

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Standards for Mid-Year Promotion of Retained Third Graders

RULE NO.: 6A-1.094222

PURPOSE AND EFFECT: The purpose of the rule development is to implement through rule the amendment to Section 1008.25, Florida Statutes, as approved by the 2004 Legislature in CS/SB 364. The rule will set forth the requirements relating to mid-year promotion of students who have been retained in third grade, but may later have met the requirements either through a passing score on a norm referenced test or portfolio assessment. The effect will be the development of a rule which will apply to students who previously were retained in third grade but may have advanced during the summer and/or beginning school year and may now be promoted.

SUBJECT AREA TO BE ADDRESSED: Promotion of retained third grade students relating to reading performance.

SPECIFIC AUTHORITY: 1008.25(7) FS.

LAW IMPLEMENTED: 1008.25 FS.

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

TIME AND DATE: 1:00 p.m. – 5:30 p.m., August 16, 2004
PLACES: Florida Department of Education, Room 1703/07, 325 West Gaines Street, Tallahassee, Florida 32399; Dr. Phillips High School, 6500 Turkey Lake Road, Orlando, Florida 32819

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa C. Saavedra, Chief, Bureau of Student Assistance, K-12 Student Achievement, 325 West Gaines Street, Room 314, Tallahassee, Florida 32399-0400, (850)245-0692

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Base Funding for County Emergency Management Agencies, Emergency Management Competitive Grant Program and Municipal Competitive Grant Program Rule

RULE CHAPTER NO.: 9G-19

RULE TITLES: Definitions 9G-19.002
 Limitations 9G-19.003
 Base Grant Eligibility 9G-19.004
 Base Grant Distribution Formula 9G-19.005
 Reallocation of Base Grant Funds 9G-19.006
 Competitive Awards Eligibility 9G-19.007
 Procedures for Awarding Competitive Grants 9G-19.008
 Selection Criteria for Competitive Grants 9G-19.009
 Disbursement 9G-19.010
 Match Requirements 9G-19.011
 Noncompliance 9G-19.014

PURPOSE AND EFFECT: Implementation of the proper revisions and changes that are needed to identify and clarify rule language in areas of concern from past Base Grant and Competitive Grant programs. These changes may create additional rules or present an impact on the rule reduction exercise for the Department rules.

SUBJECT AREA TO BE ADDRESSED: Changes to the Base Grant and Competitive Grant program.

SPECIFIC AUTHORITY: 252.35, 252.373 FS., Section 3, Chapter 93-128, Laws of Florida.

LAW IMPLEMENTED: 216.052, 252.35, 252.373, 252.38, 252.83 FS., Section 3, Chapter 93-128, Laws of Florida.

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

TIME AND DATE: 9:00 a.m., August 17, 2004
PLACE: Randall Kelly Training Center, Sadowski Building, Room 305, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of disability or physical impairment should contact the Administrative Secretary; Division of Emergency Management, Bureau of Compliance Planning; 2555 Shumard Oak Boulevard, Tallahassee, FL 32399, (850)413-9821, Suncom 293-9821, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

~~c.b.~~ Space is available to display the business logo sign on an existing logo structure.

~~e. Such business will be permitted to renew its business logo sign permit annually unless one or more approved businesses that are visible from the crossroad have applied and no space is available on the logo structure. In such cases, the businesses qualified under this exception which are nearest the crossroad shall be approved for permit renewal.~~

(b) No change.

(c) A business shall qualify for a business logo sign in one direction only and at one half the standard annual permit fee if either of the following conditions are met:

1. The business is located at an interchange that serves one direction only.

2. The business is located at an interchange serving both directions, but the business can only serve motorists traveling in one direction because of the interchange configuration or because of sign spacing. ~~A permit for a business logo sign issued to a business serving one direction only shall not be renewed at the next billing date after six businesses serving both directions have been qualified for logo permits.~~

(d) through (h) No change.

(11) Permitting.

(a) Permit Period. All permits shall expire annually on December 31. However, initial permits approved after September 30, will expire December 31 of the year following approval.

(b) Permit Fees. Annual permit fees shall be \$1,000.00.

