

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE TITLE: Examinations
 RULE NO.: 64E-2.010

PURPOSE AND EFFECT: The Department proposes to review this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Examinations.

SPECIFIC AUTHORITY: 381.0011, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.27, 401.35 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: Pam Lesley, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2733, e-mail: Pam_Lesley@doh.state.fl.us, Fax (850)921-8162

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.010 Examinations.

(1) through (3) No change.

(4) Passing Grade – Individuals achieving the following grades on the state certification examination shall pass:

(a) EMT, 70 percent or higher.

(b) Paramedic, 80 percent or higher.

(c)1. NREMT Paramedic Assessment Examination, 70 percent or higher;

2. NREMT Paramedic Certification Examination, 70 percent or higher, and a passing score on each subpart.

(5) through (6) No change.

Specific Authority 381.0011, 401.27, 401.35 FS. Law Implemented 381.001, 401.27, 401.35 FS. History—New 4-26-84, Amended 3-11-85, Formerly 10D-66.575, Amended 4-12-88, 12-10-92, 12-10-95, 1-26-97, Formerly 10D-66.0575, Amended 8-4-98, 6-3-02, 11-3-02, _____.

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Private School Scholarship Compliance Form
 RULE NO.: 6A-6.03315

PURPOSE AND EFFECT: The purpose of the rule is to establish consistent reporting requirements for private schools participating in state scholarship programs. The effect is to provide consistency among Florida’s state scholarship programs by delineating requirements to which all private

schools must report compliance before they are eligible to participate and receive payments in the Opportunity Scholarship, John M. McKay Scholarship for Students with Disabilities, and Corporate Tax Credit Scholarship Programs.

SUMMARY: The rule delineates private school reporting requirements and statutory and regulatory requirements related to a private school’s location and contact information, ownership, affiliation and licensing, financial solvency, administration, staffing, programs, student health, student records, and facility. Private schools must be in full compliance with all reporting requirements before they are eligible to participate in scholarship programs and receive payments.

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 the notice.

SPECIFIC AUTHORITY: 220.187, 1002.38, 1002.39, 1002.42 FS.

LAW IMPLEMENTED: 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443, 607.0218, 617.0128, 623.03, 1002.38, 1002.39, 1002.42, 1003.22, 1003.23, 1006 FS.

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

TIME AND DATE: 9:00 a.m., August 17, 2004

PLACE: 400 South Monroe Street, Room LL03, Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Theresa Klebacha, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03315 Private School Scholarship Compliance Form.

Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs, which is hereby incorporated by reference to become a part of this rule effective September 2004. This form delineates private school reporting requirements specified pursuant to Section 1002.42, Florida Statutes, and statutory and regulatory requirements related to the areas of school location and contact information; school ownership, affiliation, and licensing; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of scholarship compliance

form. Copies of the rule may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 220.187, 1002.38, 1002.39, 1002.42 FS. Law Implemented 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443, 607.0218, 617.0128, 623.03, 1002.38, 1002.39, 1003.22, 1003.23, 1002.42, 1006 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Theresa Klebacha, Executive Director, Office of Independent Education and Parental Choice, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Winn, Chief of Staff, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: FTE Calculation for the Community College Program Fund

RULE NO.: 6A-14.076

PURPOSE AND EFFECT: The purpose of the amendment is to amend the FTE college credit definition to thirty rather than the previously required forty. The legislative proviso which required that forty be the standard has been deleted. The national standard for reporting FTE is thirty and this will provide consistency throughout state and federal reporting.

SUMMARY: This rule is amended to provide consistency in both state and federal reporting of FTE.

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 the notice.

SPECIFIC AUTHORITY: 1001.02(1),(9), 1010.58(1) FS.

LAW IMPLEMENTED: 1010.01, 1010.02, 1010.58 FS.

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

TIME AND DATE: 9:00 a.m., August 17, 2004

PLACE: 400 South Monroe Street, The Capitol, Room LL03, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education, 325 West Gaines Street, Rm. 1324, Tallahassee, Florida 32399-0400, (850)245-0448

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.076 FTE Calculation for the Community College Program Fund.

(1) The number of full-time equivalent students for the community college program fund is the college credits for which students register divided by thirty (30) or as otherwise specified by law ~~forty (40)~~. The number of hours for non-college credit plus the hours of instruction for which students register is in other instruction divided by nine hundred (900) contact hours or as otherwise provided by law.

(2) A student is registered in instruction that is subject to tuition, out-of-state matriculation and ~~matriculation and~~ fees upon payment, waiver, or deferment of the fees, pursuant to law and rule, and the recording of the transaction. A student is registered in instruction that is not subject to matriculation and tuition fees when the institution records the enrollment.

(3) When any fee refund results from a withdrawn registration, the credits or hours of instruction shall not be included in the calculation of full-time equivalent students.

Specific Authority 1001.02(1),(9), 1010.58(1), 229.053(1), 240.325 FS. Law Implemented 1010.58, 1010.01, 1010.02, 240.353, 240.359, 240.363 FS. History—Formerly 6A-8.172, Repronulgated 12-19-74, Amended 12-26-77, 7-9-81, 8-29-85, Formerly 6A-14.76, Amended 6-1-86, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edward L. Cisek, Vice-Chancellor for Financial Policy, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David Armstrong, Chancellor, Community Colleges, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 6, 2004

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.: 040493-TP

RULE TITLES: Pay Telephone Rate Caps
Rate and Billing Requirements

RULE NOS.: 25-24.516
25-24.630

PURPOSE AND EFFECT: To eliminate the requirement that the provider of local exchange telecommunications services pay a set use fee of \$0.25 to the pay telephone service provider for completing a 0- local calls from a pay telephone station.

SUMMARY: The rule amendment deletes subsection (3) from Rule 25-24.516, F.A.C., and subsection (2) from Rule 25-24.630, F.A.C., to eliminate the requirement that the provider of local exchange telecommunications services pay a set use fee of \$0.25 to the pay telephone service provider for completing a 0- local call from a pay telephone station.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The statement of estimated regulatory costs concluded that the amendments should not have a negative impact on regulated communications companies or other entities.

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 FS.

LAW IMPLEMENTED: 364.01, 364.03, 364.3375(4),(5), 364.3376 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES 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:

25-24.516 Pay Telephone Rate Caps.

(1) through (2) No change.

~~(3) A set use fee of \$.25 shall apply to all completed 0-local calls placed from pay telephones.~~

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.3375(4),(5) FS. History–New 9-5-95, Amended 2-1-99,_____.

25-24.630 Rate and Billing Requirements.

(1) No change.

~~(2) For 0- calls from pay telephone stations completed by the provider of local exchange telecommunications services, a set use fee of \$.25 shall apply and shall be remitted by the local exchange company to the pay telephone service provider.~~

~~(2)(3)~~ An operator services provider shall have current rate information readily available and provide this information orally to end users upon request prior to connection.

~~(3)(4)~~ An operator services provider shall require that its certificated name appear on any telecommunications company’s bill for regulated charges.

