25~~

~~2. The department shall charge the following fees for printed materials available from the department printed or on diskette:~~

~~a. Adult Family Care Home Provider's Guide \$25~~

~~b. Adult Family Care Home Law and Rule \$5~~

Specific Authority 400.619, 400.621, 400.6211 FS. Law Implemented 400.619, 400.621, 400.6211 FS. History--New 2-2-95, Formerly 10A-14.008, Amended 9-19-96, 6-6-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Macdonald

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry White, Secretary

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLES: RULE NOS.:
Normal Penalty Ranges 61G3-21.001
Suspension 61G3-21.014

PURPOSE AND EFFECT: The proposed rule amendments are intended to address limitations on the imposition of penalties and the suspension of a license.

SUMMARY: The proposed rule amendments set forth the limitations of fines imposed and the authority to suspend a license.

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: 476.064(4), 455.2273, 476.024, 476.214(2) FS.

LAW IMPLEMENTED: 455.2273, 476.024, 476.214(2) 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: Julie Malone, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULES IS:

61G3-21.001 Normal Penalty Ranges.

The following guidelines shall be used in disciplinary cases, absent aggravating or mitigating circumstances and subject to the other provisions of this chapter.

(1) through (13) No change.

(14) Penalties imposed by the Board pursuant to Rule 61G3-21.001, F.A.C., may be imposed in combination or individually but may not exceed the limitations enumerated below:

(a) Revocation or suspension of any license or registration issued pursuant to Chapter 476, Florida Statutes.

(b) Issuance of a reprimand or censure.

(c) Imposition of an administrative fine not to exceed \$500 for each count or separate offense.

(d) Placement on probation for a period of time and subject to such reasonable conditions as the Board may specify.

(e) Refusal to certify to the Department an applicant for licensure or registration.

Specific Authority 476.064(4), 455.2273 FS. Law Implemented 455.2273 FS. History--New 11-25-86, Amended 7-4-90, 12-23-90, Formerly 21C-21.001, Amended 10-30-95, _____.

61G3-21.014 Suspension.

The Board may suspend any license issued pursuant to Chapter 476, Florida Statutes, in any case where, in the Board's opinion, it is in the interest of the public health, safety and welfare.

Specific Authority 476.024, 476.214(2) FS. Law Implemented 476.024, 476.214(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Barbers' Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Barbers' Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: RULE NO.:
Real Estate Broker 61J2-14.010

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects amounts brokers may maintain in escrow or trust.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was 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: 475.05 FS.

LAW IMPLEMENTED: 475.25(1)(d)1.,(k), 475.452 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-14.010 Real Estate Broker.

(1) Every broker who receives from sales associates ~~salespersons~~, principals, prospects, or other persons interested in any real estate transaction, any deposit, fund, money, check, draft, personal property, or item of value shall immediately place the same in a bank, savings and loan association, trust company, credit union or title company having trust powers, in an insured escrow or trust account. The broker must be a signatory on all escrow accounts. If the brokerage entity has more than one broker licensee, then one broker licensee may be designated as the signatory. If the deposit is in securities, intended by the depositor to be converted into cash, the conversion shall be made at the earliest practical time, and the proceeds shall be immediately deposited in said account.

(2) A broker may place and maintain up to \$1,000 of personal or brokerage funds per each sales escrow account. A broker may place and maintain up to \$5,000 of personal or brokerage funds per each property management escrow account. Personal or brokerage funds in any escrow account shall not exceed \$5,000, per account. A broker shall be provided a reasonable amount of time to correct escrow errors if there is no shortage of funds and such errors pose no significant threat to economically harm the public. For purposes of this subsection, reasonable amount of time shall be defined as 30 days from the date the last reconciliation statement was performed or should have been performed. A broker is authorized to place and maintain up to \$200 of

~~personal or brokerage business funds in the escrow account for the purposes of opening the account, keeping the account open and/or paying for ordinary service charges.~~

Specific Authority 475.05 FS. Law Implemented 475.25(1)(d)1.,(k), 475.452 FS. History—New 1-1-80, Formerly 21V-14.10, Amended 2-17-86, 10-13-88, 12-29-91, 6-28-93, Formerly 21V-14.010, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Disciplinary Guidelines

RULE NO.: 61J2-24.001

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects provisions relating to disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was 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: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.001 Disciplinary Guidelines.