1. Payment of permit fees shall be by U.S. currency, postal money order, bank draft, cashier's check, personal check, or business check. If a personal or business check is not honored for any reason by the bank on which it is drawn, the application for which the fee was submitted will be denied. If an individual or company issues two or more checks to the Department or the Program Administrator which are not honored, no further personal or business checks will be accepted from that individual or company, regardless of whether restitution has been made on previous checks.

2. For an initial permit application, the permit fee will be prorated with 1/12 of the annual permit fee charged for each month or portion thereof remaining in the calendar year after the date of approval of the application. The fee for applications approved after September 30 will also include fees for the next calendar year.

3. For an initial permit application for a full service or self service gas business willing to provide gas pumping service to motorists with disabilities, the permit fee for the initial year of participation will be \$1,200. Subsequent annual permit renewal fees will be \$1,000.

4. Permits for the attraction category shall be awarded by the Department annually to the highest bidder. However, the fees shall not be less than the fees established for logo participants in other logo categories. Businesses seeking to be

placed on the Department's qualified bidders list for the attraction category must submit a completed Logo Application for Attractions, Form Number FLI-163-1, Rev. ~~08/04 09/04~~, incorporated herein by reference to the address specified on the form. The Logo Application for Attractions, Form Number FLI-163-1, Rev. ~~08/04 09/04~~, may be obtained from the Program Administrator, Florida Logos, Inc., ~~3764 New Tampa Highway, Lakeland, Florida 33815 4706 Capital Circle SW, Tallahassee, FL 32310~~. Applicants whose applications meet program requirements will be issued a PIN number and bidding instructions.

(c) Initial Permit Application. A business applying for a business logo sign must submit a completed Logo Application/~~Annual Permit Renewal~~, Form Number FLI-163, Rev. ~~08/04 09/04~~, incorporated herein by reference, to the address specified on the form. The Logo Application/~~Annual Permit Renewal~~, Form Number FLI-163, Rev. ~~08/04 09/04~~, may be obtained from the Program Administrator.

1. Completed applications will be approved or denied within 90 days of receipt. A written notice of the approval or denial will be furnished to the applicant.

2. Permit fees must be received by the Program Administrator within 30 days of the notification of permit approval.

3. After notification of approval of the application, the applicant shall be responsible for providing the Program Administrator with ~~all required~~ a business logo signage which meets the specifications provided herein.

4. The business logo sign will be affixed to the display panel by the Department or its agent within 30 days of receipt of the sign or the permit fee, whichever is later.

5. Whenever space is not available on a logo structure for a business logo sign, the Program Administrator shall review the application for distance pursuant to paragraph (10)(b) above, and for operating hours pursuant to subparagraph (10)(e)4., and will place the business on a waiting list in the order of the dates on which they were received. A notice will be provided to the business indicating its position on the waiting list. When space becomes available, notice will be provided to the business with the highest priority allowing the business 30 days within which to submit an application in accordance with this section.

6. For gas, food, and lodging categories only, applications received for businesses within three miles of an interchange have priority over businesses that are within three to six miles of an interchange.

(d) Priority of Applications.

1. Each permit holder that timely applies for renewal under this Rule will retain priority over other applicants, except when retaining priority would conflict with Section (10)(a)5. ~~b. e.~~ of this Rule.

2. Initial permit applications received after October 10, 1996, will be assigned priority based upon the date and time of receipt by the Program Administrator. The application received earliest will be given the highest priority.

3. All processing of permit applications will be in order of assigned priority. A business that fails to submit an application within 30 days of notice that space has become available will be deemed to have withdrawn its application and must resubmit its application in order to be assigned priority, which will be based on date and time of receipt as an initial permit application.

4. Acceptance of an application and assignment of processing priority does not constitute approval of an application. Approval or denial of applications will be granted after processing is complete.

(e) Process for Annual Permit Renewal.

1. Each holder of a valid logo permit must submit the full annual permit fee(s) to the Program Administrator, which permit fee(s) must be received by the Program Administrator no later than 5:00 p.m. on December 1 of each year. On or before November 1 of each year, the Program Administrator will provide a Notice of Annual Permit Renewal to each holder of a valid permit. Failure to receive the Notice will not excuse timely submission of the permit renewal application by the permit holder.

