

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Manufactured Buildings
RULE CHAPTER NO.: 9B-1

RULE TITLE: Schedule of Fees
RULE NO.: 9B-1.020

PURPOSE AND EFFECT: To reduce fees to reflect budgetary requirements.

SUBJECT AREA TO BE ADDRESSED: Schedule of Fees – Rule 9B-1.020, Fla. Admin. Code.

SPECIFIC AUTHORITY: 553.37(1) FS.

LAW IMPLEMENTED: 553.37(7) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., May 10, 2004

PLACE: Department of Community Affairs, Randall Kelley Training Center, Room 305, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-1.020 Schedule of Fees.

The Department shall charge the following fees for the indicated items:

(1) through (5) No change.

(6) Insignia Fees:

(a) Factory-built school used in the public school system insignia fee is \$20.00 \$30.00 for each building.

(b) No change.

(c) Manufactured buildings that are less than 720 square feet in area as installed, and are not approved for use for human habitation such as storage sheds and lawn storage buildings: \$7.00 \$10.00 per building.

(d) Manufactured buildings and components not otherwise provided above: \$55.00 \$60.00 per module.

(7) No change.

Specific Authority 553.37(1) FS. Law Implemented 553.37(7) FS. History--New 1-17-72, Amended 2-1-72, 2-23-75, 12-8-75, 3-20-79, 3-1-80, 9-29-82, 11-1-84, Formerly 9B-1.20, Amended 1-1-87, 1-1-89, 1-1-90, 3-1-92, 3-1-95, 9-13-01.

DEPARTMENT OF LAW ENFORCEMENT

Division of Criminal Justice Information Systems

RULE CHAPTER TITLE: Crime Information Bureau; Criminal

History Records; Fingerprinting and Reports
RULE CHAPTER NO.: 11C-4

RULE TITLE: Uniform Arrest Affidavits and Reports
RULE NO.: 11C-4.009

PURPOSE AND EFFECT: Development and adoption of the above rule is required by statute. The rule provides for a uniform affidavit and report and incorporates those forms by reference.

SUBJECT AREA TO BE ADDRESSED: Forms for use by law enforcement agencies when making arrests for a violation of Section 316.193, F.S.

SPECIFIC AUTHORITY: 943.05(2)(d) FS.

LAW IMPLEMENTED: 316.193, 943.05(2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

IF REQUESTED IN WRITING BY APRIL 23, 2004, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rafael E. Madrigal, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

11C-4.009 Uniform Arrest Affidavits and Reports.

(1) A Uniform Probable Cause Affidavit, FDLE Form PCA 1 – March 2004, is adopted for use by all law enforcement agencies in the State of Florida when making DUI arrests pursuant to Section 316.193, Florida Statutes.

(2) A Uniform Alcohol Influence Report, FDLE Form AIR 1 – March 2004, is adopted for use by all law enforcement agencies in the State of Florida when making DUI arrests pursuant to Section 316.193, Florida Statutes.

(3) This rule shall not preclude the use of other probable cause affidavits or alcohol influence reports, and law enforcement agencies are authorized to supplement the Uniform Probable Cause Affidavit or the Uniform Alcohol Influence Report with additional affidavits and reports.

(4) Failure to use the Uniform Probable Cause Affidavit or the Uniform Alcohol Influence Report shall not prohibit prosecution of a person arrested for a violation of Section 316.193, Florida Statutes, and shall have no effect on the legality or validity of such arrest.

(5) The above referenced forms may be obtained by contacting the Florida Department of Law Enforcement, Alcohol Testing Program, P. O. Box 1489, Tallahassee, Florida 32302.

Specific Authority 943.05(2)(d) FS. Law Implemented 316.193, 943.05(2) FS. History--New \_\_\_\_\_.

**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."

**FLORIDA PAROLE COMMISSION**

RULE TITLE: Definitions – Satisfactory Release Plan  
RULE NO.: 23-21.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to the rule is to modify the definition of what constitutes a satisfactory release plan for consideration for parole release. The effect of the amendment will be to enhance the protection of the public and to facilitate the successful supervision of prison inmates released to parole supervision.

SUBJECT AREA TO BE ADDRESSED: Correction of deficiencies in the rule by providing more definite criteria for what constitutes a satisfactory parole release plan.