~~(4)(5)~~ An operator services provider shall require all calls to be individually identified on each bill from a telecommunications company on an end user’s bill, including the date and start time of the call, call duration, origin and destination (by city or exchange name and telephone number), and type of call.

~~(5)(6)~~ An operator services provider shall provide a toll-free number for customer inquiries on the bill and maintain procedures adequate to allow the company to promptly receive and respond to such inquiries.

~~(6)(7)~~ An operator services provider shall charge only for conversation time as rounded according to company tariffs.

~~(7)(8)~~ An operator services provider shall not:

(a) through (d) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01, 364.3376 FS. History–New 9-6-93, Amended 2-1-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ray Kennedy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 30, No. 12, March 19, 2004

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – City of Marathon

RULE CHAPTER NO.:

RULE TITLE: Comprehensive Plan

RULE NO.: 28-18.210

PURPOSE AND EFFECT: The purpose of the rule is to amend Policy 101.2.14 to address building permit allocations by increasing the annual residential permitting cap and specifying allocations authorized for market rate and affordable housing; restoring certain allocations previously reduced to be targeted for affordable housing; authorizing certain unused rate of growth ordinance allocations to roll forward; and deleting the requirement for nutrient credits upon a date certain. In addition, the rule amends the Work Program set forth in Policy 101.2.13 of the Marathon Comprehensive Plan to reflect rule section renumbering and establish Work Program provisions for Year 8 and Year 9. The establishment of provisions for Work Program Year 8 and Year 9 address tasks not yet completed in the original Work Program.

SPECIFIC AUTHORITY: 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not prepared.

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

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

TIME AND DATE: 6:00 p.m., Wednesday, August 18, 2004

PLACE: Marathon Government Center, Emergency Operations Center, 2798 Overseas Highway, Second Floor, Marathon, Florida 33050

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Administration Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

LAND PLANNING REGULATIONS FOR
THE FLORIDA KEYS AREA OF CRITICAL STATE
CONCERN – CITY OF MARATHON

28-18.210 Comprehensive Plan.

The Transitional Comprehensive Plan of the City of Marathon established by Chapter 99-427, Laws of Florida, is amended as follows:

(1) Policy 101.2.14. Notwithstanding any other provisions of the Transitional Comprehensive Plan of the City of Marathon, the following shall apply:

(a) Effective upon the adoption of this rule, the maximum number of permits issued for new residential development under the rate of growth ordinance shall not exceed a total unit cap of 30 new residential units per year, plus any available unused ROGO allocations from the previous ROGO year. Each year's ROGO allocation of 30 new units shall consist of 24 market rate and 6 affordable units. Unused ROGO allocations may be allocated in subsequent ROGO years. No exemptions or increases in the number of new permits, other than that which may be expressly provided for in the comprehensive plan or for which there is an existing agreement for affordable housing between the Department and the local government executed prior to January 1, 2003, shall be allowed. For Year 5, the interim Permit Allocation System shall allow a minimum of 11 new residential permits. If fewer than 11 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits.

(b) The Administration Commission has determined that, effective July 12, 2004, 65 ROGO allocations, which represent unused reductions for ROGO years 9-12, are reallocated to the City exclusively for affordable housing purposes.

(c) The Administration Commission has determined that, effective July 12, 2004, all ROGO allocations issued for affordable housing shall be required to remain as affordable housing in perpetuity.

(d) Effective July 13, 2005, no nutrient credits shall be required for ROGO allocations if the local government has made satisfactory progress in meeting the deadlines established by the Work Program as adopted by rule after March 15, 2004.

(e) Notwithstanding any other provision of the comprehensive plan, ROGO allocations and nutrient reduction credits utilized for affordable housing projects may be pooled and transferred between ROGO subdistricts and between local government jurisdictions within the Florida Keys ACSC. Any such transfer between local government jurisdictions must be accomplished through an interlocal agreement between the sending and receiving local governments.

(f) The nutrient reduction credits earned by the construction of the Little Venice system shall be earned according to the following schedule:

1. For the ROGO Year Effective July 13, 2003, 213 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 52 shall be made available to Monroe County for affordable housing, and 67 for proposed affordable housing in the City of Marathon. Any credits not used for affordable housing shall be available for future allocation pursuant to paragraph 2. below. In addition, 52 of these credits shall be made available to Monroe County and 42 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been calculated. The total credits shall be reduced by the 213 advanced in the year 2003 prior to distribution to other local governments. The nutrient reduction credits that are earned from the construction of a central sewer system, in which state or federal funds are used, shall be allocated as follows:

a. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed from its jurisdiction to the total construction costs; and

b. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

(g) Beginning September 30, 2003, and each year of the work program (set out in policy 101.2.13) thereafter, the City and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. Reports for years seven and eight shall be combined and submitted as a single report in September 2005.

(h) The Work Program in Policy 101.2.13 for Year 4, Year 5, Year 6, and Year 7 shall be modified as follows:
YEAR FOUR (July 13, 2000 through July 12, 2001)

A. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: City, DCA, DEP, DOT, SFWMD, EPA and WQSC.

B. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.

Agencies: City, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Continue efforts to secure funding for the Marathon Facility, initiate construction of Little Venice wastewater treatment facility. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.

Agencies: City, DCA, DEP, FCAA, WQSC and EPA.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: City, DCA, DEP, DOT, WQSC and SFWMD.

B. Complete final draft of the carrying capacity study including acceptance by review agencies.

Agencies: City, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Secure funds for Phase II (to be determined) of the Marathon Facility and continue construction of Little Venice facility.

Agencies: City, FCAA, DEP, DCA, EPA and WQSC.

D. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.

Agencies: City, DOH, FCAA and WQSC.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. Initiate construction of selected projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

B. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: City, FCAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

C. Initiate construction of Phase II of the Marathon Facility and complete construction and begin operating the Little Venice Facility.

Agencies: City, FCAA, DCA, DEP, EPA and WQSC.

D. Complete the elimination of all cesspits in areas outside of Hot Spots.

Agencies: City, FCAA, DOH and WQSC.

E. In cooperation with Monroe County, develop a City-wide master land acquisition plan which shall include:

(1) A strategy for the acquisition of those properties which should be preserved due to their habitat value as well as those other properties where future development is to be discouraged.

(2) A management plan for implementing the strategy, and

(3) A reasonable, feasible plan for securing funding for said land acquisition.

Agencies: City, County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS and other interested parties to include representatives of environmental organizations and development interests.

F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: City, County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. Continue implementing selected projects as identified in the Storm Water Master Plan.

Agencies: City, DCA, DEP, DOT, SFWMD, EPA and WQSC.

B. Continue construction of the Marathon Facility.

Agencies: City, FCAA, DCA, DEP, EPA and WQSC.