(1) No change.

(2) As provided in s. 475.25(1), Florida Statutes, the Commission may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Commission may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend post-licensure courses; to satisfactorily complete a post-licensure course; to attend continuing education courses; to submit to and successfully complete the state-administered examination; to be subject to periodic inspections and interviews by a DBPR investigator; if a broker, to place the license on a broker associate ~~broker salesperson~~ status; or, if a broker, to file escrow account status reports with the Commission or with a DBPR investigator at such intervals as may be prescribed.

(3) No change.

VIOLATIONS

RECOMMENDED RANGE OF PENALTY

(a) through (k) No change.

(l) 475.25(1)(k)

Has failed, if a broker, to deposit any money in an escrow account immediately upon receipt until disbursement is properly authorized. Has failed, if a sales associate ~~salesperson~~, to place any money to be escrowed with his registered employer

(m) No change.

(n) 475.25(1)(m)

Obtained a license by fraud, misrepresentation or concealment

(l) No change.

(n) In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C. and the act is discovered by the DBPR, the usual action of the Commission shall be to impose a penalty of revocation. In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the licensee brings the matter to the attention of the DBPR, the usual action

(o) through (q) No change.

(r) 475.25(1)(q)

Licensee has failed to give the Transaction Broker Notice or Single Agent Notice at the requisite period of time under the provisions of ss. 475.278, F.S.; failed to properly secure the Consent to Transition to Transaction Broker or Designated Sales Associate ~~Salesperson~~ forms as required in ss. 475.2755 or 475.278, F.S.; failed to act in a manner as prescribed in ss. 475.2755 or 475.278

(s) through (w) No change.

(x) 475.42(1)(b)

Practicing beyond scope as a sales associate ~~salesperson~~

(y) 475.42(1)(c)

Broker employs a sales associate ~~salesman~~ who is not the holder of a valid and current license

(z) 475.42(1)(d)

A sales associate ~~salesperson~~ shall not collect any money in connection with any real estate brokerage transaction except in the name of the employer

(aa) through (dd) No change.

(ee) 475.42(1)(j)

No broker or sales associate ~~salesperson~~ shall place upon the public records any false, void or unauthorized information that affects the title or encumbers any real property

of the Commission shall be to impose a penalty of a \$1,000 administrative fine. In all other cases, the usual action of the Commission shall be to impose a penalty of revocation and an administrative fine of \$1,000.

(r) No change.

(x) No change.

(y) No change.

(z) No change.

(ee) No change.

(ff) through (gg) No change.

(hh) 475.42(1)(m)

Fails to have a current license as a broker or sales associate salesperson while listing or selling one or more timeshare periods per year

(ii) No change.

(jj) 475.424(1)(o)

Publication of false or misleading information; promotion of sales, leases and rentals

~~(kk) 475.422-~~

~~Failure to furnish copies of any termite and roof inspection reports~~

(ll) through (mm) renumbered (kk) through (ll) No change.

~~(mm)(nn)~~ 475.453

Broker or sales associate salesperson participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.

(4)(a) No change.

(b) Aggravating or mitigating circumstances may include, but are not limited to, the following:

~~1. The severity of the offense.~~

2. through 3. renumbered 1. through 2. No change.

~~4. The number of times the offenses previously have been committed by the licensee.~~

5. through 8. renumbered 3. through 6. No change.

Specific Authority 455.2273, 475.05 FS. Law Implemented 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS. History—New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-29-96, 12-30-97, 11-29-98, 1-18-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

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

(hh) No change.

(jj) No change.