SPECIFIC AUTHORITY: 947.07, 947.174(5)(b) FS.

LAW IMPLEMENTED: 947.1745(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kim Fluharty, General Counsel, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

23-21.002 Definitions – Satisfactory Release Plan.

(1) through (44) No change.

(45) Satisfactory Release Plan means a release plan that meets all of the following requirements ~~which shows:~~

(a) A residence confirmed by field investigation to be sufficient to meet the living needs of the individual seeking parole, or sufficient financial resources or assistance to secure adequate living accommodations with the approval of the parole supervisor; ~~and~~

(b) Self-sustaining employment or financial support sufficient to preclude the parolee from becoming a public charge which has been confirmed by field investigation; ~~and~~

(c) Both (a) and (b) available in a community that does not represent individual, collective, or official resentment or hostility to an extent that it impairs the opportunity for lawful and peaceful existence of the parolee or any individual within that community.

(d) If the individual seeking parole is a convicted sexual offender, the proposed residence and employment must not pose an undue risk to children under the age of eighteen.

(e) The occupants of the proposed residence must not pose an undue risk to the inmate's ability to reintegrate into society.

(f) The proposed residence must not contain any firearms.

Specific Authority 947.07, 947.174(5)(b) FS. Law Implemented 947.1745 FS. History--New 9-10-81, Amended 10-1-82, 8-1-83, 7-1-84, Formerly 23-21.02, Amended 7-9-87, 1-29-93, 1-5-94, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedural  
RULE CHAPTER NO.: 40D-1

RULE TITLE: Basins  
RULE NO.: 40D-1.107

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to remove 10 courses erroneously included in the existing legal description found within Rule 40D-1.107, F.A.C. SUBJECT AREA TO BE ADDRESSED: In November 2003 the Governing Board approved rulemaking to amend the legal descriptions of the District's basin boundaries within Rule 40D-1.107, F.A.C. The final rule was submitted to the Department of State and the amendments became effective March 11, 2004. Upon review of the final (new) rule it was determined that there are 10 courses included from the previous legal description that should be deleted because they are unnecessary as the legal descriptions are written. These courses must now be removed.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.0691, 373.0693 FS.

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

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.107 Basins.

Pursuant to Section 5 of Chapter 61-691, Laws of Florida, the area of the District is divided into watershed basins to include each major stream and its tributary streams and all lands draining therein except the area known as the Green Swamp Watershed Basin.

(1) through (9) No change.

(10) The area of the Peace River Basin is located in parts of Polk, Hardee, Highlands, DeSoto and Charlotte Counties.

(a) That portion of the Peace River Basin located within Polk County is described as follows:

Begin at southwest corner of Section 31, Township 32 South, Range 23 East;

Thence north along the Polk-Hillsborough County line to northwest corner of Section 18, Township 32 South, Range 23 East;

Thence east to northeast corner of Section 18, Township 32 South, Range 23 East;

Thence north to northwest corner of Section 8, Township 32 South, Range 23 East;

Thence east along the sections to the southeast corner of Section 4, Township 32 South, Range 23 East;

Thence north to the northwest corner of Section 3, Township 32 South, Range 23 East;

Thence east along the township line between Townships 31 and 32 South to the southeast corner of Section 34, Township 31 South, Range 23 East;

Thence north to the northwest corner of Section 35, Township 31 South, Range 23 East;

Thence east along the sections to the northeast corner of Section 36, Township 31 South, Range 23 East;

Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 36, Township 31 South, Range 23 East;

Thence east along the township line between Townships 31 and 32 South to the southeast corner of Section 34, Township 31 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 34, Township 30 South, Range 24 East;

Thence west to the northwest corner of Section 34, Township 30 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 4, Township 30 South, Range 24 East;

Thence west along the township line between Townships 29 and 30 South to the southeast corner of Section 32, Township 29 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 29, Township 29 South, Range 24 East;

Thence west to the northwest corner of Section 29, Township 29 South, Range 24 East;

Thence north to the northeast corner of Section 19, Township 29 South, Range 24 East;

Thence east to the southeast corner of Section 17, Township 29 South, Range 24 East;