(i) The Work Program in Policy 101.2.13 for Year 8 and Year 9 shall be established as follows:

YEAR EIGHT (July 13, 2004 through July 12, 2005)

A. Begin construction of wastewater collection lines for Little Venice Phase II by December 2004.

Agencies: City, FCAA, DEP

B. Work with the Florida Keys Aqueduct Authority to initiate bond financing for citywide sewer facilities and to develop a schedule of events necessary to initiate process by December 2004.

Agencies: City, FCAA

C. Develop and advertise a Request for Proposal for the design, construction, operation of Marathon Central Wastewater System by December 2004.

Agencies: City, FCAA

D. Obtain necessary bond financing (60% of projected sewer cost) secured by connection fees by December 2004.

Agencies: City, FCAA

E. Award contract for design, construction and operation of Marathon Central Wastewater System by December 2004.

Agencies: City, FCAA

F. By January 2005, identify potential acquisition sites for affordable work force housing. Establish a partnership with non-profit organizations in order to construct affordable housing using additional state funds.

Agencies: City, FHFC, DCA

G. By June 2005, evaluate strategies to increase the time that affordable housing remains affordable; establish a maximum sales price for work force housing and establish a ceiling on down payments that are not subsidized by public programs; and amend comprehensive plan and/or land development regulations.

Agencies: City, FHFC, DCA

H. By June 2005, evaluate the impact of vacation rental usage and develop land development regulations to limit land use districts where transient rentals occur and consider establishing a cap on the number of units that can be utilized for vacation rental housing.

Agencies: City, DCA

I. Develop a map or list of real estate numbers of lots containing environmentally sensitive lands in need of acquisition and submit to the Department of Community Affairs by December 2004.

Agencies: City, DEP, USFWS, FWCC, DCA

J. Assist the state in land acquisition efforts by establishing a land acquisition advisory committee to prioritize proposed acquisitions by December 2004.

Agencies: City, DEP, DCA

K. Complete a comprehensive analysis of hurricane evacuation issues in the Florida Keys and develop strategies to reduce actual hurricane clearance times and thereby reduce potential loss of life from hurricanes.

Agencies: City, Monroe County, DCA

YEAR NINE (July 13, 2005 through July 12, 2006)

A. Begin construction of Phase I of Marathon Central Wastewater System by January 2006.

Agencies: City, FCAA, DEP

B. Evaluate wastewater master plan and indicate areas, if any, that will not receive central sewer. For any area that will not be served by central sewer, develop a septic tank inspection program and begin implementation of the program by September 2005.

Agencies: City, FCAA, DCA, WQSC, DOH

C. By July 2005, adopt a priority list of and sequence of stormwater outfalls to surface water that will be retrofitted using the Monroe County Stormwater Master Plan prepared for the City prior to incorporation and the Marathon Stormwater Master Plan.

Agencies: City, DEP, DCA

D. Adopt a stormwater utility by December 2005.

Agencies: City

E. Develop and implement a Building Permit Allocation System that discourages and limits development in environmentally sensitive areas within the proposed Marathon comprehensive plan by July 2005.

Agencies: City, DCA

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Administration Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

ADMINISTRATION COMMISSION

<u>RULE CHAPTER TITLE:</u>	<u>RULE CHAPTER NO.:</u>
Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County	28-20
<u>RULE TITLES:</u>	<u>RULE NOS.:</u>
Comprehensive Plan	28-20.110
Land Development Regulations	28-20.120

PURPOSE AND EFFECT: The purpose of the rule is to amend the Work Program set forth at Policy 101.2.13 of the Monroe County Comprehensive Plan to address building permit allocations by increasing the annual residential permitting cap and specifying allocations authorized for market rate and affordable housing; restoring certain allocations previously reduced to be targeted for affordable housing; authorizing certain unused rate of growth ordinance allocations to roll forward; and deleting the requirement for nutrient credits upon a date certain. The rule amends the Work Program set forth in Policy 101.2.13 of the Monroe County Comprehensive Plan to establish Work Program provisions for Year 8, Year 9, and Year 10. The establishment of provisions for Work Program Year 8, Year 9, and Year 10 address tasks not yet completed in the original Work Program. Finally, rule amendments address adoption of necessary land development regulations.

SPECIFIC AUTHORITY: 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Costs was not prepared.

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

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

LOWER KEYS

TIME AND DATE: 6:30 p.m., Tuesday, August 17, 2004

PLACE: Key West Public Library, Library Auditorium, 700 Fleming Street, Key West, Florida 33040

MIDDLE KEYS

TIME AND DATE: 7:00 p.m., Wednesday, August 18, 2002

PLACE: Marathon Government Center, Emergency Operations Center, 2798 Overseas Highway, Second Floor, Marathon, Florida 33050

UPPER KEYS

TIME AND DATE: 6:30 p.m., Thursday, August 19, 2004

PLACE: Key Largo Public Library, Community Room, Tradewinds Shopping Center, 101485 Overseas Highway, Key Largo, Florida 33047

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Administration Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

LAND PLANNING REGULATIONS FOR THE FLORIDA KEYS AREA OF CRITICAL STATE CONCERN – MONROE COUNTY

28-20.110 Comprehensive Plan.

The Monroe County Comprehensive Plan Policy Document, as the same exists on January 1, 2004, is hereby amended to read as follows:

(1) Policy 101.2.13

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited to the number of nutrient reduction credits earned within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. The nutrient reduction credits earned by the construction of the Little Venice system shall be earned according to the following schedule:

1. For the ROGO Year Effective July 13, 2003, 213 of the total credits estimated to be available from the full operation of the system shall be earned when the wastewater construction permit for the system is issued by DEP, the design/build contract for the system has been fully executed, and construction of the system has commenced. Of these credits, 52 shall be made available to Monroe County for affordable housing, and 67 for proposed affordable housing in the City of Marathon. Any credits not used for affordable housing shall be available for future allocation pursuant to paragraph 2 below. In addition, 52 of these credits shall be made available to Monroe County and 42 of these credits shall be made available to the City of Marathon.

2. All remaining available credits shall be earned when the construction of the system is 100 percent complete, the collection system lines have been installed, and when the final total of credits available from operation of the system has been

calculated. The total credits available shall be reduced by the 213 advanced in the year 2003 prior to distribution to local governments outside the City of Marathon. Nutrient reduction credits that are earned from the construction of a central sewer system, in which state or federal funds are used, shall be allocated as follows:

1. The local government shall receive a pro rata share of the earned nutrient reduction credits in proportion to the amount of funds it contributed from its jurisdiction to the total construction costs; and

2. The remaining earned nutrient reduction credits shall be allocated between Monroe County, the City of Marathon, and the Islamorada, Village of Islands in proportion to the annual ROGO allocation of each to the total annual ROGO allocation for these local governments.

Effective July 13, 2003, Monroe County is allocated 41 nutrient credits for market rate units. These 41 credits shall be subtracted from the nutrient credits subsequently earned from hookups to the Key West Resort Utilities Wastewater Facility.

Effective July 13, 2003, Monroe County is allocated 193 nutrient credits for affordable housing units. These 193 credits shall be subtracted from the nutrient credits subsequently earned from hookups to the Key West Resort Utilities, Bay Point, and Key Largo Wastewater Facilities.

