

**Section II  
Proposed Rules**

**DEPARTMENT OF LEGAL AFFAIRS**

RULE TITLE: Attorney Services  
 RULE NO.: 2-37.010

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate by reference in the rule, an addendum to be attached to all contracts which utilize private attorney services.

SUMMARY: The proposed rule amendment incorporates by reference in the rule, Attachment A for Private Attorney Services. This addendum shall be attached to all contracts which provide for private attorney services.

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: 287.059 FS.

LAW IMPLEMENTED: 287.059, 16.015 FS.

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

TIME AND DATE: 10:00 a.m., May 8, 2001

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry Daugherty, Senior Management Analyst II, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2-37.010 Attorney Services.

(1) The Department of Legal Affairs adopts a form to be filled out by agencies who wish to request representation by private attorneys. Form OAG-001, entitled "Request for Attorney General Approval of Private Attorney Services," effective 5-18-00, is hereby incorporated by reference.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 2/2001), which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol PL-01, Tallahassee, Florida 32399-1050.

Specific Authority 287.059 FS. Law Implemented 287.059, 16.015 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry Daugherty, Senior Management Analyst II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald B. Curington, Assistant Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2001

**DEPARTMENT OF INSURANCE**

RULE TITLES: Misrepresentation of Policy Provisions  
 RULE NOS.: 4-166.023

Standards for Prompt, Fair and Equitable Settlements Application to All Insurers 4-166.026

Standards for Prompt, Fair and Equitable Settlement Applicable to Automobile Insurance 4-166.027

Standards for Prompt, Fair and Equitable Settlements Applicable to Homeowners' and Personal and Commercial Fire and Extended Coverages Type Policies with Replacement Cost Coverages 4-166.028

PURPOSE AND EFFECT: Repeal rules 4-166.023, 4-166.026-.028, FAC. pursuant to Section 120.536(2), F.S. review.

SUMMARY: These rules do not interpret or implement the statutes cited as "Law Implemented" [624.307(1), 624.3161, F.S.]. Therefore these rule should be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.3161 FS.

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

TIME AND DATE: 11:00 a.m., April 14, 2001

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Wayne Johnson, Insurer Services, Department of Insurance, 200 E. Gaines Street, Tallahassee, FL 32399-0314, (850)922-3148

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3100, Ext. 4214.

**THE FULL TEXT OF THE PROPOSED RULES IS:**

**4-166.023 Misrepresentation of Policy Provisions.**

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.3161 FS. History—New 11-2-92, Repealed.

**4-166.026 Standards for Prompt, Fair and Equitable Settlements Applicable to All Insurers.**

Specific Authority 624.308 FS. Law Implemented 324.151(1)(c), 624.307(1), 624.3161, 627.4265, 627.736 FS. History—New 11-2-92, Repealed.

**4-166.027 Standards for Prompt, Fair and Equitable Settlements Applicable to Automobile Insurance.**

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.3161, 626.877 FS. History—New 11-2-92, Repealed.

**4-166.028 Standard for Prompt, Fair, and Equitable Settlements Applicable to Homeowners' and Personal and Commercial Fire and Extended Coverages Type Policies with Replacement Cost Coverages.**

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.3161, 627.702 FS. History—New 11-2-92, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Fred Whitson, Legal Services, and Wayne Johnson, Insurer Services, Department of Insurance

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Michelle Newell, Director, Division of Insurer Services, Department of Insurance

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** February 9, 2001

**DEPARTMENT OF INSURANCE**

**RULE TITLE:** Self-Funded Health Plan Disclosure **RULE NO.:** 4-230.030

**PURPOSE AND EFFECT:** Repeal this rule pursuant to Section 120.536(2)(b), F.S. review.

**SUMMARY:** This rule was promulgated to help licenses identify unauthorized insurance arrangements and assist in protecting them from potential liability. Review determined that current statutory provisions provide enough adequate information and this rule is unnecessary.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** No statement of estimated regulatory costs has been prepared.

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

**SPECIFIC AUTHORITY:** 624.308 FS.

**LAW IMPLEMENTED:** 626.9541(1)(a), 626.9641 FS.

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

**TIME AND DATE:** 9:00 a.m., May 14, 2001

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Phil Fountain, Bureau Chief, Agent and Agency Services, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)413-5600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Phil Fountain, (850)413-5600.