Thence north to the northeast corner of Section 17, Township 29 South, Range 24 East;

Thence west to the northwest corner of Section 17, Township 29 South, Range 24 East;

Thence north to the northeast corner of Section 7, Township 29 South, Range 24 East;

Thence west to the northwest corner of Section 7, Township 29 South, Range 24 East;

Thence north along the range line between Ranges 23 and 24 East to the northeast corner of Section 13, Township 28 South, Range 23 East;

Thence west to the northwest corner of Section 13, Township 28 South, Range 23 East;

Thence north along the sections to the northwest corner of Section 24, Township 27 South, Range 23 East;

Thence east along the sections to the northeast corner of Section 19, Township 27 South, Range 24 East;

Thence south to the southeast corner of Section 19, Township 27 South, Range 24 East;

Thence east along the sections to the southwest corner of Section 20, Township 27 South, Range 25 East;

Thence north to the northwest corner of Section 20, Township 27 South, Range 25 East;

Thence east to the northeast corner of Section 20, Township 27 South, Range 25 East;

Thence south to the southeast corner of Section 20, Township 27 South, Range 25 East;

Thence east along the sections to the northeast corner of Section 27, Township 27 South, Range 25 East;

Thence south along the sections to the southeast corner of Section 34, Township 27 South, Range 25 East;

Thence east along the township line between Townships 27 and 28 South to the southwest corner of Section 31, Township 27 South, Range 26 East;

Thence north along the range line between Ranges 25 and 26 East to the northwest corner of Section 30, Township 27 South, Range 26 East;

Thence east to the northeast corner of Section 30, Township 27 South, Range 26 East;

Thence north along the sections to the northwest corner of Section 17, Township 27 South, Range 26 East;

Thence east to the northeast corner of Section 17, Township 27 South, Range 26 East;

Thence south to the southeast corner of Section 17, Township 27 South, Range 26 East;

Thence east to the northeast corner of Section 21, Township 27 South, Range 26 East;

Thence south along the sections to the southwest corner of Section 27, Township 27 South, Range 26 East;

Thence east to the southeast corner of Section 27, Township 27 South, Range 26 East;

Thence north to the northeast corner of Section 27, Township 27 South, Range 26 East;

Thence east along the sections to the northeast corner of Section 29, Township 27 South, Range 27 East;

Thence north to the northwest corner of Section 4, Township 27 South, Range 27 East, and the township line;

Thence west to the southwest corner of Section 32, Township 26 South, Range 27 East;

Thence north to the southeast corner of Section 18, Township 26 South, Range 27 East;

Thence west to the southwest corner of Section 18, Township 26 South, Range 27 East, and the range line;

Thence north along the range line between Ranges 26 and 27 East, to the northwest corner of Section 6, Township 26 South, Range 27 East and the Polk-Osceola County line.

Thence east along the Polk-Osceola County line to the northeast corner of Section 1, Township 26 South, Range 27 East;

Thence south along the range line between Ranges 27 and 28 East to the northerly margin of Lake Marion;

Thence southerly, along the westerly margin of Lake Marion, to its intersection with the range line between Ranges 27 and 28 East;

Thence southerly, along said range line, to the south boundary of Township 27 South;

Thence easterly, along said township line, to the intersection of said township line with Lake Marion;

Thence following the south shore line of Lake Marion to its intersection again with said township line;

Thence east, along said township line, to the northwest corner of Section 5, Township 28 South, Range 28 East;

Thence south along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East;

Thence east along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East;

Thence south along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East;

Thence east along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East;

Thence south along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East;

Thence west along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East;

Thence north along the section line to the northeast corner of the SE 1/4 of Section 28, Township 28 South, Range 28 East;

Thence west along the north boundary of the SE ¼ to the intersection with the shore line of Lake Pierce;

Thence follow the shore line generally southwesterly to its intersection with the north boundary of the S 1/2 of the SW 1/4 of said Section 28;

Thence west along said north boundary to the northwest corner of the S 1/2 of the SW 1/4 of said Section 28;

Thence south along the section line to the southwest corner of Section 33, Township 28 South, Range 28 East;

Thence west along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East;

Thence south along the section line to its intersection with the west shoreline of Lake Pierce;