~~(kk) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 3 year suspension~~

~~(mm)(nn)~~ No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE:

RULE NO.:

Citation Authority

61J2-24.002

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects provisions relating to citation authority.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was 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: 475.05 FS.

LAW IMPLEMENTED: 455.224 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.002 Citation Authority.

(1) No change.

(2)(a) through (k) No change.

1. Renewed a license without completing the continuing education requirement and the act and is discovered by the DBPR but the licensee has completed the continuing education requirements within thirty (30) days after his or her renewal date	\$200.00 and completion of the continuing education requirement for the previous renewal cycle
---	--

<p>2. Renewed a license without completing the continuing education requirement and the act is discovered by the <u>DBPR</u> but the licensee has completed the continuing education requirements within ninety (90) days after his or her renewal date</p> <p>3. No change.</p> <p>(l) through (m) No change.</p> <p>(n) 475.42(1)(b) – sales associate salesperson operating as a <u>sales associate salesperson</u> without a registered employer due to failure to renew or properly register</p> <p>(o) through (s) No change.</p> <p>(t) 475.4511(5) – advertised school passing rates</p> <p>(t)(u) No change.</p> <p>(u)(v) 61J2-3.009(5)(e) – failed to have a <u>distance education correspondence study</u> course instructor available <u>per published schedule during working hours</u></p> <p>(v)(w) 61J2-3.009(6) – failed to inform students of course standards and requirements</p> <p>(w)(x) 61J2-3.015(2) – failed to provide a course completion report to a student; if a licensee, as the result of an audit/inspection, failed to provide a course completion report to the <u>DBPR</u></p> <p>(x)(y) 61J2-5.016 – sales associate broker salesperson serving as an officer or director of a registered brokerage corporation</p> <p>(y)(z) 61J2-5.019(1) – failed to ensure that the corporation or partnership is properly registered; failed to ensure each officer, director and <u>sales associate salesperson</u> is properly licensed</p> <p>(z)(aa) No change.</p> <p>(bb) through (ee) renumbered (aa) through (dd) No change.</p> <p>(ff) 61J2-10.035 – failed to obtain the seller’s consent to place a “sold” sign on the property prior to closing</p>	<p>\$500.00 and completion of the continuing education requirement for the previous renewal cycle</p> <p>\$500.00</p> <p>\$300.00</p> <p>\$300.00</p> <p>\$100.00</p> <p>\$200.00</p> <p>\$200.00</p> <p>\$200.00</p> <p>\$200.00</p> <p>\$200.00</p> <p>\$100.00</p>	<p>(cc)(gg) 61J2-10.038 – failed to notify the <u>DBPR</u> of the current mailing address or any change in the current mailing address</p> <p>(ff)(hh) No change.</p> <p>(ii) 61J2-14.012 – failed to properly reconcile an escrow account when the account is no more than +\$200 out of balance</p> <p>(jj) 61J2-14.012(2) – failed to properly reconcile an escrow account when the account is out of balance by more than +\$200 but no more than +\$500</p> <p>(kk) through (qq) renumbered (gg) through (mm) No change.</p> <p>(3) through (5) No change.</p>	<p>\$100.00</p> <p>\$200.00 and the 7-hour Instructional Program for Broker Management of Escrow Accounts to be completed within 6 months of the citation becoming a final order</p> <p>\$500.00 and the 4-hour Instructional Program for Broker Management of Escrow Accounts to be completed within 6 months of the citation becoming a final order</p> <p>No change.</p> <p>No change.</p>
---	---	---	---

Specific Authority 475.05 FS. Law Implemented 455.224 FS. History–New 12-29-91, Amended 4-16-92, 1-20-93, 6-28-93, Formerly 21V-24.002, Amended 8-23-93, 4-7-94, 4-12-95, 7-5-95, 2-13-96, 6-5-96, 7-23-96, 1-22-97, 3-30-97, 11-10-97, 3-24-98, 7-1-98, 10-25-98, 1-19-99, 1-18-00, 10-15-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
Florida Real Estate Commission
 RULE TITLE: Notice of Noncompliance
 RULE NO.: 61J2-24.003
 PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was 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: 475.05 FS.