**THE FULL TEXT OF THE PROPOSED RULE IS:**

**4-230.030 Self-Funded Health Plan Disclosure.**

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.9541(1)(a), 626.9641 FS. History—New 5-14-92, Amended 9-7-93, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Phil Fountain, Bureau Chief, Agent and Agency, Department of Insurance, 200 East Gaines Street, Tallahassee, FL 32399-0333, phone number (850)413-5600

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** John Hale, Division Director, Agent and Agency Services

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** March 29, 2001

**DEPARTMENT OF INSURANCE**

**Division of Treasury**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Purpose	4C-4.001
Scope	4C-4.002
Definitions	4C-4.003
Procedures for Requesting Approval to Accept Credit Cards, Charge Cards, and Debit Cards	4C-4.0035
Standard Contracts with Credit Card Service Providers	4C-4.004
Convenience Fees	4C-4.045
Annual Reporting to the Treasurer	4C-4.009

**PURPOSE AND EFFECT:** The rules are being amended to reflect amendments to Section 215.322, F.S. The title of the rule chapter is also being amended to make reference to the judicial branch, as well as state agencies.

SUMMARY: The rules track legislative changes in Section 215.322, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 215.322(3) FS.

LAW IMPLEMENTED: 215.322(1),(2),(3) FS.

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

TIME AND DATE: 9:30 a.m., May 9, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Allen, Bureau of Banking, Division of Treasury, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0344, (850)413-2783

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White, (850)413-4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

ACCEPTANCE OF CREDIT CARDS BY STATE AGENCIES AND THE JUDICIAL BRANCH FOR CERTAIN GOODS, ~~AND SERVICES, AND~~ INFORMATION

4C-4.001 Purpose.

The purpose of this rule chapter is to specify procedures for the establishment of a credit card, charge card, and debit card operation, and acceptance of credit card, charge card, and debit card payments by state agencies and the judicial branch for goods, ~~and services, and information~~ and to provide for the availability of the standard contract for use by local governments.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1) FS. History—New 12-22-83, Formerly 4C-4.01, Amended 12-26-88, 1-27-99, \_\_\_\_\_.

4C-4.002 Scope.

These rules govern the acceptance of credit cards, charge cards, and debit cards by state agencies and the judicial branch, and establish procedures for the following functions:

(1) Providing a process for state agencies and the judicial branch to request approval from the Treasurer ~~upon the recommendation of the Office of Planning and Budgeting~~ for credit card, charge card, and debit card acceptance, and

procedures for obtaining a recommendation from the State Technology Office when the Internet or other related collection media are used;

(2) Providing a methodology for agencies to complete a cost-benefit analysis;

(3)(2) Utilizing a standardized contract between the financial institution or other appropriate intermediaries ~~service provider~~ and the state agency and judicial branch. The standard contract will be adopted by the Treasurer. ~~The Treasurer may also approve a substitute agreement developed by an agency if the terms of the substitute agreement are acceptable.~~ Although the Treasurer supports the concept of standardization of credit card acceptance within Florida government, the Treasurer may also approve a substitute agreement developed by an agency if the terms of the substitute agreement are superior to the terms of the standardized contract. The standard contract will be available for use by units of local governments;

(4)(3) Permitting an agency or officer accepting payment by credit card, charge card, or debit card to impose a convenience fee upon the person making the payment;

(5)(4) Submitting information to the Treasurer concerning the acceptance of credit cards, charge cards, or debit cards by all state agencies or the judicial branch.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(2),(3) FS. History—New 12-22-83, Formerly 4C-4.02, Amended 12-26-88, 1-27-99, \_\_\_\_\_.

4C-4.003 Definitions.

As used in this rule chapter, the following terms are defined:

~~(1) Service Provider. The entity that processes credit cards, charge cards, and debit cards on behalf of merchants. The service provider also provides the service of authorization, settlement, and reimbursement to merchants for their transactions.~~

~~(2) Discount rate/service fee. A fee charged by the service provider for the service of processing transactions, authorization, settlement, and reimbursement of transactions.~~

(1)(3) Financial Institution. A "financial institution" shall mean a qualified public depository as defined in Section 280.02, Florida Statutes.

(2)(4) Merchant. Any state agency or the judicial branch that accepts credit cards, charge cards, or debit cards.

(3)(5) Card. A credit card, charge card, or debit card that is accepted by a merchant for payment to purchase goods, ~~or~~ services, or information.

(4)(6) Convenience Fees. A convenience fee is a fixed rate or variable rate charge assessed by a state agency or the judicial branch to a credit card, debit card or charge card payment to help defray the cost of a unique transaction.