Thence following the west shore line of Lake Pierce to its intersection with the west boundary of Section 8, Township 29 South, Range 28 East;

Thence south along the section line to the northwest corner of Section 20, Township 29 South, Range 28 East;

Thence east along the north boundaries of Sections 20, 21, 22, 23 and 24, Township 29 South, Range 28 East, and Section 19, Township 29 South, Range 29 East, and to the northeast corner of said Section 19;

Thence south along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East;

Thence east along the section line to the northeast corner of the NW 1/4 of Section 5, Township 30 South, Range 29 East;

Thence south to the southeast corner of the SW 1/4 of Section 8, Township 30 South, Range 29 East;

Thence west along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East;

Thence south along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East;

~~Thence south along the range line to the southeast corner of Section 1, Township 39 South, Range 29 East;~~

~~Thence east along the section line to the northwest corner of Section 11, Township 39 South, Range 30 East;~~

~~Thence north along the section line to the southwest corner of Section 35, Township 38 South, Range 30 East;~~

~~Thence east along through Townships 35, 34, and 33 South, to the northeast corner of Township 33 South, Range 29 East, being on the Highlands Polk County line;~~

~~Thence west along the Highlands Polk County line to the northwest corner of Township 33 South, Range 28 East;~~

~~Thence south along the range line between Ranges 27 and 28 East, in Townships 33, 34 and 35 South, to the southwest corner of Township 35 South, Range 28 East, the Point of Beginning.~~

Thence west to the northeast corner of Section 12, Township 31 South, Range 28 East;

~~Thence southerly along the westerly margin of Lake Marion to the south boundary of Township 27 South;~~

~~Thence west along township line to the northeast corner of Section 1, Township 28 South, Range 27 East;~~

~~Thence south along the range line between Ranges 27 and 28 East, to the northwest corner of Section 30, Township 29 South, Range 28 East;~~

~~Thence east along the section lines to the northeast corner of Section 25, Township 29 South, Range 28 East, and the range line between Ranges 28 and 29 East;~~

Thence south along the range line to the southeast corner of Section 36, Township 32 South, Range 28 East and the Polk-Highlands County line;

Thence west along the Polk-Highlands County line to the southeast corner of Section 36, Township 32 South, Range 27 East, and the Hardee County line;

Thence continue west along the township line, also being the Polk-Hardee County line, to the southwest corner of Section 31, Township 32 South, Range 23 East, and the Point of Beginning.

(b) through (e) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.0693 FS. History-Readopted 10-5-74, Amended 12-31-74, 41-24-76, 9-5-77, 10-16-78, 4-27-80, 3-30-81, 1-10-83, 10-9-85, Formerly 16J-0.03, 40D-0.061, Amended 3-11-04, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Water Levels and Rates of Flow 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Hancock, Hunters Lake, Lake Lindsey, Mountain Lake, Neff Lake, Spring Lake and Weeki Wachee Prairie Lake (Lake Theresa) in Hernando County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:00 p.m., May 4, 2004

PLACE: Southwest Florida Water Management District, Brooksville Headquarters, Governing Board Room, 2379 Broad Street, Brooksville, FL 34604-6899

WHAT: Public workshop on proposed minimum and guidance levels for Lake Hancock, Hunters Lake, Lake Lindsey, Mountain Lake, Neff Lake, Spring Lake and Weeki Wachee Prairie Lake (Lake Theresa) in Hernando County, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disability Act should contact: Dianne Lee, (352)796-7211 or 1(800)423-1476, Extension 4658, TDD only number 1(800)231-6103, Fax (352)754-6878, Suncom 663-6878.