Nutrient reduction credits earned using funds provided by the State and matched by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 77 new residential permits. If fewer than 77 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area, except as otherwise authorized herein. The Administration Commission has determined that, effective July 13, 2005, no nutrient credits shall be required if the local government has made satisfactory progress, as determined by the Administration Commission, in meeting the deadlines established by the Work Program as adopted by rule after March 15, 2004.

For all years the number of permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total annual unit cap of 197, plus any available unused ROGO allocations from the previous ROGO year. Unused ROGO allocations may be allocated in subsequent ROGO years. Each years ROGO allocation of 197 new units shall be split with a minimum of 71 units allocated for affordable housing in perpetuity and market rate allocations

not to exceed 126 new residential units per year. This allocation represents the total number of new permits for development that may be issued during a ROGO year. No exemptions or increases in the number of new permits, other than that which may be expressly authorized by this rule or provided for in the comprehensive plan or for which there is an existing agreement executed prior to January 1, 2003 for affordable housing between the Department and the local government in the critical areas, may be allowed. The Administration Commission has determined that, effective July 12, 2004, 140 ROGO allocations, which represents unused reductions for ROGO years 9-12, and 25 units lost in Year 10 due to lack or nutrient credits, are reallocated to the County exclusively for affordable housing purposes. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1
Nutrient Reduction Credits

	Treatment System Upgraded To			
	On-site Treatment OWNR or Equivalent On-site Treatment and Disposal Systems	Secondary Treatment	Centralized Systems Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
	1 EDU Credit	1 EDU Credit	1.0 EDU Credit	1.5 EDU Credit
Cesspit				
Substandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	n/a	n/a	1	1.5

****If Credits were previously issued for replacement or upgrades from a cesspit or substandard system to a secondary treatment plant, when the secondary treatment plant is upgraded to an advanced treatment plant, then .5 times the total number of EDU's shall be awarded****

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and stormwater problems, as well as actions necessary to determine appropriate future growth. Beginning September 30, 2003, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The report for years seven and eight shall be combined and provided to the Administration Commission by September 30, 2005.

The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the tasks of the work program. If the Commission determines that substantial progress has not been

made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year, with the exception of ROGO Year beginning July 13, 2003. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 197 units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the work program shall control where conflicts exist. For each task in the work program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary Water Quality Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, wastewater and stormwater facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and stormwater master plans and the carrying capacity study are consistent with the objectives of the Florida Keys National Marine Sanctuary Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

WORK PROGRAM¹

¹On March 9, 1999, the Administration Commission determined that substantial progress toward the work program objectives had not been made and authorized rulemaking to amend the work program beginning in Year Three. Work

program tasks from years One and Two not completed by the end of Year Two were included as tasks in subsequent years of the work program.

YEAR ONE (ending December 31, 1997)

A. Complete Phase I (data collection) for the Wastewater and Stormwater Master Plans, and secure funding for plan completion. (Ref. County obj. 901.4)

Agencies: County, DCA, DEP, DOH and SFWMD.

B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon the benchmarks of, and all adverse impacts to, the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic, socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems or habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, NMS, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Ref. County pol. 901.4.3)

Agencies: DOH.

D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater, and shall include an investigation of the feasibility of using alternative nutrient-stripping on-site disposal systems. The development of the facilities plan shall be a component of the Wastewater Master Plan as that Plan is developed.

Agencies: County, DCA and DEP.

E. Continue cesspit elimination process with identification of Hot Spots as first priority in accordance with Objective 901.2, and seek funding for cesspit identification. Enter into an interlocal agreement with DOH to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include

authorization for DOH to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Ref. County obj. 901.2)

Agencies: County, DCA and DOH.

F. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority and DEP.

G. Revise the Habitat Evaluation Index (HEI) based on peer review.

Agencies: County, DCA, DEP, FFWCC and Federal agencies. YEAR TWO (ending December 31, 1998)

A. Complete the Wastewater and Stormwater Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each of the sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for Hot Spots and cesspits identified in D. below.

Agencies: County, DCA, DEP and DOH.

B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.

Agencies: County and DCA.

C. Complete final design for Marathon Facilities Plan and secure facility site(s).

Agencies: County, DCA and DEP.

D. Complete cesspit ID process in Hot Spots, excluding the Marathon area.

Agencies: County, DCA and DOH.

E. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority, FFWCC and DEP.

F. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, DCA, SFWMD, USFWS.

YEAR THREE (January 1, 1999 through July 12, 2000)

A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area implementation plan, and

continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or substandard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement.

Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).

Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.

B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.

C. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Secure remaining funds for the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm. Design a water quality monitoring program to document Little Venice project impacts.

Agencies: County, FCAA, DCA, DEP, WQSC, and EPA.

F. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low-, low- and moderate-income households. Investigate the appropriateness of transferring credits among ROGO areas and awarding nutrient reduction credits for future committed water quality treatment facilities.

Agencies: County, DCA, FCAA, WQSC and DOH.

G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.

H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.

Agencies: County.

I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.

Agencies: County and DCA.

YEAR FOUR (July 13, 2000 through July 12, 2001)

A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for selected Hot Spots in each ROGO area. Secure funding to implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub-areas.

Agencies: County, FCAA, DCA, DEP, DOH, EPA and WQSC.

B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.

C. Make offers to 50% of remaining private owners with property located in CARL project boundaries.

Agencies: County, Land Authority and DEP.

D. Complete Phase II of the carrying capacity study (data analysis) and present initial recommendations to review agencies.

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.

Agencies: County, DCA, DEP, FCAA, WQSC and EPA.

F. Complete cesspit identification and continue cesspit replacement outside of Hot Spots, with a priority of funds going, in order of preference, to low- and moderate-income households; ensure that a minimum of 88 cesspits are replaced.

Agencies: County, FCAA, WQSC and DOH.

YEAR FIVE (July 13, 2001 through July 12, 2002)

A. Continue implementation of the Wastewater Master Plan pursuant to executed interagency agreements. Begin construction of wastewater facilities in selected Hot Spots.

Agencies: County, FCAA, DCA, DOH, DEP, EPA, and WQSC.

B. Execute interagency agreements to define construction schedule for selected storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.

C. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total-to-date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project from willing sellers.

Agencies: County, Land Authority, and DEP.

D. Complete final draft of the carrying capacity study including acceptance by review agencies.

Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

E. Continue eliminating cesspits and inoperative septic tanks in areas outside of Hot Spots.

Agencies: County, DOH, FCAA and WQSC.

YEAR SIX (July 13, 2002 through July 12, 2003)

A. Continue construction of wastewater facilities in Hot Spots begun in previous year. Contract to design and construct additional wastewater treatment facilities in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.

Agencies: County, FCAA, DEP, DOH, DCA, EPA and WQSC.

B. Initiate construction of selected projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

C. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: County, FKAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS, and other interested parties to include representatives of environmental organizations and development interests.