(5) Other Appropriate Intermediaries. Any entity that is contracted to facilitate the processing of credit cards, charge cards, and debit cards payments on behalf of a state agency, the judicial branch, or a unit of local government.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(2),(3) FS. History—New 12-22-83, Formerly 4C-4.03, Amended 12-26-88, 1-27-99, \_\_\_\_\_.

4C-4.0035 Procedures for Requesting Approval to Accept Credit Cards, Charge Cards, and Debit Cards.

(1) A state agency or the judicial branch desiring to accept payments by credit card, charge card, or debit card shall submit a written proposal to the State Treasurer Office of Planning and Budgeting. In addition to submission of a written request to accept cards, it is recommended that the requester consult with the Office of Planning and Budgeting and the Treasurer to discuss arrangement of an oral presentation. Upon completion of its review, the Office of Planning and Budgeting will then forward the request with its recommendation to the Treasurer for review and final approval. Each request shall include:

- (a) The type of fees being collected.
- (b) The locations where the card will be accepted.
- (c) The method of acceptance, such as card reader/swipe, Electronic Cash Register/PC, mail, telephone, automated response unit, self service terminal, the Internet, or other.
- (d) The projected annual amount of collections and the projected average transaction amount.

(e) The projected dollar amount of annual service fees to be paid. Indicate the source of fee payment, e.g., general revenue or specific trust fund.

(2) The justification should include the anticipated economic and other benefits that would accrue to the state, and include:

- (a) Goals and expectations.
- (b) The impact on state revenues and expenditures.
- (c) Effect on the private sector. Describe benefits to the public such as improved customer service and convenience to individuals and businesses.

(d) Summary of expected improvement in labor and operational efficiencies, customer payment compliance, increase in collections, reduction in bad check losses, or bad debts, staffing considerations, current delays in processing payments, earlier receipt of funds, and increase in sales, e.g., retail, and any other information deemed appropriate by the proposer to explain the request.

(e) Plan for reducing and/or redirecting resources if operational efficiencies are expected.

(3) When the Internet or other related electronic methods are to be used as the collection medium the Treasurer will obtain the recommendation of the State Technology Office as to whether to approve the request with regard to the process or procedure to be used. The Office of Planning and Budgeting and the Treasurer will evaluate each request taking into consideration the processing costs, comparison to other payment methods, economic, and other benefits. The Treasurer's approval will be contingent upon a positive recommendation of the Office of Planning and Budgeting.

~~(4) The Office of Planning and Budgeting and the Treasurer will each have a 10-working day period to complete their respective reviews. Depending upon the complexity of the proposal, additional information may be requested. If the documentation accompanying the request is incomplete or additional information is necessary for the review, the 10-working day evaluation period will be suspended and the request will be on "pending until receipt of further information" status.~~

~~(4)(5) An application package to request approval to accept credit cards, charge cards, and debit cards may be obtained by contacting the Bureau of Banking, Division of Treasury Governor's Office of Planning and Budgeting, The Capitol, Tallahassee, Florida. Requests may be made by electronic mail.~~

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(2),(3) FS. History—New 1-27-99, Amended \_\_\_\_\_.

4C-4.004 Standard Contracts with Credit Card Service Providers.

(1) The standard contract, which is hereby adopted and incorporated by reference, established by the Treasurer with a service provider, specifies requirements for operation of an electronic credit card, charge card, and debit card processing system. The mechanisms and systems enable state agencies, the judicial branch, and local governments to accept and process merchant transactions, provide prompt authorizations, and deliver collected funds to the designated bank account of a financial institution. Contractual arrangements with the standard contract service provider are made by completing a Subscription Agreement and Information Profile Form.

(2) A state agency or the judicial branch must use the standard contract established by the Treasurer for acceptance of payments by credit card, charge card, or debit card, or obtain authorization from the Treasurer to use another contractor. If an alternative contractor is desired, the state agency or judicial branch should present justification to the Treasurer as to why the standard contract is not acceptable and receive approval from the Treasurer before seeking an alternative contractor. Or, the requesting agency may complete the procurement process contingent upon approval of the Treasurer to use an alternative service provider and terms of another agreement.

(3) Contractual arrangements in any form between a state agency and the judicial branch and a financial institution or other appropriate intermediaries to process credit, charge, or debit card payments shall be approved by the State Treasurer.

(4) Contracts shall specify that proceeds of credit card, charge card, and debit cards (settlement) shall be delivered to the designated state bank account within forty-eight (48) hours after completion of the transaction. Exceptions shall be approved by the State Treasurer.