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Tolomato Community Development District**

RULE CHAPTER TITLE: RULE CHAPTER NO.:  
Tolomato Community Development 42SS-1

District 42SS-1

RULE TITLES: RULE NOS.:

Establishment 42SS-1.001

Boundary 42SS-1.002

Supervisors 42SS-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a Community Development District ("CDD"), the Tolomato Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by SONOC Company, LLC, requests the Commission establish a community development district located within the jurisdiction of St. Johns County, Florida. A Notice of Receipt of Petition for the Tolomato Community Development District was published in the February 6, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 11,355 acres. The proposed District is generally bounded by agricultural and forest lands and some low-medium residential uses. The lands within the proposed District are largely undeveloped. There are three out-parcels located within the external boundaries of the proposed District which are to be excluded from the District. These out-parcels include an out-parcel of existing residential

uses, a St. Johns County-owned park site, and a parcel owned by the Florida Inland Navigation District. All the land within the proposed District is subject to the existing Nocatee Development of Regional Impact (DRI) Development Order. The development plan for the lands within the proposed District includes the construction of approximately 8,811 single family units and 3,228 multi-family units, 540 assisted living units, 485 hotel rooms, 2,872,000 square feet of office space, 968,000 square feet of retail space and 250,000 square feet of light industrial space. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including on and off-site road improvements approved or required by the Nocatee DRI, wetland mitigation, stormwater facilities, and recreation improvements.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Tolomato Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., Thursday, May 6, 2004

PLACE: Room 2103, The Capitol, Tallahassee, Florida

REQUESTS FOR A RULE DEVELOPMENT WORKSHOP MUST BE SUBMITTED IN WRITING BY MAY 3, 2004.

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cheryl G. Stuart, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500; Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Split Pine Community Development District**

RULE CHAPTER TITLE: Split Pine Community Development District

RULE CHAPTER NO.: 42TT-1

RULE TITLES: Establishment

RULE NOS.: 42TT-1.001

Boundary

42TT-1.002

Supervisors

42TT-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Split Pine Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by SONOC Company, LLC, requests the Commission establish a community development district located within the jurisdiction of the City of Jacksonville, in Duval County, Florida. A Notice of Receipt of Petition for the Split Pine Community Development District was published in the February 6, 2004, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 2,015 acres. The proposed District is generally bounded by agricultural uses. The lands within the proposed District are largely undeveloped. There are no out-parcels located within the external boundaries of the proposed District which are to be excluded from the District. The development plan for the lands within the proposed District includes the construction of approximately 1,268 single family units and 893 multi-family units, 180 assisted living units, 225 hotel rooms, 1,336,000 square feet of office space and 32,000 square feet of retail space. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, wetland mitigation, stormwater facilities, and recreation improvements.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Split Pine Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:30 a.m., Thursday, May 6, 2004

PLACE: Room 2103, The Capitol, Tallahassee, Florida

REQUESTS FOR A RULE DEVELOPMENT WORKSHOP MUST BE SUBMITTED IN WRITING BY MAY 3, 2004.

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cheryl G. Stuart, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500; Barbara Leighty, Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

**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 Optometry**

RULE TITLE: Exemptions of Spouse of Member of Armed Forces from License Renewal Requirements

RULE NO.: 64B13-5.003

PURPOSE AND EFFECT: The Board proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions.

SUBJECT AREA TO BE ADDRESSED: Exemptions of Spouse of Member of Armed Forces from License Renewal Requirements.

SPECIFIC AUTHORITY: 456.024, 463.005 FS.  
LAW IMPLEMENTED: 456.024, 463.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-5.003 Exemption of Spouse of Member of Armed Forces from License Renewal Requirements.

A licensee who is the spouse of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces and who at the time the absence became necessary was in good standing with the Board of Optometry and entitled to practice optometry in Florida shall be exempt from all licensure renewal provisions. The licensee must document the absence and the spouse’s military status to the Board.

Specific Authority 456.024, 463.005 FS. Law Implemented 456.024, 463.005 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Fees

RULE NO.: 64B13-6.001

PURPOSE AND EFFECT: The Board proposes an amendment to the rule that a licensee shall pay a change of status fee of \$300 when the licensee applies for a change in licensure status at any time other than during licensure renewal.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS.

LAW IMPLEMENTED: 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-6.001 Fees.

The following fees are prescribed by the Board:

(1) through (5) No change.

(6) The fee to be paid for biennial renewal of an initial Branch Office License shall be one hundred dollars (\$ 100). The fee for renewal of additional Branch ~~Branch~~ Office Licenses shall be twenty-five dollars (\$ 25) each.

(7) A licensee shall pay a change of status fee of \$300 when the licensee applies for a change in license status at any other time than during licensure renewal. ~~The fee to be paid to place a license in inactive status shall be \$ 300.00.~~

(8) through (16) No change.