2. It is the responsibility of the permit holder to keep the Program Administrator informed concerning address changes, ownership changes, contact changes, billing address changes, and any other changes impacting notification or participation eligibility that have occurred since the last renewal period. Each permit holder must submit a completed Logo Application/Annual Permit Renewal, form number FLI 163, Rev. 09/01, to the Program Administrator by fax, mail, or hand delivery no later than December 1. If the application is mailed or faxed it must be received no later than 5:00 p.m. on December 1. If the application is hand delivered it must arrive and be date and time stamped by the Program Administrator no later than 5:00 p.m. on December 1.

3. If the Program Administrator has not received the annual permit fee(s) by 5:00 p.m. on December 1, the following procedure will be followed: The permit fee amount must be received and be date and time stamped by the Program Administrator no later than 5:00 p.m. on December 1.

a. The Program Administrator will send a notice to the permit holder by certified mail return receipt requested, informing the business that a late renewal fee has been assessed to the business equal to five percent of the total annual permit fee. If such notice is returned as undeliverable from the last known address as set forth in subparagraph (11)(e)2., no further notice will be required.

b. Permit holders must submit the annual permit fee(s) and late renewal fee(s) to the program administrator within 30 days from the date of receipt of the late renewal notice.

c. If the Program Administrator has not received the annual permit fee(s) and appropriate late renewal fee(s) as specified above, the permit will expire and the business logo sign will be removed from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.

~~4. If the completed application and permit fee are not received by the Program Administrator by 5:00 p.m. on December 1, the permit will expire and the business logo sign will be removed from the display panel. Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.~~

(12) Denial, denial of renewal, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if:

1. Space is not available;
2. The business does not meet the eligibility requirements;

or

~~(b)3- Denial of Renewal. Renewal will be denied if applicable permit fee(s) and late renewal fee(s) are not received within 30 days of receipt of the late renewal notice. A completed Logo Application/Annual Permit Renewal, form FLI 163, Rev. 09/01, and applicable permit fees are not received by the Program Administrator by 5:00 p.m. on December 1.~~

~~(c)(b) Revocation. A business's permit to participate in the logo program will be revoked if:~~

1. The business no longer meets the eligibility requirements outlined in this Rule chapter and has not requested a suspension.

2. The business made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or the Program Administrator.

3. The business has modified or revised a business logo sign or logo structure without authorization by the Department or the Program Administrator.

~~(d)(e) Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.~~

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in subparagraph (12)(c)1., above, the Program Administrator shall revoke the business logo sign permit in accordance with paragraph (12)(b), above.

~~(e)~~(d) Voiding. If the Department or the Program Administrator must remove logo structures pursuant to paragraph (3)(d), the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

~~(f)~~(e) Notice. In cases of denial, denial of renewal, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, Florida Statutes.

1. Prior to revoking a logo permit, the Program Administrator shall issue a Notice of Noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:

a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.

b. If corrective action is not accomplished within the 30-day period, the Program Administrator shall issue a notice of intent to revoke the permit.

2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, Florida Statutes. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign, permit, on a pro rata basis.

~~(g)~~(f) Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate. Upon receipt of the notice, the Program Administrator will cancel the participant's permit and remove the participant's business logo sign.

(13) Variances and waivers. The Department will consider and act on petitions for variances to or waivers of the provisions of this rule chapter, in accordance with Sections 120.542 and 479.261(7), Florida Statutes, and Chapter 28-104, Florida Administrative Code.

(a) A variance will be granted under Section 479.261(7), Florida Statutes, when it is shown that such variance is necessary to serve the interest of the traveling public or when

required to ensure equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

(b) When considering the standards of Section 120.542(2), Florida Statutes, the purposes of Section 479.261, Florida Statutes, will be achieved by other means if the variance or waiver serves the interest of the traveling public or ensures equitable treatment of program participants. In the event of a conflict between these two considerations, the interests of the traveling public will prevail.