~~(5)(3) A copy of the standard contract may be obtained by contacting the Bureau of Banking, Division of Treasury, Tallahassee, Florida.~~

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(3) FS. History--New 12-22-83, Formerly 4C-4.04, Amended 12-26-88, 1-27-99, \_\_\_\_\_.

4C-4.0045 Convenience Fees.

(1) A convenience fee may not be imposed if prohibited by state law or card company regulations.

(2) The convenience fee must be related to convenience to the consumer, such as eliminating a need to make a payment in person.

(3) The convenience fee should be assigned to payment methods such as telephone, automatic response units, the Internet, or other non-standard payment processing methods. Similar transactions must be charged the same fee.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(3) FS. History--New 1-27-99, Amended \_\_\_\_\_.

4C-4.009 Annual Reporting to the Treasurer.

State agencies shall submit the following information to the Treasurer: Within 30 days of the end of the state fiscal year, state agencies or the judicial branch with an established credit card, charge card, or debit card operation shall file an annual report with the Treasurer containing the following information for each type of transaction related to the fiscal year just ended.

(1) Name of Accepting Agency and Location. Show where these transactions are accepted.

(2) Types of Collections.

(3) Total receipts by transaction type.

(4) Number of transactions by transaction type.

(5) Name of service provider.

(6) Total Annual Service Fees Paid. Provide total amount of fees remitted to the service provider, indicating the source of payment:

(a) Offset by sale of goods, ~~and services, or information.~~

(b) Appropriated Funds ~~An appropriation.~~

(c) Compensating Balance.

(d) Other (Specify)

(7) Service Provider's Schedule. Specify the discount rate or service fee, and the basis for calculation.

(8) Actual reduction in staffing or resources resulting from increased efficiencies.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1),(2),(3) FS. History--New 12-26-88, Amended 1-27-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Allen, Bureau of Banking, Division of Treasury, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bruce Gillander, Bureau Chief, Bureau of Banking, Division of Treasury, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2001

DEPARTMENT OF INSURANCE

Division of Administration

RULE CHAPTER TITLE: DISCIPLINE OF CAREER SERVICE      RULE CHAPTER NO.:

Employees – Standards and Procedures      4E-1

RULE TITLES:      RULE NOS.:

Purposes      4E-1.001

Policy      4E-1.0015

Delegated Authority      4E-1.002

Types of Disciplinary Actions      4E-1.003

Appealable or Grievable Disciplinary Actions      4E-1.004

Disciplinary Action Taken Against a Probationary Employee      4E-1.005

Standards for Disciplinary Action      4E-1.006

PURPOSE AND EFFECT: The rule was sited for repeal under the Section 120.536(2)(b) review. The substance of this rule will be included in an Administrative Policy and Procedure (AP&P).

SUMMARY: The rule was identified for repeal following the Section 120.536(2)(b) review. This rule will be included in an AP&P.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 110.201(2) FS.

LAW IMPLEMENTED: 110.201(1),(2), 110.227 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2001

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vickie Robinson, Personnel Services, Florida Department of Insurance, (850)413-3182

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Yvonne White, (850)922-3100, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULES IS:

4E-1.001 Purposes.

Specific Authority 110.201(2) FS. Law Implemented 110.201(1),(2), 110.227 FS. History–New 1-26-84, Formerly 4E-1.01, Amended 11-12-91, 9-9-96, Repealed.

4E-1.0015 Policy.

Specific Authority 110.201(2) FS. Law Implemented 110.201(1),(2), 110.227 FS. History–New 11-12-91, Amended 9-9-96, Repealed.

4E-1.002 Delegated Authority.

Specific Authority 110.201(2) FS. Law Implemented 110.105, 110.201(1),(2), 110.233(1), 110.227 FS. History–New 1-26-84, Formerly 4E-1.02, Amended 11-12-91, 9-9-96, Repealed.

4E-1.003 Types of Disciplinary Actions.

Specific Authority 110.201(2) FS. Law Implemented 110.201(1),(2), 110.227 FS. History–New 1-26-84, Formerly 4E-1.03, Amended 11-12-91, 9-9-96, Repealed.

4E-1.004 Appealable or Grievable Disciplinary Actions.

Specific Authority 110.201(2), 447.401 FS. Law Implemented 110.201(1),(2), 110.227 FS. History–New 1-26-84, Formerly 4E-1.04, Amended 11-12-91, 9-9-96, Repealed.