LAW IMPLEMENTED: 120.695, 455.225(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.003 Notice of Noncompliance.

(1) Pursuant to s. 455.225(3), Florida Statutes, and s. 120.695, Florida Statutes, the Commission sets forth below those statutes and rules which are considered minor violations for which the DBPR shall provide a licensee, registrant or permitholder with a notice of noncompliance. A violation is considered a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. The notice of noncompliance shall only be issued for an initial offense of a listed minor violation.

(a) 61J2-3.009(5)(e) – failure to have a distance education correspondence course instructor available.

(b) through (c) No change.

(d) 61J2-5.016 – sales associate salesperson or broker associate broker salesperson serving as officer or director of a registered brokerage corporation.

(e) 61J2-5.019(1) – failure to ensure that the corporation or partnership is properly registered; failure to ensure each officer, director and sales associate salesperson is properly licensed.

(f) through (k) No change.

~~(4) 61J2-10.035 – failure to obtain the seller’s consent to place a “sold” sign on the property prior to closing.~~

~~(1)(m)~~ 61J2-14.012 – failure to sign the escrow account reconciliation if the account balances.

~~(m)(n)~~ 61J2-14.014(2) – failure to stop interest from accruing prior to disbursement.

~~(n)(o)~~ 61J2-17.012(1) and (3) – failure to maintain the course roster as required.

~~(o)(p)~~ 61J2-17.012(2) – failure to deliver the course roster as required.

~~(p)(q)~~ 61J2-17.013(2) – failure to obtain a permit for a school location.

~~(q)(r)~~ 61J2-17.014 – improper use of a guest lecturer.

~~(r)(s)~~ 61J2-17.015 – improper recruiting; failure to post the required statement.

~~(s)(t)~~ 475.25(1)(m) and 61J2-3.009 – renewed license without having complied with Rule 61J2-3.009, F.A.C., and voluntarily notified the DBPR within thirty (30) days after the renewal cycle ended.

(2) The DBPR shall issue a notice of noncompliance to the licensee, registrant or permitholder subject to the statute and rule that the statute and rule have been violated. The notice of noncompliance shall identify the statute and rule being violated and shall provide information on how to comply with the statute and rule. The DBPR shall allow 15 days for compliance with the statute and rule and shall so notify the licensee, registrant or permitholder. The time for compliance shall begin to run from the time the licensee, registrant or permitholder receives the notice of noncompliance. The failure of a licensee, registrant or permitholder to comply with the notice of noncompliance within the time allowed shall thereafter result in the issuance of a citation pursuant to Rule 61J2-24.002, Florida Administrative Code, and, if there is no citation for the violation, then the institution of regular disciplinary proceeding pursuant to s. 455.225, Florida Statutes.

(3) No change.

Specific Authority 475.05 FS. Law Implemented 120.695, 455.225(3) FS. History—New 1-9-94, Amended 1-1-96, 11-10-97, 6-30-98, 10-25-98, 9-17-00,

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLE: Revocation
 RULE NO.: 61J2-24.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to bring the rule into compliance with statutory changes.

SUMMARY: The proposed rule change affects licensure designation.

SUMMARY OF STATEMENT OF ESTIMATE OF REGULATORY COSTS: No Statement of Estimated Regulatory Costs was 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: 475.05 FS.

LAW IMPLEMENTED: 120.695, 455.225(3) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AN ADDITIONAL HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW):

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, November 18, 2003

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.005 Revocation.

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

(2) An individual whose license has been revoked for the above listed violations may not apply for a sales associate's ~~salesperson's~~ license for a period of five (5) years after the date of filing of the final order revoking the license unless the Commission specifies a lesser period of time in the final order, said lesser period of time based upon mitigating factors presented by the Respondent. The applicant must meet all the requirements for initial licensure as a sales associate ~~salesperson~~, including examination, as required in ss. 475.17 and 475.175, F.S., The Commission may refuse to certify the applicant pursuant to ss. 475.17(1)(a), 475.181 or 475.25(1), F.S.