Specific Authority 334.044(2) FS. Law Implemented 334.044(28), 479.261 FS. History—New 6-26-85, Formerly 14-85.04, Amended 3-20-91, 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, _____.

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: 040451-TP

RULE TITLE: Lifeline Service

RULE NO.: 25-4.0665

PURPOSE AND EFFECT: To establish a time period for local exchange telecommunications companies to begin providing Lifeline service to customers after receiving the certification of eligibility from the Office of Public Counsel, as well as to address other issues surrounding the implementation of Lifeline service.

SUBJECT AREA TO BE ADDRESSED: Lifeline service.

SPECIFIC AUTHORITY: 350.127 FS.

LAW IMPLEMENTED: 364.10 FS.

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

TIME AND DATE: 9:30 a.m., Thursday, August 19, 2004

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Samantha Cibula, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6202

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.0665 Lifeline Service.

Each local exchange telecommunications company providing Lifeline service under an income test shall provide Lifeline service to the customer within 30 days of receiving certification of eligibility from the Office of Public Counsel.

Specific Authority 350.127 FS. Law Implemented 364.10 FS. History—New

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE: REGULATORY ASSESSMENT FEES; WATER AND WASTEWATER UTILITIES
 RULE NO.: 25-30.120

PURPOSE AND EFFECT: To implement legislation providing that water and wastewater utilities with annual gross operating revenues of \$200,000 or more pay regulatory assessment fees semiannually.

SUBJECT AREA TO BE ADDRESSED: Changes to Rule 25-30.140, F.A.C., to conform to changes in Section 367.145, F.S.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 367.145, 367.161 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 WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: Christiana T. Moore, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: John Slemkewicz, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6420

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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 Psychology

RULE TITLE: MEDIATION
 RULE NO.: 64B19-17.007

PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 456.078, 490.004(4),(5) FS.

LAW IMPLEMENTED: 456.078, 490.009(2)(h),(v),(w) 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, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Definitions	67-21.002
Application and Selection Process for Loans	67-21.003
Applicant Administrative Appeal Procedures	67-21.0035
Federal Set-Aside	67-21.004
Public Policy Criteria Requirements and Qualified Resident Programs	67-21.0041
Determination of Method of Bond Sale	67-21.0045
Selection of Qualified Lending Institutions as Credit Underwriters, Originators or Servicers	67-21.005
Development Requirements	67-21.006
Fees	67-21.007
Terms and Conditions of Loans	67-21.008
Interest Rate on Mortgage Loans	67-21.009
Issuance of Revenue Bonds	67-21.010
No Discrimination	67-21.011
Advertisements	67-21.012
Non-Credit Enhanced Multifamily Mortgage Revenue Bonds	67-21.013
Credit Underwriting Procedures	67-21.014
Use of Bonds with Other Affordable Housing Finance Programs	67-21.015
Compliance Procedures	67-21.016
Transfer of Ownership	67-21.017
Refundings and Troubled Development Review	67-21.018
Issuance of Bonds for Section 501(c)(3) Entities	67-21.019

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the Multifamily Mortgage Revenue Bond (MMRB) Program authorized by Section 142 of the Code and Section 420.509, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to the development of the 2005 application and program requirements for the MMRB Program, as specified in Rule Chapter 67-21, Florida Administrative Code (F.A.C.).

SPECIFIC AUTHORITY: 420.507, 420.508 FS.

LAW IMPLEMENTED: 420.509 FS.

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

TIME AND DATE: 1:00 p.m., August 17, 2004

PLACE: Duval Room, Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsens, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE: www.floridahousing.org

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67-48.001
Definitions	67-48.002
Notice of Funding or Credit Availability	67-48.003
Application and Selection Procedures for Developments	67-48.004
Applicant Administrative Appeal Procedures	67-48.005
Compliance and Reporting Requirements	67-48.006
Fees	67-48.007
No Discrimination	67-48.008
SAIL General Program Procedures and Restrictions	67-48.009
Additional SAIL Application Ranking and Selection Procedures	67-48.0095
Terms and Conditions of SAIL Loans	67-48.010
Sale, Refinancing or Transfer of a SAIL Development	67-48.0105
SAIL Credit Underwriting and Loan Procedures	67-48.012
SAIL Construction Disbursements and Permanent Loan Servicing	67-48.013
HOME General Program Procedures and Restrictions	67-48.014