4E-1.005 Disciplinary Action Taken Against a Probationary Employee.

Specific Authority 110.201(2) FS. Law Implemented 110.201(1),(2), 110.227 FS. History–New 1-26-84, Formerly 4E-1.05, Amended 11-12-91, 9-9-96, Repealed.

4E-1.006 Standards for Disciplinary Action.

Specific Authority 110.201(2) FS. Law Implemented 110.201(1),(2), 110.227 FS. History–New 1-26-84, Formerly 4E-1.06, Amended 11-12-91, 6-9-93, 9-9-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Fred Whitson, Sr. Attorney, Division of Legal Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Herb Yohner, Bureau Chief, Division of Administration, Department of Insurance

DATE PROPOSED RULE APPROVED APPROVED BY AGENCY HEAD: March 15, 2001

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

RULE TITLES:	RULE NOS.:
Legal Responsibility	6B-4.001
Criteria for the Evaluation of Professional Performance	6B-4.004
Instructional Personnel Assessment	
Procedures: Purpose	6B-4.0041
Instructional Personnel Assessment	
Procedures: Initial Submission Process	6B-4.0042

Instructional Personnel Assessment  
    Procedures: Initial Review Process 6B-4.0044

Instructional Personnel Assessment  
    Procedures: Initial Approval Process 6B-4.0046

Instructional Personnel Assessment  
    Procedures: Annual Review and Approval Process 6B-4.0048

PURPOSE AND EFFECT: The purpose of this rule amendment is to repeal rules that are no longer in compliance with the requirements and conditions governing school district instructional personnel assessment systems. The effect will be the elimination of a series of rules that are no longer functional and are no longer in compliance with Florida Statutes.

SUMMARY: The repeal of these rules is necessary to eliminate a series of rules that are inaccurate and are no longer in compliance with Section 231.29, Florida Statutes, which governs school district personnel assessment systems.

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: 229.053(1), 231.29(8), 231.546(2)(a),(b) FS.

LAW IMPLEMENTED: 231.29, 231.546(2)(a) FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: David Ashburn, Director, Division of Professional Educators, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULES IS:

6B-4.001 Legal Responsibility.

Specific Authority 229.053(1), 231.546(2)(a) FS. Law Implemented 231.546(2)(a) FS. History–New 12-25-66, Repromulgated 12-5-74, Amended 8-12-81, Formerly 6B-4.01, Repealed.

6B-4.004 Criteria for the Evaluation of Professional Performance.

Specific Authority 229.053(1), 231.546(2)(a)(b) FS. Law Implemented 231.29, 231.546(2) FS. History–New 12-25-66, Amended 9-8-68, Repromulgated 12-5-74, Amended 8-12-81, 4-5-83, Formerly 6B-4.04, Repealed.

6B-4.0041 Instructional Personnel Assessment Procedures: Purpose.

Specific Authority 229.053(1), 231.29(8) FS. Law Implemented 231.29 FS. History–New 3-22-88, Repealed.

6B-4.0042 Instructional Personnel Assessment  
 Procedures: Initial Submission Process.

Specific Authority 229.053(1), 231.29(8) FS. Law Implemented 231.29 FS.  
 History—New 3-22-88, Repealed.

6B-4.0044 Instructional Personnel Assessment  
 Procedures: Initial Review Process.

Specific Authority 229.053(1), 231.29(8) FS. Law Implemented 231.29 FS.  
 History—New 3-22-88, Repealed.

6B-4.0046 Instructional Personnel Assessment  
 Procedures: Initial Approval Process.

Specific Authority 229.053(1), 231.29(8) FS. Law Implemented 231.29 FS.  
 History—New 3-22-88, Repealed.

6B-4.0048 Instructional Personnel Assessment  
 Procedures: Annual Review and Approval Process.

Specific Authority 229.053(1), 231.29(8) FS. Law Implemented 231.29 FS.  
 History—New 3-22-88, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Betty Coxe, Deputy Commissioner for Educational Programs,  
 Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Charlie Crist, Commissioner of  
 Education

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: March 30, 2001

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

RULE TITLE: Instructional Personnel Assessment Systems  
 RULE NO.: 6B-4.010

PURPOSE AND EFFECT: The purpose of this rule is to include within the structure of one rule the requirements and conditions pursuant to Section 231.29, Florida Statutes, for submission, review, and approval of school district instructional personnel assessment systems. The effect is a clear, concise rule in lieu of seven rules that are no longer accurate and do not reflect the current requirements of law.