D. Complete the elimination of all cesspits in areas outside of Hot Spots.

Agencies: County, FKAA, DOH and WQSC.

E. Develop a Keys-wide master land acquisition plan which shall include:

(1) A strategy for the acquisition of those properties which should be preserved due to their habitat value as well as those other properties where future development is to be discouraged.

(2) A management plan for implementing the strategy, and

(3) A reasonable, feasible plan for securing funding for said land acquisition.

Agencies: County, Land Authority, DCA, DEP, SFWMD, Army COE, EPA, USFWS and other interested parties to include representatives of environmental organizations and development interests.

F. Initiate and complete a collaborative process for the adoption of land development regulations, and/or comprehensive plan amendments as needed, that will strengthen the protection of terrestrial habitat through processes such as the Permit Allocation System and permitting processes, and the preservation and maintenance of affordable housing stock.

Agencies: County, DCA, DEP, FFWC, USFWS, and other interested parties to include representatives of environmental organizations and development interests.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. Finalize construction and begin operating wastewater facilities in Hot Spots. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.

Agencies: County, FKAA, DEP, DCA, DOH, EPA and WQSC.

B. Continue implementing selected projects as identified in the Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.

The Work Program in Policy 101.2.13 for Year 8, Year 9, and Year 10 shall be established as follows:

YEAR EIGHT (July 13, 2004 through July 12, 2005)

A. Review and revise (as necessary) the Conservation and Natural Areas Map.

Agencies: County, USFWS, FWCC, DEP, DCA

B. Initiate acquisition strategy for lands identified outside the Conservation and Natural Areas identified as worthy of protection.

Agencies: County, DCA, DEP

C. Begin public hearings for Conservation and Natural Areas boundaries.

Agencies: County

D. Conclude public hearings for the adoption of the amended Conservation and Natural Areas Boundaries.

Agencies: County

E. Adopt an ordinance to implement a moratorium on ROGO/NROGO applications that involves the clearing of any portion of an upland tropical hardwood hammock or pinelands habitat contained in a tropical hardwood hammock or pinelands patch of two or more acres in size located within a Conservation and Natural Area.

Agencies: County, DCA

F. Adopt amendments to the comprehensive plan and land development regulations to enact overlay designations, and eliminate or revise the Habitat Evaluation Index, and modify the ROGO/NROGO system to guide development away from environmentally sensitive lands.

Agencies: County, DCA

G. Amend land development regulations to prohibit the designation of Conservation and Natural Areas (Tier I) as a receiver site for ROGO exempt development from sender sites; and to further limit clearing of upland native habitat that may occur in the Natural Areas (Tier I) and the Transition and Sprawl Reduction Area (Tier II) upon designation by the County.

Agencies: County, DCA

H. Develop Land Acquisition and Management Master Plan and address both funding and management strategies.

Agencies: County, DCA, DEP, USFWS, FWCC

I. Provide \$40 million in financing secured by infrastructure tax for wastewater facilities.

Agencies: County

J. Begin construction of wastewater plants or laying of collection lines for Baypoint, Conch Key and Key Largo Trailer Village/Key Largo Park.

Agencies: County, FKAA, DEP, Key Largo Wastewater District

K. Ensure the connection for up to 1,350 EDUs at Stock Island to Key West Resort Utilities.

Agencies: County, DEP

L. Complete lower Keys and Key Largo Feasibility Study.

Agencies: County, FKAA, DEP

M. Complete projects identified in the Stormwater Management Master Plan.

Agencies: County, DEP, DCA

N. Evaluate and implement strategies to ensure that affordable housing remains affordable in perpetuity for future generations. Establish a partnership with non-profit organizations in order to construct affordable housing using additional state funds.

Agencies: County, FHFC, DCA

O. Identify potential acquisition sites for affordable housing proposals and include in the Land Acquisition Master Plan.

Agencies: County, FHFC, DCA

P. Provide up to \$10 million in bond financing from the Tourist Impact Tax for acquisition of land for workforce housing and affordable housing sites.

Agencies: County

Q. Complete a comprehensive analysis of hurricane evacuation issues in the Florida Keys and develop strategies to reduce actual hurricane clearance times and thereby reduce potential loss of life from hurricanes.

Agencies: County, DCA

YEAR NINE (July 13, 2005 through July 12, 2006)

A. In coordination with the Florida Keys Aqueduct Authority and the Key Largo Sewer District, initiate the process to obtain \$80 million in bond financing secured by connection fees.

Agencies: County, FCAA, Key Largo Sewer District

B. Secure site for lower Keys and Key Largo wastewater facilities.

Agencies: County, FCAA

YEAR TEN (July 13, 2006 through July 12, 2007)

A. Award contract for design, construction and operation for the lower Keys and Key Largo wastewater facilities.

Agencies: County, FCAA, Key Largo Sewer District

B. Begin construction of the lower Keys and Key Largo wastewater plants.

Agencies: County, FCAA, Key Largo Sewer District

C. Initiate connections to lower Keys and Key Largo wastewater systems.

Agencies: County, FCAA, Key Largo Sewer District

D. Complete construction and hookups for Baypoint, Conch Key and Key Largo Trailer Village/Key Largo Park.

Agencies: County, FCAA, Key Largo Sewer District

E. Obtain \$80 million in bond financing secured by connection fees.

Agencies: County, FCAA, Key Largo Sewer District

(2) Policy 101.12.4

Upon adoption of the comprehensive plan, Monroe County shall require that the following analyses be undertaken prior to finalizing plans for the siting of any new or the significant expansion (25 percent) of any existing public facility:

(a) Assessment of needs;

(b) Evaluation of alternative sites, and design alternatives for the alternative sites;

(c) Assessment of direct and secondary impacts on surrounding land uses and natural resources.

The assessment of impacts on surrounding land uses and natural resources will evaluate the extent to which the proposed public facility involves public expenditures in the coastal high hazard area and within environmentally sensitive areas, including disturbed salt marsh and buttonwood wetlands, undisturbed beach berm areas, units of the coastal barrier resources system, undisturbed uplands (particularly high quality hammock and pinelands), habitats of species considered to be threatened or endangered by the state and/or federal governments, offshore islands, and Natural Areas (Tier I).

Except for passive recreational facilities on publicly-owned land, no new public community or utility facility other than water distribution and sewer collection lines or lift stations shall be allowed within the Natural Areas (Tier I) unless it can be accomplished without clearing of hammock or pinelands. Exceptions to this requirement may be made to protect the public health, safety, and welfare, if all the following criteria are met:

1. No reasonable alternatives exist to the proposed location; and

2. The proposed location is approved by a super-majority of the Board of County Commissioners.

The proposed site for the Key Largo Wastewater Treatment Facility (located at mile marker 100.5) with an allowed clearing area of up to 4.2 acres shall not be subject to this policy.