Match Contribution Requirement for HOME Allocation	67-48.015
Eligible HOME Activities	67-48.017
Eligible HOME Applicants	67-48.018
Eligible and Ineligible HOME Development Costs	67-48.019
Terms and Conditions of Loans for HOME Rental Developments	67-48.020
Sale or Transfer of a HOME Development	67-48.0205
HOME Credit Underwriting and Loan Procedures	67-48.021
HOME Disbursements Procedures and Loan Servicing	67-48.022
Housing Credits General Program Procedures and Requirements	67-48.023
Qualified Allocation Plan	67-48.025
Housing Credit Underwriting Procedures	67-48.026
Tax-Exempt Bond-Financed Developments	67-48.027
Carryover Allocation Provisions	67-48.028
Extended Use Agreement	67-48.029
Sale or Transfer of a Housing Credit Development	67-48.030
Termination of Extended Use Agreement and Disposition of Housing Credit Developments	67-48.031
Minimum Set-Aside for Non-Profit Organizations Under Housing Credits Program	67-48.032

PURPOSE AND EFFECT: The purpose of this Rule is to establish the procedures by which the Corporation shall: (1) administer the Application process, determine loan amounts, make and service mortgage loans for new construction or rehabilitation of affordable rental units under the State Apartment Incentive Loan (SAIL) Program authorized by Section 420.5087, Florida Statutes (F.S.), and the HOME Investment Partnerships (HOME) Program authorized by Section 420.5089, Florida Statutes; and (2) administer the Application process, determine Housing Credit (HC) amounts and implement the provisions of the Housing Credit Program authorized by Section 42 of the Code and Section 420.5099, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Rule Development workshop will be held to receive comments and suggestions from interested persons relative to (1) the development of the 2005 application and program requirements for the SAIL, HOME, HC Programs, as specified in Rule Chapter 67-48, Florida Administrative Code (F.A.C.) and (2) amendments to the Florida Housing Finance Corporation's 2004 Qualified Allocation Plan (QAP).

SPECIFIC AUTHORITY: 420.507 FS.

LAW IMPLEMENTED: 420.5087, 420.5089, 420.5099 FS.

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

TIME AND DATE: 1:00 p.m., August 17, 2004

PLACE: Duval Room, Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact: Jean Salmonsén, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Stephen P. Auger, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON FLORIDA HOUSING'S WEB SITE: www.floridahousing.org

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Local Laws

RULE TITLE:

RULE NO.:

Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act

68B-3.008

PURPOSE AND EFFECT: The purpose of this rule development effort is to allow the use of gigs to harvest legal size sheepshead in Volusia County. The effect will be to conform this local rule for Volusia County with current statewide rules for the harvest of sheepshead in Rule Chapter 68B-48, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Sheepshead harvest in Volusia County.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-3.008 Repeal, Amendment, and Readoption of Sections of Chapter 70-973, Laws of Florida (1970), as amended by Chapter 73-652, Laws of Florida (1973), Volusia County Special Act.

(1) through (2) No change.

(3)(a) It is unlawful for any person, firm or corporation to harvest or attempt to harvest marine species of fish in the inland salt waters of Volusia County in any way or with any appliance other than with the ordinary cast net, rod and reel, pinfish trap meeting the specifications of Section 370.1105(1)(b), F.S., or hook and line except as provided otherwise in Rule 68B-3.008, F.A.C. Legal size flounders and sheepshead may be taken by the means of a barbed spear, with not more than three (3) prongs.