SUMMARY: A new rule is created to replace a series of seven rules that included inaccurate information and are no longer in compliance with Section 231.29, Florida Statutes, which governs school district instructional personnel systems. This rule includes assessment system submission, review and approval requirements, and conditions.

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: 229.053, 231.29 FS.

LAW IMPLEMENTED: 230.23(5)(c), 231.29 FS.

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

TIME AND DATE: 9:00 a.m., May 15, 2001

PLACE: Room LL03, The Capitol, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David Ashburn, Director, Division of Professional Educators, Department of Education, 325 West Gaines Street, Room 203, Tallahassee, Florida 32399-0400, (850)487-3663

THE FULL TEXT OF THE PROPOSED RULE IS:

6B-4.010 Instructional Personnel Assessment Systems.

(1) Submission Process.

(a) Each school district shall submit the instructional personnel assessment system to the Division of Professional Educators of the Department for approval pursuant to Section 231.29, Florida Statutes.

(b) Each submission shall include documentation to substantiate that the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, have been met.

(c) The assessment system shall be reviewed by the Department for inclusion of the following:

1. Assessment criteria that include, at a minimum, indicators that relate to the areas of competence specified in Section 231.29(3)(a), Florida Statutes.

2. A statement of district procedures reflecting methods and criteria used to designate, document, and differentiate unsatisfactory, satisfactory, and outstanding performance levels.

3. Copies of assessment data collection procedures, instruments, and forms.

4. A statement of the use of assessment data for instructional personnel contract decisions.

(2) Initial Review Process. The Department of Education shall review and evaluate the performance assessment systems for compliance with the requirements and conditions of Section 231.29, Florida Statutes, and shall prepare and send to each school district a written notice that identifies any specific deficiencies of the system. Upon request from a school district, the Department shall provide assistance to the district for the purpose of bringing the system into compliance as quickly as possible.

(3) Approval Process. The Department of Education shall send written notification to the school district superintendent of the status of the school district's instructional personnel assessment system. The status designation shall be as follows:

(a) Approved. An instructional personnel assessment system shall be designated approved if all requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule are met.

(b) Conditionally Approved. An instructional personnel assessment system shall be designated conditionally approved if the school district’s assessment system fails to satisfy one or more of the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule. The school district’s system designated as conditionally approved shall be revised so that it is in full compliance with all requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule within the time period specified by the Department, and resubmitted to the Department for review and approval.

(c) Disapproved. A school district’s system designated as conditionally approved shall be designated as disapproved if the requirements and conditions for instructional personnel assessment systems pursuant to Section 231.29, Florida Statutes, and the provisions of this rule are not met within the time period specified by the Department in the written notice granting the conditionally approved status of the system.

(4) Modifications to an Instructional Personnel Assessment System. If a school board makes substantive modifications to an approved school district instructional personnel assessment system, the modified system shall be submitted to the Department of Education for review and approval pursuant to this rule.

Specific Authority 229.053, 231.29 FS. Law Implemented 230.23(5)(c), 231.29 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Betty Coxe, Deputy Commissioner for Educational Programs,  
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Charlie Crist, Commissioner of  
Education

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 30, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 9, 2001

**BOARD OF TRUSTEES OF THE INTERNAL  
IMPROVEMENT TRUST FUND**

DOCKET NO.: 01-02R

RULE CHAPTER TITLE: Florida Forever Land Acquisition  
and Management

18-24

RULE TITLES: General and Definitions

RULE NOS.: 18-24.001

Public Purposes and Categories of Projects  
Qualifying for Funding

18.24.002

Application Procedures and Requirements

18-24.003

Initial Review of Project Proposals

18-24.004

Full Review of Project Proposals 18-24.005  
Council Evaluation and Grouping 18-24.006  
Board of Trustees Consideration 18-24.007  
Capital Improvement and Restoration Proposals 18-24.008

PURPOSE AND EFFECT: To Implement the Florida Forever Act, s. 259.105, F.S., and related sections.

SUMMARY: This rule chapter establishes procedures for solicitation and standards and criteria for evaluation, selection, and ranking of Florida Forever land acquisition projects by the Acquisition and Restoration Council and the Board of Trustees of the Internal Improvement Trust Fund. Sections 18-24.001 through 18-24.008 address land acquisition and capital improvements under the new program. Land management will be addressed by future rulemaking.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 259.035(1),(4), 259.105(9),(18) FS.  
LAW IMPLEMENTED: 259.0345, 259.035, 259.04, 259.041,  
259.045, 259.07, 259.105 FS.