Specific Authority 455.227, 475.05 FS. Law Implemented 455.227 FS. History—New 2-13-96, Amended 4-28-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 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."

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Pharmacists Newly Licensed	64B16-26.100
Fees and License Renewal Application	64B16-26.101
Inactive License Renewal	64B16-26.102

PURPOSE AND EFFECT: The Board proposes to repeal the rules which are no longer needed as new Rules 64B16-26.1001, 64B16-26.1011 and 64B16-26.1021, F.A.C., have been proposed to replace them.

SUMMARY: The rule repeals, and the new rules, address the requirements and the fees for initial licensure and renewal of license.

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: 456.013(2), 465.005 FS.

LAW IMPLEMENTED: 456.013(2), 456.036, 456.064, 465.008, 465.012 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: Lucy Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.100 Pharmacists Newly Licensed.

Specific Authority 456.013(2), 465.005 FS. Law Implemented 456.013(2), 465.008 FS. History—New 3-19-79, Formerly 21S-6.04, Amended 1-7-87, 12-29-88, 10-16-90, Formerly 21S-6.004, Amended 1-10-93, Formerly 21S-26.100, 61F10-26.100, 59X-26.100, Amended 4-17-01, Repealed

64B16-26.101 Fees and License Renewal Application.

Specific Authority 465.005 FS. Law Implemented 456.036, 456.064, 465.008 FS. History—New 3-19-79, Formerly 21S-6.05, Amended 1-7-87, 4-21-87, 12-29-88, Formerly 21S-6.005, Amended 7-31-91, 1-10-93, Formerly 21S-26.101, 61F10-26.101, Amended 3-10-96, Formerly 59X-26.101, Amended 12-31-97, 12-3-00, 3-18-01, 10-15-01, Repealed

64B16-26.102 Inactive License Renewal.

Specific Authority 465.005 FS. Law Implemented 465.008, 465.012 FS. History—New 3-19-79, Formerly 21S-6.06, Amended 1-7-87, 12-29-88, Formerly 21S-6.006, Amended 7-31-91, 1-10-93, Formerly 21S-26.102, 61F10-26.102, Amended 3-10-96, Formerly 59X-26.102, Amended 3-18-01, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2003

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Examination and Initial Licensure Fees
RULE NO.: 64B16-26.2035

PURPOSE AND EFFECT: The Board proposes the amendments to update the requirements for fees for initial licensure by examination.

SUMMARY: The proposed rule amendments address the fees required for initial licensure by examination.

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

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

SPECIFIC AUTHORITY: 456.013(2), 465.005 FS.

LAW IMPLEMENTED: 456.013(2), 465.007 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: Lucy Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.2035 Examination and Initial Licensure Fees.

(1) The ~~examination~~ fees for licensure by examination shall include a ~~non-refundable application~~ fee of \$100 and a ~~refundable initial licensure fee~~ of \$190 payable to the Board, and ~~component examination fees of \$360 for the National Practice Examination and \$130 for the jurisprudence examination. Component examination fees may be paid directly to the examination vendor. All fees collected under this section are non-refundable.~~

(2) Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.

Specific Authority 465.005, 456.013(2) FS. Law Implemented 465.007, 456.013(2) FS. History—New 9-19-94, Amended 3-10-96, Formerly 59X-26.2035, Amended 3-22-99, 10-30-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 11, 2003

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLES: Florida Workers' Compensation Health
RULE NOS.: 69L-7.020

Care Provider Reimbursement Manual 69L-7.020

Florida Workers' Compensation Reimbursement Manual for Hospitals 69L-7.501

PURPOSE, EFFECT AND SUMMARY: To amend 69L-7.020 to adopt the new version of the Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition, and Rule 69L-7.501, F.A.C., to adopt the Florida Workers' Compensation Reimbursement Manual for Hospitals 2004 Edition, to comply with Chapter Law 2003-412 (SB-50A), and implement the reimbursement rates adopted by the Three-member Panel pursuant to Section 440.13(12), F.S. at its meeting on October 2, 2003. The amendment to Rule 69L-7.501, F.A.C., also incorporates the Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition for use in billing for specified outpatient services.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.591, 440.13(4)(b),(6), (11),(12),(14) FS.