(b) through (h) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla.; Law Implemented Art. IV, Sec. 9, Fla. Const., s. 2, Chapter 83-134, Laws of Fla., as amended by Chapter 84-121, Laws of Fla. History—New 10-19-89, Amended 1-9-91, 1-1-92, 7-1-92, 11-26-92, 10-3-94, 9-30-96, 7-30-97, Formerly 46-3.008, Amended 10-16-02.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Gear Specifications and Prohibited Gear

RULE TITLE:

RULE NO.:

Statewide Net Gear Specifications;

Soaking Requirements; Definitions;

Cast Net Specifications

68B-4.0081

PURPOSE AND EFFECT: The purpose of this rule development is to provide clarification and codify within Commission rules portions of Section 370.093, Florida Statutes, a statute implementing the prohibitions of Article X, Section 16 of the Florida Constitution, and to adopt net measurement procedures and net construction specifications. The effect of the effort will be to reduce confusion, assist industry and law enforcement with standardized net specifications to assure nets used in the waters of the State of Florida are in compliance with the provisions of the Florida Constitution and Florida Statutes. The draft rule sets a limit of 14 meshes per foot of corkline. It has been suggested that as many as 32 meshes per foot of corkline should be allowed. In light of public testimony at earlier workshops, the Commission staff is considering making a recommendation to increase the

number of meshes allowed per foot of corkline to 24 and would like to explore such a recommendation at the rule development workshops announced below.

SUBJECT AREA TO BE ADDRESSED: Net gear specifications.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
LAW IMPLEMENTED: Art. IV, Sec. 9 and Art X, Sec. 16, Florida Constitution.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 6:00 p.m. – 8:00 p.m., August 23, 2004

PLACE: Mayport Elementary School, Multi-purpose Room (Gym), 2753 Shangri-La Drive, Atlantic Beach, Florida 32233

TIME AND DATE: 6:00 p.m. – 8:00 p.m., August 24, 2004

PLACE: Brevard Room, 518 South Palm Avenue, Titusville, Florida 32796 (Across the street from Brevard County Government Complex North)

TIME AND DATE: 6:00 p.m. – 8:00 p.m., August 25, 2004

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue, West, 1st Floor, Bradenton, Florida 34205

TIME AND DATE: 6:00 p.m. – 8:00 p.m., August 26, 2004

PLACE: Steinhatchee Community Center, 1013 Riverside Drive S.E., Steinhatchee, Florida 32359

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Major Bruce Buckson, Division of Law Enforcement, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-4.0081 Statewide Net Gear Specifications; Soaking Requirements; Definitions; Cast Net Specifications.

(1) This rule is intended to implement prohibitions and restrictions of Article X, Section 16 of the Florida Constitution. As used there and in this rule, the term “net” or “netting” shall be broadly construed to include all manner or combination of mesh or webbing or any other solid or semisolid fabric or other material used to comprise a device that is used to take or harvest marine life.

(2)(+) The following gear specifications shall apply in all state waters:

(a) The use of gill or entangling nets of any size is prohibited. No person shall fish with, set, or place in Florida waters any gill or entangling net.

(b) Any net constructed wholly or partially of monofilament or multistrand monofilament material, other than a hand thrown cast net, or a handheld landing or dip net, shall be considered an entangling net prohibited by Article X, Section 16 of the Florida Constitution, and this rule, unless otherwise authorized by rule of the Commission. The term “multistrand monofilament” does not include braided or twisted twines made of nylon, cotton, linen, or polypropylene.

(c) No person shall take or harvest, or attempt to take or harvest, any marine life in Florida waters with any net that is larger than 500 square feet in mesh area that has not been authorized by rule of the Commission. The use of shrimp trawls and purse seines that are larger than 500 square feet in mesh area, outside nearshore and inshore waters, shall be considered so authorized for purposes of this paragraph.

(d) No person shall fish with, set, or place in the water any net, other than a cast net or landing or dip net, with a mesh size greater than 2 inches stretched mesh. Any net, other than a cast net or landing or dip net, with a mesh size greater than 2 inches stretched mesh shall be considered an entangling net for purposes of paragraph (a).

(e)(b) No person shall soak a net beach or haul seine for more than one hour, beginning when the first mesh is placed in the water and ending when the first mesh is retrieved back aboard the vessel or on shore. Once the first mesh is retrieved, the net seine operation shall be continuous until the net is completely removed from the water. This prohibition shall not apply to shrimp trawls.

(3)(2) The following net gear specifications shall apply in nearshore and inshore Florida waters:

(a) No person shall fish with, set, or place in the water any net with a mesh area greater than 500 square feet.