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

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William Howell, M.S. 140, 3900 Commonwealth Blvd., Tallahassee, Florida 32399-3000, (850)487-1750

THE FULL TEXT OF THE PROPOSED RULES IS:

18-24.001 General and Definitions.

(1) This chapter is promulgated to set forth the procedures, standards, and criteria for the evaluation and selection of lands proposed for acquisition, restoration, and other capital improvements with funds from the Florida Forever Trust Fund pursuant to paragraph 259.105(3)(b), Florida Statutes.

(2) For the purposes of this chapter, the following terms are defined as follows:

(a) “Acquisition project” means a parcel or parcels of land proposed for acquisition in accordance with paragraph 259.105(3)(b), and this rule.

(b) “Board” means the Board of Trustees of the Internal Improvement Trust Fund.



(c) “Capital improvement project” means a proposed or approved activity which may be either a “restoration project” as defined in paragraph 18-24.001(2)(r), or “other capital improvement project”, as defined in paragraph 18-24.001(2)(p).

(d) “Component of the Everglades restoration efforts” as used in paragraph 259.105(9)(i), Florida Statutes, means a project which assists in achieving the restoration or acquisition objectives outlined in Sections 373.4592, 373.470, 373.1501 and 373.4595, Florida Statutes, except as restricted by the terms of Chapter 259.

(e) “Council” means the Acquisition and Restoration Council, pursuant to Section 259.035.

(f) “De minimis lands” are lands that lie outside an approved acquisition project boundary when part of the ownership is within an approved project boundary. De minimis lands must not exceed ten percent of the cost or the size of that portion of the parcel that lies within the approved project boundary. These lands may or may not have the same resource values as lands within the project boundary. Additionally, the estimated cost of the de minimis lands must not exceed one million dollars. The cost of the de minimis lands shall be estimated by prorating the state-approved appraised, or tax assessed value based on the amount of acreage outside the boundary compared to that within the boundary, unless more definitive appraisal valuations are available for the de minimis lands.

(g) “Ecosystem management team” as used in paragraph 259.105(9)(h), means a team of citizens and agency representatives, formed and administered by the Department under its watershed or ecosystem management initiative.

(h) “Florida Forever criteria” means the criteria outlined in subsections 259.105(9) and (10).

(i) “Florida Forever goals and measures” means the goals and measures outlined in subsection 259.105(4), as amended to reflect the findings of the Florida Forever Advisory Council, pursuant to Section 259.0345. Amendments to subsection 259.105(4) adopted in the 2001 legislative session shall be considered by ARC and the Board in their evaluations under this rule after the effective date of the 2001 amendments.

(j) “Florida Natural Areas Inventory” refers to a scientific organization that is used by private and governmental entities in biological resource evaluations of land acquisition, land management, and other environmental programs.

(k) “Fund” means the Florida Forever Trust Fund that is created by Section 259.1051.

(l) “Funding sources that are identified and assured through at least the first two years of the project” as used in paragraph 259.105(9)(e), means a funding source for a project for which a participating agency, entity, partner, or any combination thereof, has pledged in writing to pursue, through an identified funding source or sources, the resources required to manage or maintain the project for at least two years

following the execution of a lease or management agreement, or for at least two years following receipt of specific authority from the Board to proceed with an approved project.

(m) “Less-than-fee acquisition”, as used in Chapter 259 and in this chapter, means acquisition of less than fee simple title to real property, such as a conservation easement.

(n) “Natural areas” as used in subparagraphs 259.105(2)(a)2. and 3., means areas of land or water that either retain or have re-established the characteristics of natural communities.

(o) “Ongoing governmental effort” as used in paragraph 259.105(9)(b), means an ongoing initiative of a federal, state, regional or local government that contributes to the accomplishment of the Florida Forever goals and measures.

(p) “Other capital improvement project” means a proposed or approved capital improvement activity relating to the development of necessary infrastructure such as the “construction, improvement, enlargement or extension of facilities, signs, firelanes, access roads, and trails; or any other activities that serve to...provide public access, recreational opportunities, or necessary services,” as enumerated in subsection 259.03(3), but excluding restoration projects as defined in paragraph 18-24.001(2)(r).

(q) “Project Evaluation Report” means a report prepared in accordance with Section 18-24.005 for use by the Council in determining the merits and characteristics of a proposal for funding through the Florida Forever program.