(3) Policy 101.3.4

Public facilities shall be exempt from the requirements of the Permit Allocation System for new non-residential development. Certain development activity by federally tax-exempt not-for-profit educational, scientific, health, religious, social service, cultural and recreational organizations may be exempted from the Permit Allocation System by the Board of County Commissioners after review by the Planning Commission upon a finding that:

1. Such activity will predominantly serve the County's non-transient population, and;

2. Any such development activity is not planned within an area proposed for acquisition by governmental agencies for the purpose of resource protection.

All public and institutional uses that predominantly serve the County's non-transient population and which house temporary residents shall be included in the Permit Allocation System for residential development, except on factual demonstration that such transient occupancy is of such a nature so as not to adversely affect the hurricane evacuation clearance time of Monroe County.

(4) Policy 101.5.4.3 Lot Aggregation

Points shall be assigned to Allocation Applications for proposed dwelling unit(s) which includes a voluntary reduction of density permitted as of right within subdivisions (residential units per legally platted, buildable lots) by aggregating vacant, legally platted, buildable lots.

<u>Weighting category</u>	<u>Criteria</u>
<u>Moderate Positive</u>	<u>The applicant aggregates two (2) contiguous, vacant, legally buildable lots. No points shall be awarded for lot aggregation within those areas proposed for acquisition by public agencies for the purpose of resource protection.</u>
<u>Moderate Positive</u>	<u>Each additional contiguous vacant, legally platted, buildable lot aggregated over two (2). No points shall be awarded for lot aggregation within those areas proposed for acquisition by public agencies for the purpose of resource protection.</u>

(5) Policy 101.5.11

If not listed in the document “Parcels Not Located in Threatened and Endangered Species Habitat and Not Subject to FWS Consultation”, or involving minor development activity exempted by the U.S. Fish and Wildlife Service (USFWS)”, any application for a ROGO or NROGO allocation shall contain a technical coordination letter from the USFWS. The County shall consider the recommendations of the USFWS’s technical coordination letter in the issuance of the subject permit, except that if a low-effect habitat conservation plan is required by USFWS, the mitigation requirements of that plan shall be incorporated in the conditions of the permit.

(6) Policy 205.2.7

Clearing of native vegetation shall be limited to the immediate development area. For applications that receive points for lot aggregation under the Permit Allocation System for residential development, clearing of vegetation shall be limited to the open space ratios in Policy 205.2.6 or 5,000 square feet, whichever is less. The immediate development area shall be fenced throughout the duration of construction. During construction, there shall be no disturbances of the ground surface and vegetation within required open space areas.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History—New _____.

28-20.120 Land Development Regulations.

The Monroe County Land Development Regulations, as the same exists on January 1, 2004, is hereby amended to read as follows:

(1) Section 9.5-120(b) Definitions. The following definitions are amended; all others remain the same.

(a) Known habitat of threatened/endangered animal species or species of special concern is either:

(1) habitat that has documented evidence of sightings, collection, trapping, or direct evidence of the presence of the animal(s) in a specific habitat area, or

The county’s threatened and endangered species maps shall constitute prima facie evidence of the species. Within areas designated for public acquisition for the purposes of resource protection, any threatened, endangered or species of special concern species observed on site while conducting a habitat evaluation shall be noted on the adopted Threatened and Endangered Species Maps. Such observations noted while conducting a habitat evaluation by County Staff Biologists, consultants certified by the County, conducting habitat evaluations, or state or federal agency representatives conducting field inspections shall also constitute evidence of species.

(b) Potential habitat of threatened/endangered animal species or species of special concern is where there is a lack of direct evidence documenting the presence of an animal and where the habitat area is not suitably close to an existing population to make colonization possible, but the habitat area is of a size and ecological character sufficient to support the animal(s). The county’s threatened and endangered species maps shall constitute prima facie evidence of the species.

(c) Wide-ranging threatened or endangered animal species or species of special concern is one (1) whose individuals typically move over a large area, usually seasonally. They occur in any of the listed habitats within their mapped ranges. The county’s threatened and endangered species maps shall constitute prima facie evidence of wide ranging threatened or endangered species.

(2) Section 9.5-122.3(a)(8)

The following points are based on probable impacts of a proposed development on the successful protection and recovery of a threatened or endangered animal species in its natural habitat.

Point

- Assignment: Criteria:
- 10 An application which proposes a dwelling unit within a known habitat of a documented threatened/endangered species or a species of special concern. For species of special concern, negative points shall only be applied to areas designated for public acquisition for the purposes of resource protection.
 - 10 An application which proposes a dwelling unit within one hundred (100) feet of any known nesting area for marine turtles, as described in section 9.5-286 (Shoreline Setbacks).
 - 10 An application which proposes a dwelling unit within five hundred (500) feet of any known nesting or resting area of the piping plover.
 - 5 An application which proposes a dwelling unit within a potential habitat of a threatened/endangered species or a species of special concern. For species of special concern, negative points shall only be applied to areas designated for public acquisition for the purposes of resource protection.
 - 2 An application which proposes a dwelling unit within the habitat of a wide-ranging threatened/endangered species or a species of special concern.

(3) Section 9.5-336 Existing Conditions Map

(a) Applicability: The existing conditions map, which consist of the 1985 Department of Transportation aerial photographs at a scale of 1" = 200', depicting habitat types coded according to the system set forth in the comprehensive plan is hereby designated, established and incorporated as a part of this chapter; and the originals thereof, which are on file at the offices of the property appraiser and the department of planning, shall be as much a part of this chapter as if the information contained therein were set out in full in this chapter.²

(b) Review and Amendment: The existing conditions map may be refined to reflect conditions legally in existence on February 28, 1986. Such refinements shall be made pursuant to the procedures for typographical and drafting errors in section 9.5-511(e). The existing conditions map as referenced throughout this chapter is intended only to serve as a general guide to habitat types for the purpose of preliminary determination of regulatory requirements. The county biologist shall make the final determination of habitat type based upon field verification, except that existing conditions that reflect disturbed with hammock shall be classified as a low quality hammock. Unlawful conditions shall not be recognized when determining regulatory requirements.

(4) Section 9.5-347(e)

(e) Lot Aggregation and Clearing: For ROGO applications that receive points for lot aggregation under Section 9.5-122.3 (a)(3), clearing of vegetation shall be limited to the open space ratios in paragraph (b) above or five-thousand (5,000) square feet, whichever is less.

Specific Authority 380.0552(9) FS. Law Implemented 380.0552 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Administration Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 2004

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLES:	RULE NOS.:
Required Parent Co-Payment	60BB-4.400
Co-Payment Collection	60BB-4.401
Reimbursement	60BB-4.500
Reimbursement During Emergency Closures	60BB-4.501
Records to be Maintained and Monitoring for Reimbursements	60BB-4.502
Misrepresentation of Fraud Regarding Reimbursement	60BB-4.503

PURPOSE AND EFFECT: To adopt rules to administer the provisions of Chapter 411.01, Florida Statutes, which relate to preparing and implementing the system for school readiness.