Specific Authority 456.013(2), 456.025(7), 456.036, 463.005, 463.0057, 463.006, 463.007, 463.008 FS. Law Implemented 456.013(2), 456.025, 456.036, 463.0057, 463.006, 463.007, 463.008 FS. History–New 12-13-79, Amended 2-14-82, 8-18-82, 12-2-82, 5-6-84, 7-29-85, Formerly 21Q-6.01, Amended 11-20-86, 7-21-88, 2-5-90, 5-29-90, 7-10-91, 4-14-92, 7-1-93, Formerly 21Q-6.001, Amended 1-24-94, Formerly 61F8-6.001, Amended 12-22-94, 2-13-95, 4-5-95, 5-29-95, 12-31-95, Formerly 59V-6.001, Amended 12-24-97, 3-21-00, 11-18-01, 5-9-02, 9-10-02, 7-3-03, 10-30-03, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

RULE NO.: 64B13-18.002

PURPOSE AND EFFECT: The Board proposes an amendment to the rule in order to update the formulary list and notify licensees that the topical ocular pharmaceutical formulary list is located at the Board office and on the website.

SUBJECT AREA TO BE ADDRESSED: Formulary list for Topical Ocular Pharmaceutical Agents.

SPECIFIC AUTHORITY 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), Florida Statutes. The formulary list shall be maintained at the Board office and available on the website. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination:

- (1) CYCLOPLEGIC AND MYDRIATICS ~~any except~~
  - (a) ~~Atropine sulfate in concentrations greater than 1%,~~
  - (b) ~~Phenylephrine HCL in concentrations greater than 2.5%, and~~
  - (c) ~~Cyclopentolate HCL in concentrations greater than 2%.~~
- (2) LOCAL ANESTHETICS ~~any.~~
- (3) DIAGNOSTIC PRODUCTS ~~any.~~
- (4) ~~OPHTHALMIC DECONGESTANTS/ ANTIHISTAMINE COMBINATIONS any.~~
- (4)(5) ANTIBACTERIAL ~~any except chloramphenicol.~~
- (5)(6) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS ~~any.~~
- (6)(7) ANTIHISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS ~~any.~~
- (7)(8) ANTIVIRAL AGENTS ~~any.~~
- (8)(9) ANTI-GLAUCOMA AGENTS ~~any except cholinesterase inhibitors.~~
- (9)(10) MISCELLANEOUS ~~any other topical ocular legend agent not otherwise classified above, except for agents classified as antifungal.~~

Specific Authority 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History—New 3-30-87, Amended 4-5-88,5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: RULE NO.:

Family-Related Medicaid General Eligibility Criteria 65A-1.705

PURPOSE AND EFFECT: The proposed rule amendment clarifies the department's eligibility processing and referral procedures for the Florida KidCare program and updates forms used by the program.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will clarify the eligibility and referral process for the Florida KidCare program. The proposed rule amendment provides for the use of an electronic application form and updates the edition of a manual form used by the Florida KidCare program. SPECIFIC AUTHORITY: 409.918, 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.918, 409.919 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 2:00 p.m., May 3, 2004

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robi Olmstead, Government Operations Consultant II, 1317 Winewood Boulevard, Building 3, Room 449, Tallahassee, FL 32399-0700, (850)414-2908

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: RULE NO.:

SSI-Related Medicaid Resource Eligibility Criteria 65A-1.712

PURPOSE AND EFFECT: This proposed rule amendment aligns State policy with the federal policy for consideration of mortgages, loans, and promissory notes in determination of Medicaid eligibility effective July 1, 2004.

SUBJECT AREA TO BE ADDRESSED: The amendment to Rule 65A-1.712, F.A.C., implements Supplemental Security Income policy for evaluation of mortgages, loans and promissory notes in determination of Medicaid eligibility for applications received on or after July 1, 2004.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065 FS.



IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 10:00 a.m., May 3, 2004

PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robi Olmstead, Government Operations Consultant II, 1317 Winewood Boulevard, Building 3, Room 449, Tallahassee, FL 32399-0700, (850)414-2908

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLE: RULE NO.:

Loss Ratio Standards and Refund or Credit of Premium 690-156.011

PURPOSE AND EFFECT: The amendment mandates electronic filing of forms for refund or credit of premium.