LAW IMPLEMENTED: 440.13(4)(b),(6),(11),(12),(14) FS.

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

TIME AND DATE: 2:00 p.m., December 1, 2003

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE FULL TEXT OF THE PROPOSED RULES IS:

69L-7.020 Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, ~~2004~~ ~~2002~~ Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for medical physician services, non-physician services, pharmaceutical and medical supplies, provided by health care providers as well as basic instructions and information for all providers and insurance carriers in the preparation and reimbursement of bills for medical services. The manual provides reimbursement policies and payment methodologies for pharmacists and medical suppliers. The Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, incorporated above 2002 Edition, is available for inspection during normal business hours at the State of Florida Department of Financial Services, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-03114230, or via the Department's Division's web site at <http://www.fldfs.com> <http://www2.myflorida.com/les/wc/>.

(2) The Physicians' Current Procedural Terminology (CPT®), 2003 Professional Edition Fourth Edition, Copyright ~~2002~~ ~~2001~~, American Medical Association (~~cover states "Current Procedural Terminology CPT® 2002, Standard Edition"~~); the Current Dental Terminology (CDT-43), Fourth Third Edition, Copyright ~~2002~~ ~~1999~~, American Dental Association (~~cover states "Current Dental Terminology (CDT-3), Version 2000"~~); and for D codes and for injectable J codes, and the other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2003", 2002 HCPCS Level II Professional (HCPCS), Fifteenth Thirteenth Edition, Copyright ~~2002~~ ~~2001~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service ~~is performed~~, which is not listed in the Florida Workers' Compensation Health Care Provider ~~Fee for Service~~ Reimbursement Manual, incorporated in subsection (1) above 2002 Edition, the provider must use a code contained in either the CPT®, CDT-43 or HCPCS section as specified.

Specific Authority 440.13(7),(8),(11),(14), 440.591 FS. Law Implemented 440.13(11),(12),(14), (6),(8),(11),(14) FS. History—New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.020, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended _____.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) The Florida Workers' Compensation Reimbursement Manual for Hospitals, ~~2004~~ ~~1999~~ Edition, ~~and replacement pages 4, 9, and 22 is~~ are adopted by reference as part of this rule. The manual contains reimbursement policies and per diem rates for hospital services and supplies ~~as well as basic instructions and information for all hospitals and carriers in the preparation and reimbursement of bills for hospital services.~~

(2) Form DWC-90, also known as the UB-92, or HCFA-1450, is hereby incorporated by reference as part of this rule. The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2004 Edition is incorporated by reference as part of this rule also. The reimbursement policies, billing codes and maximum reimbursement allowances for physical therapy, radiology, occupational therapy, speech therapy, radiology and clinical laboratory services contained in the manual shall be applied to hospital services provided on an outpatient basis only.

(3) The Florida Workers' Compensation Reimbursement Manual for Hospitals, incorporated in Subsection (1) above, is 2002 Edition, and Form DWC-90, are available for inspection during normal business hours, at the State of Florida Department of Financial Services, Division of Workers' Compensation, Document Processing Section Center, 200 East Gaines Street, Tallahassee, Florida 32399-03114230, or via the Department's Division's website home page at <http://www.fldfs.com> <http://www2.myflorida.com/les/wc/>.

Specific Authority 440.13(4)(b),(6),(11),(12),(14) FS. Law Implemented 440.13(4)(b),(6),(11),(12),(14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, 4L-7.501, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Don Davis, Office of Data Quality and Collection, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Deputy Division Director, Division of Workers' Compensation, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 17, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.:

RULE TITLE:

1B-2.011

Library Grant Programs