SUMMARY: These rules address co-payments and reimbursement procedures to be implemented by school readiness programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 120, 411.01(4)(k) FS.

LAW IMPLEMENTED: 411.01(4)(k) 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: Robin Westcott, Senior Attorney, 600 South Calhoun Street, Suite 202, Post Office Box 7416, Tallahassee, Florida 32314-7416, (850)922-4200

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-4.400 Required Parent Co-Payment.

(1) Each family that receives school readiness services shall be assessed a co-payment based on family size and the family's income, according to the sliding fee scale included in the coalition's approved school readiness plan.

(a) For protective services in-home placements and out-of-home placements (relative/non-relative/foster placements) in which the child does not receive a TANF "child-only" benefit, relative caregiver payment, or other income:

1. The co-payment shall be assessed against the income of the parent or legal guardian of the child, and shall be court ordered if necessary; or

2. The co-payment may be reduced to the minimum fee, based on the documented recommendation of the Department of Children and Families, or its designee.

(b) For protective services out-of-home placements (relative/non-relative/foster placement) in which the child receives a TANF "child-only" benefit in which the needs of the relative or legal guardian are not included in the grant and TANF at-risk (Relative Caregiver Program) participants, based upon appropriate documentation from the court system or the Department of Children and Families, or its designee:

1. The co-payment shall be assessed against the child's income and paid by the relative or legal guardian; or

2. The amount of the co-payment may be reduced to the minimum fee based on the documented recommendation of the Department of Children and Families, or its designee.

(c) A co-payment may be waived on a case-by-case basis for foster parents and families participating in an at-risk program based on documented recommendation of the Department of Children and Families, or its designee.

(2) A coalition may adopt a policy that establishes criteria and authorization procedures for fee reduction on case-by-case basis during the duration of special circumstances. The duration of the fee reduction shall coincide with the duration of the special circumstances.

(3) A coalition's sliding fee scale must be set at a level that provides low-income families equal access to the care available to families whose income is high enough not to qualify for financial assistance for school readiness services. To that end, the co-payment for the family of an "economically disadvantaged child", as defined by Section 411.01(6), Florida Statutes, should not exceed 10 percent of the family's income, regardless of the number of children in care. If the coalition's proposed sliding fee scale does exceed 10 percent of family income, the coalition must provide justification of how the sliding fee scale meets the federal requirement that the co-payment be affordable, prior to approval of the proposed sliding fee scale by the Partnership board.

(4) Prior to a child's enrollment, the person determining eligibility shall inform the parent and the school readiness service provider of the co-payment to be paid by the parent and that additional fees which are charged by the provider may apply. Amount of co-payment shall be in effect for the family's 12-month eligibility period, unless:

(a) Redetermination is conducted during the year pursuant to Rule 60BB-4.209, F.A.C.;

(b) The caretaker parent or legal guardian requests, and is granted, a reduction in co-payment due to special circumstances; or

(c) An incorrect co-payment was assessed by the eligibility determiner as a result of an error of the eligibility determiner, program participant error, or program participant fraud, resulting in corrective action to reduce or increase the family's co-payment; and

(d) If there is any change in marital status, employment status, income or family size.

1. The coalition or its designee shall not take action to recover a reimbursement rate overpayment caused by an incorrect co-payment due to an error of the coalition or its designee.

2. A reimbursement rate overpayment caused by an incorrect co-payment which resulted from program participant error or program participant fraud shall be recovered pursuant to the laws of the State of Florida or applicable rule.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History—New _____.

60BB-4.401 Co-Payment Collection.

The co-payment amount for which the family is responsible shall be subtracted from the provider's reimbursement, prior to payment by the coalition or its designee. Collection of the family's required co-payment for school readiness services shall be the responsibility of the provider of school readiness services.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History—New _____.

60BB-4.500 Reimbursement.

General provisions regarding reimbursements for holidays and absences.

(1) Holidays. A recognized holiday as approved by the local coalitions shall not be counted as an absence for purposes of reimbursement. The Partnership for School Readiness shall include reimbursements to providers of full and part-time care for up to twelve (12) recognized holidays per year.

(2) Absences. Reimbursement shall be authorized for no more than three (3) absences per calendar month per child except in the event of extraordinary circumstances in which case the coalition or its designee shall provide written approval for payment based on written documentation provided by the parent justifying the excessive absence for up to an additional seven (7) days.

(a) Examples of extraordinary circumstances include the following:

1. Hospitalization of the child or parent with appropriate documentation;
2. Illness requiring home-stay as documented;
3. Death in the immediate family with appropriate documentation (i.e. obituary, death certificate);
4. Court ordered visitation with appropriate documentation (i.e. court order); or
5. Unforeseen documented military deployment or exercise of the parent(s)

(b) Total monthly reimbursed absences shall not exceed ten (10) calendar days.

(c) In the event that a child is absent for five consecutive days with no contact from the parent, the provider shall notify the local coalition or its designee who in turn shall determine the need for continued care. If a termination is filed, the notice will be provided to the referring entity.

(d) When an At-Risk child has an unexcused absence or seven consecutive days of excused absences, the school readiness provider shall notify the Department of Children and Families. The Rilya Wilson Act establishes these reporting requirements for children 3 to 5 years old. This rule shall apply to all at-risk children of any age in a school readiness program.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History--New _____.

60BB-4.501 Reimbursement During Emergency Closures.

(1) Each coalition shall maintain a Continuation of Operations Plan (C.O.O.P.) to be used in the event of emergency closings due to catastrophic events. Providers shall be reimbursed at the rate normally received during non-emergency hours when a coalition activates its Continuation of Operations Plan (C.O.O.P.).

(2) The coalition may consider reimbursement, in accordance with Federal and State law, for circumstances of temporary closure for individual providers when closure is beyond the control of the provider. In no circumstances may a coalition reimburse in excess of the pre-existing approved hours for an individual child during the temporary closure.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History--New _____.

60BB-4.502 Records to be Maintained and Monitoring for Reimbursements.

(1) Daily attendance documentation shall be maintained by each school readiness provider. At a minimum, this documentation shall include a "sign in/sign out" process, as approved by the coalition, maintained at the provider site to validate the attendance data.

(2) Each coalition is responsible for implementing a records retention policy insuring that all documentation is maintained in accordance with the provisions set forth in their sub-grant awards.

(3) The coalition and/or its designee must conduct monitoring activities to ensure the accuracy of payments of the monthly reimbursement requests.

Specific Authority 120, 411.01(4)(k) FS. Law Implemented 411.01(4)(k) FS. History--New _____.

60BB-4.503 Misrepresentation or Fraud Regarding Reimbursement.

(1) If a school readiness provider misrepresents enrollment or attendance which results in a disallowed cost to the coalition, the coalition may disengage services of that provider. This applies to either contracted reimbursement or voucher reimbursement.