SUBJECT AREA TO BE ADDRESSED: Mandatory electronic filing of forms for refund or credit of premium.

SPECIFIC AUTHORITY: 624.308, 627.674(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., May 5, 2004

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLES: RULE NOS.:

Filing, Approval of Subscriber Contract and Related Forms 690-191.051

Rates 690-191.054

PURPOSE AND EFFECT: The amendments mandate electronic filing of forms and rates, and clarify that filings received after 5:00 p.m. shall be considered to be received the following business day.

SUBJECT AREA TO BE ADDRESSED: Mandatory electronic filing of forms and rates.

SPECIFIC AUTHORITY: 641.31, 641.36 FS.

LAW IMPLEMENTED: 641.21(1)(e), 641.22(2),(4),(6), 641.3007(4)(b),(c), 641.31(2),(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., May 5, 2004

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Office of Insurance Regulation**

RULE TITLES: RULE NOS.:

Filing, Approval of Subscriber Contract and Related Forms 690-203.042

Rates 690-203.045

PURPOSE AND EFFECT: The amendments mandate electronic filing of forms and rates, and clarify that filings received after 5:00 p.m. shall be considered to be received the following business day.

SUBJECT AREA TO BE ADDRESSED: Mandatory electronic filing of forms and rates.

SPECIFIC AUTHORITY: 636.067 FS.

LAW IMPLEMENTED: 636.016, 636.017, 636.018 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:30 a.m., May 5, 2004  
PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail: dinof@dfs.state.fl.us

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

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

RULE TITLE: Uniform Primary and General Election Ballot  
PURPOSE AND EFFECT: Amend the rule to include ballot format for additional certified voting systems, and to clarify the language.

SUMMARY: The proposed rule generally updates the text of the rule to include ballot formats for voting systems certified since the rule was adopted.

SUMMARY OF STATEMENT OF 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: 101.151(8) FS.  
LAW IMPLEMENTED: 101.151(8) FS.

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

TIME AND DATE: 10:00 a.m., Monday May 10, 2004  
PLACE: The Collins Building, Room 102, 107 West Gaines Street, Tallahassee, Florida 32399-0250

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

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 Marielba Torres at (850)245-6200.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.032 Uniform Primary and General Election Ballot.

(1) The purpose of this rule is to prescribe a uniform primary and general election ballot design for each certified voting system.

(2) The title shall be printed across the top of an optical scan ballot and on the first ballot screen of a touchscreen ballot in all caps bold.

(a) The title of the presidential preference primary ballot shall read as follows:

OFFICIAL PRESIDENTIAL PREFERENCE PRIMARY  
BALLOT  
\_\_\_\_\_  
PARTY  
\_\_\_\_\_  
COUNTY, FLORIDA  
\_\_\_\_\_  
(date)

(b) The title of the primary ballot shall read as follows:

OFFICIAL PRIMARY BALLOT  
\_\_\_\_\_  
PARTY  
\_\_\_\_\_  
COUNTY, FLORIDA  
\_\_\_\_\_  
(date)

(c) The title of the general election ballot shall read as follows:

OFFICIAL GENERAL ELECTION BALLOT  
\_\_\_\_\_  
COUNTY, FLORIDA  
\_\_\_\_\_  
(date)


(d) The title of a nonpartisan ballot shall read as follows:

OFFICIAL NONPARTISAN BALLOT  
\_\_\_\_\_  
COUNTY, FLORIDA  
\_\_\_\_\_  
(date)

(3) Ballot instructions shall be printed directly under the title on the front side of an optical scan paper ballot. For a touchscreen ballot, the ballot instructions may appear at any point before the listing of candidates or may be prominently posted in each voting booth.

(a) For optical scan voting systems, the following shall apply:

1. The ballot instructions for those certified voting systems using ovals to be filled in next to the voter's choice, shall read as follows:

- a.
- TO VOTE, COMPLETELY FILL IN THE OVAL  NEXT TO YOUR CHOICE.
- Use (insert appropriate marking device) ~~only the marking device provided or a number 2 pencil.~~