(b) The mesh area of a net of uniform construction, other than a cast net or net in the form of an elongated bag, is determined by multiplying the maximum length by the maximum width of the net. The maximum length of such a net is determined by multiplying the number of meshes along the corkline of the net by the bar measurement of the mesh in the net. The number of meshes along the corkline is determined by counting the number of meshes per tie and multiplying that by the total number of ties along the corkline. The maximum width, or depth, of such a net is determined by multiplying the number of meshes between the corkline and leadline of the net by the bar measurement of the mesh in the net. If a net, other than a cast net or net in the form of an elongated bag, is constructed in a nonuniform manner, the mesh area shall be determined by adding together the mesh area of the component parts.

(c)(b) No more than two nets shall be fished with, set, or placed in the water from a single vessel at any one time. No more than one net shall be fished with, set, or placed in the water by any person not on a vessel.

~~(d)~~(e) No person shall connect, tie, or otherwise fasten together two or more nets in any manner so as to fish with, set, or place in the water a net exceeding the 500 square feet limit specified in paragraph (a). Two nets sharing the same corkline or leadline with a combined mesh area exceeding 500 square feet shall be considered connected and a violation of Article X, Section 16 of the Florida Constitution and this rule.

~~(d) Beginning January 1, 1998, No person shall fish with, set, or place in the water any seine with a mesh size larger than 2 inches stretched mesh.~~

(e) No net may have more meshes attached per foot of corkline or leadline than 14 divided by the bar measurement of the mesh in the net. A net with more than this number of meshes attached per foot of corkline or leadline shall be considered an entangling net for purposes of this rule and Article X, Section 16 of the State Constitution.

~~(4)~~(3) Cast Nets.

(a) The Fish and Wildlife Conservation Commission finds that the maximum specifications established for cast nets in paragraph (b) are appropriate to allow the largest cast nets that can be reasonably, practically, and effectively thrown by hand to take marine species in nearshore and inshore Florida waters, within the 500-square foot limit imposed by Article X, Section 16(b) of the State Constitution.

(b) No person shall fish with, set, or place in nearshore and inshore Florida waters any cast net with a stretched length (the distance from the horn at the center of the net, with the net gathered and pulled taut, to the lead line) greater than 14 feet. No more than two cast nets shall be fished in such waters from a single vessel at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Art. X, Sec. 16, Fla. Const. History—New 11-26-92, Amended 4-12-93, 1-1-97, 4-27-98, Formerly 46-4.0081, Amended 12-2-99, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Blue Crab

RULE TITLE: Regulation and Prohibition of Certain

Harvesting Gear

RULE NO.: 68B-45.004

PURPOSE AND EFFECT: The purpose of this rule development effort is to implement recommendations of the Blue Crab Advisory Board to allow the feeding of male blue crabs used to attract female peeler crabs into peeler traps; to make a technical change in the specifications for orientation of degradable panels; allow the use of degradable staples; and extend the moratorium on issuing new blue crab endorsements until July 1, 2006. The effect will be to allow peeler crab harvesters to keep male crabs, used as bait, alive; to give blue crab trappers more options for degradable panels and materials; and to extend the blue crab endorsement moratorium while an effort management plan is established.

SUBJECT AREA TO BE ADDRESSED: Blue Crab.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution. LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) No change.

(2)(a) Peeler crabs may be harvested in traps constructed of wire with a minimum mesh size of one inch and with the throats or entrances located only on a vertical surface. Such traps shall have a maximum dimension of 24 inches by 24 inches or a volume of 8 cubic feet and a degradable panel.

(b) Each trap used to harvest peeler crabs shall have buoys and be identified as described in subparagraph (a)2., and (a)3. or (a)4. of this subsection.

(c) All peeler crabs harvested must be kept in a container separate from other blue crabs.

(d) Each trap used to harvest peeler crabs shall only be baited with live male blue crabs. Male crabs so used as bait to attract female blue crabs into peeler traps may be periodically fed with no more than a single bait fish. Any trap used to harvest blue crabs that is baited with anything other than live male blue crabs shall meet the requirements of paragraph (1)(a) of this rule.