(2) If a school readiness provider, after investigation and adjudication by a court of competent jurisdiction, has fraudulently misrepresented enrollment or attendance for funds related to the school readiness programs, the coalition shall permanently disengage services of that provider. This applies to either contracted reimbursement or voucher reimbursement.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(c) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Westcott, Senior Attorney, 600 South Calhoun Street, Suite 202, Post Office Box 7416, Tallahassee, Florida 32314-7416, (850)922-4200

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gladys Wilson, Interim Executive Director, Florida Partnership for School Readiness, Holland Building, 600 South Calhoun Street, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2004

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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Biennial Licensure Fee

RULE NO.: 64B4-4.005

PURPOSE AND EFFECT: The Board proposes an amendment to the rule to reduce the biennial licensure fee.

SUMMARY: The proposed rule decreases the biennial license fee from \$250 to \$150 in recognition of a reduction in regulatory costs.

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: 456.025(1), 491.004(5), 491.007(1) FS.

LAW IMPLEMENTED: 456.025(1), 491.007(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-4.005 Biennial Licensure Fee.

The biennial licensure fee for a clinical social worker license, marriage and family therapist license and mental health counselor license shall be \$150 ~~\$250~~ each.

Specific Authority 456.025(1), 491.004(5), 491.007(1) FS. Law Implemented 456.025(1), 491.007(1) FS. History—New 4-3-89, Amended 2-25-90, 6-1-92, Formerly 21CC-4.005, Amended 1-9-94, Formerly 61F4-4.005, 59P-4.005, Amended 10-9-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLE: Diagnostic and Treatment Facilities or Services – Specific

RULE NO.: 64C-4.003

PURPOSE AND EFFECT: The proposed rule updates the Children’s Medical Services (CMS) required standards for approved pediatric cardiac facilities that provide care to Children’s Medical Services (CMS) participants. This rule incorporates by reference the CMS Cardiac Facilities Standards, July 2004.

SUMMARY: This rule requires that all CMS cardiac facilities must comply with the updated CMS Cardiac Facilities Standards.

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: 391.026(18) FS.

LAW IMPLEMENTED: 391.026(10), 391.035(1) FS.

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

TIME AND DATE: 1:00 p.m., Tuesday, August 10, 2004

PLACE: Capital Circle Office Complex, 4025 Esplanade Way, Room 301, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tobi L. Goodman, Government Analyst II, Children’s Medical Services Network, 4052 Bald Cypress Way, Bin #A06, Tallahassee, Florida 32399-1707, (850)245-4444, Ext. 2226, Fax (850)921-5241

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64C-4.003 follows. See Florida Administrative Code for present text.)

64C-4.003 Diagnostic and Treatment Facilities or Services – Specific.

CMS Cardiac Facilities. CMS Headquarters approves cardiac facilities for the CMS Network on a statewide basis upon consideration of the recommendation of the Cardiac subcommittee of the CMS Network Advisory Council. CMS approved cardiac facilities must comply with the CMS Cardiac Facilities Standards, July 2004, which are incorporated herein by reference and available from CMS Headquarters, 4052 Bald Cypress Way, Bin A06, Tallahassee, FL 32399-1707.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10), 391.035(1) FS. History—New 1-1-77, Amended 2-11-85, Formerly 10J-5.09, 10J-5.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tobi Goodman, Government Analyst II, CMS Network Operations Bureau

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Vicki Posner, Chief, CMS Network Operations Bureau

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 1, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

temperature and refrigeration, as required by paragraph 64F-12.013(3)(d), F.A.C., whether or not the person intends to wholesale prescription drugs requiring storage under controlled room temperature conditions or refrigeration; except that a person who will act as a broker only of prescription drugs may apply for a "broker only" designation on the Prescription Drug Wholesaler permit and then the requirement that the permitted address provide for "controlled room temperature" and refrigeration is waived. A "broker only" cannot take possession of prescription drugs under any circumstances.

(b) through (c) No change.

(d) Application requirements for Compressed Medical Gases Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ January 2004.

3. through 4. No change.

(e) No change.

(f) Application requirements for Retail Pharmacy Wholesalers include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ January 2004.

3. through 5. No change.

(g) Application requirements for freight forwarders.

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ January 2004.

3. through 4. No change.

(h) Application requirements for Veterinary Prescription Drug Wholesalers include:

1. Contact the department's Bureau of Statewide Pharmaceutical Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective August 2004, and the attachment for the Veterinary Prescription Drug Wholesaler permit, August July 2004.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018, F.A.C.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

(8) OTHER DISTRIBUTORS. Persons conducting certain distributions of prescription drugs which are not considered wholesale distributions in the state of Florida must obtain a permit from the department prior to initiating that activity. These permits include Complimentary Drug Distributors, all of the designated Restricted Rx Drug Distributor permits as further discussed in Rule 64F-12.023, F.A.C., Medical Oxygen Retailers, and Veterinary Legend Drug Retailers.

(a) Application requirements for Complimentary Drug Distributors include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ January 2004.

3. through 5. No change.

(b) Application requirements for Restricted Rx Drug Distributor – Health Care Entity include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ January 2004.

3. through 5. No change.

(c) Application requirements for Restricted Rx Drug Distributor – Charitable Organization include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ January 2004.

3. through 6. No change.

(d) Application requirements for Restricted Rx Drug Distributor – Reverse Distributor or Restricted Rx Drug Distributor – Destruction include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ January 2004.

3. through 4. No change.

(e) Application requirements for Restricted Rx Drug Distributor – Government Programs include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective ~~August~~ January 2004.

3. through 6. No change.

(f) Application requirements for a Restricted Rx Drug Distributor – Institutional Research include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective August ~~January~~ 2004.

3. through 4. No change.

(g) Application requirements for a Veterinary Legend Drug Retailer include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective August ~~January~~ 2004.

3. through 4. No change.

(h) Application requirements for a Medical Oxygen Retailer include:

1. No change.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective August ~~January~~ 2004.

3. through 5. No change.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, _____.

64F-12.018 Fees.

(1) No change.

(2)(a) Biennial fees for a wholesaler’s permit that is issued on a biennial basis are as follows:

Permit	Biennial Fee
Compressed Medical Gas Wholesaler	\$500
Retail Pharmacy Wholesaler	\$100
Freight Forwarder	\$250
<u>Veterinary Prescription Drug Wholesaler</u>	<u>\$1,000</u>

(b) No change.

(3) through (5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History—New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 3, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2004

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-78
RULE CHAPTER TITLE: Participation by Disadvantaged Business Enterprises

RULE NO.: 14-78.005
RULE TITLE: Participation by Disadvantaged Business Enterprises

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 30, No. 20, May 14, 2004, Pages 1980-1982, issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: In response to the review by the Joint Administrative Procedures Committee, the Department is making the following change:

In the Special Provision for DBE Contracts table, the DBE Records and Reports section is changed as follows:

“DBE Records and Reports. Submit the Anticipated DBE Participation Statement at or before the Pre-construction Conference. Report monthly, through the Equal Opportunity Reporting System, manually or on the Department’s website, actual payments, retainage, minority status, and work type of all subcontractors and major suppliers. . .”

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.”