(3) through (6) No change.

(7) A trap shall be considered to have a degradable panel if one of the following methods is used in construction of the trap:

(a) through (c) No change.

(d) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be laced, sewn, or otherwise obstructed by a single length of

untreated jute twine knotted only at each end and not tied or looped more than once around a single mesh bar. When the jute degrades, the opening in the sidewall of the trap will no longer be obstructed.

(e) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. This opening must be obstructed with an untreated pine slat or slats no thicker than 3/8 inch. When the slat degrades, the opening in the sidewall of the trap will no longer be obstructed.

(f) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may either be laced, sewn, or otherwise obstructed by non-coated steel wire measuring 24 gauge or thinner or be obstructed with a panel of ferrous single-dipped galvanized wire mesh made of 24 gauge or thinner wire. When the wire or wire mesh degrades, the opening in the sidewall of the trap will no longer be obstructed.

(g) The trap contains at least one sidewall with a ~~vertical~~ rectangular opening no smaller in either dimension than 6 inches in height by 3 inches in width. The opening may be obstructed with a rectangular panel made of any material, fastened to the trap at each of the four corners of the rectangle by galvanized staples 16 gauge or thinner, rings made of non-coated 24 gauge or thinner wire, or single strands of untreated jute twine. When the corner fasteners degrade, the panel will fall away and the opening in the sidewall of the trap will no longer be obstructed.

(8) No change.

(9)(a) No person shall harvest any blue crabs for commercial purposes with any trap unless such person possesses a valid saltwater products license to which is affixed both a blue crab endorsement and a restricted species endorsement.

(b) Notwithstanding Section 370.135(2)(a), Florida Statutes, effective July 1, 2002, and until July 1, ~~2006~~ ~~2005~~, no blue crab endorsements, except those endorsements that were active during the 2001-2002 fiscal year, shall be renewed or replaced. In 2002 and in subsequent years until July 1, ~~2006~~ ~~2005~~, persons or corporations holding a blue crab endorsement that was active in the 2001-2002 fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30 of each year. All provisions of Sections 370.135(2)(c)-(e), Florida Statutes, shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, Formerly 46-45.004, Amended 6-1-99, 2-28-02, _____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE TITLE:

Gasoline Silver Corrosion Standard

RULE NO.:

5F-2.017

PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt a test method and standard for gasoline corrosiveness toward silver and silver alloys located in automobile fuel gauge in-tank sending units. The effect of the proposed rule will be the replacement of emergency Rule 5FER04-2, F.A.C. "Gasoline Silver Corrosion Standard" and a continued assurance that gasoline sold in Florida will not cause damage to susceptible silver sender units installed in many automobile fuel gauge systems. A secondary effect will be the replacement of a testing methodology with an unknown safety record with a method that is inherently safer for laboratory personnel.

SUMMARY: An emergency rule was implemented June 8, 2004 to remedy an omission of a silver corrosion standard for gasoline in the American Society for Testing and Materials (ASTM) gasoline specification adopted into Rule 5F-2.001, F.A.C. The impetus for the emergency rule emerged when gasoline was shipped into and distributed throughout Central and South Florida that caused corrosion damage and eventual failure of silver fuel gauge system components located in automobile gasoline tanks. The corrosiveness of the gasoline is caused by elevated levels of elemental sulfur, a more reactive form of sulfur, resulting from refinery modifications to lower overall sulfur levels in gasoline. Since no silver corrosion standard or test method had previously been proposed for gasoline, the Department surveyed automotive companies and oil companies for an appropriate standard and methodology. Emergency Rule 5FER04-2, F.A.C., was issued referencing the Energy Institute test method IP 227/99 "Determination of Corrosiveness to Silver of Aviation Turbine Fuels – Silver Strip Method." Concerns regarding the lack of laboratory safety data have arisen for using gasoline in a method originally designed for kerosene (aviation turbine fuels). To ensure gasoline is not corrosive to silver and to provide a testing method that is inherently safer, ASTM has proposed a modified method for testing as presented in this rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 525.14 FS.

LAWS IMPLEMENTED: 525.037 FS.