(r) “Restoration project” means a proposed or approved capital improvement project such as ecosystem restoration, hydrological restoration, or invasive plant removal that do not qualify as an “other capital improvement project “ as defined in paragraph 18-24.001(2)(p).

(s) “Significant archaeological or historical value” as used in paragraph 259.105(9)(d), means a resource deemed of such significance by the Department of State, Division of Historical Resources.

Specific Authority 259.035(1),(4), 259.105(9),(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New \_\_\_\_\_.

#### 18-24.002 Public Purposes and Categories of Projects Qualifying for Funding.

(1) Projects proposed to be funded pursuant to paragraph 259.105(3)(b) must give weight to the criteria outlined in subsections 259.105(9) and (10), and shall meet at least two of the Florida Forever goals and measures outlined in subsection 259.105(4), as amended by the Florida Forever Advisory Council pursuant to Section 259.0345. Amendments to subsection 259.105(4) adopted in the 2001 legislative session shall be considered by ARC and the Board in their evaluations under this rule after the effective date of the 2001 amendments.

(2) To qualify for funding under paragraph 259.105(3)(b), a project also must be selected pursuant to the provisions of this rule, except as follows:

(a) An inholding or an addition to a project acquired by the Fund under paragraph 259.105(3)(b), if the estimated value of the inholding or addition does not exceed \$500,000, and the managing agency demonstrates in writing to the Division of State Lands that such inholding or addition is in furtherance of the public purpose established for the original acquisition project, or of the current public purpose, if changed;

(b) The remaining lands of a project which has been removed from the acquisition list because 90% or more of the acreage has been purchased by the state;

(c) Lands which qualify for emergency acquisition by the Board, under the Emergency Archaeological Property Acquisition Act of 1988, Section 253.027, Florida Statutes;

(d) Lands which qualify for emergency acquisition by the Board pursuant to paragraph 259.041(15)(c), when a significant portion of the lands contain natural communities or plant or animal species which are listed by the Florida Natural Areas Inventory as critically imperiled, imperiled, or rare, or as excellent quality occurrences of natural communities;

(e) De minimis lands, or;

(f) Lands acquired to facilitate resolution of a pending lawsuit involving the Board, when the Council determines that the property to be acquired is consistent with the goals and measures of the Florida Forever Program but was not proposed as an acquisition project under the Program due to its litigation status; and the Board determines the property to be acquired to be of significant natural or historical resource value and its purchase to be in the public interest.

Specific Authority 259.035(1),(4), 259.105(9),(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New \_\_\_\_\_.

#### 18-24.003 Application Procedures and Requirements.

(1) Applications must be submitted in writing to:

Florida Forever Program

Office of Environmental Services

Mail Station 140

Department of Environmental Protection

3900 Commonwealth Boulevard

Tallahassee, FL 32399-3000

(2) When prepared, the Department shall accept electronic versions of required application information in a format designated by the Department. Information regarding electronic applications can be obtained by writing to the address above.

(3) All acquisition project applications shall include the following:

(a) One original and twelve legible copies (or originals) of United States Geological Survey (USGS) topographic quadrangle maps, on which the boundaries of the project are clearly delineated.

(b) One original and three legible copies of tax maps, overlain on aerials if available, with the boundaries of the project clearly delineated. If tax aerial overlays are not available, the sponsor of an application shall submit aerials and tax maps separately.

(c) Thirteen legible copies of Florida Department of Transportation (FDOT) county general highway maps on which the boundaries of the proposed acquisition are clearly delineated.

(d) One legible or electronic copy of the property appraiser's tax identification card(s) with the tax assessed value and acreage of each parcel, description and value of improvements, ad valorem taxes assessed, and the names and addresses of each owner identified.

(e) A written statement from the applicant asserting that each owner has been contacted in compliance with subparagraph 259.105(7)(b)2.

(f) Thirteen copies of a written description of the lands being proposed for acquisition, including all of the following:

1. A descriptive location of the project and the total amount of acreage being proposed for inclusion.

2. The general physical, natural resource, biological, hydrological, archaeological and historical characteristics of the project.

3. Any potential recreational activities or other public uses that can be accommodated by the project.

4. Any known threats or development plans that could harm or diminish the values of the project.

5. Local resolutions, if any, concerning the potential public acquisition of the project.

6. A clear statement detailing how the project meets criteria and furthers the goals and objectives outlined in subsection 18-24.002(1).

7. A clear statement of whether the project is proposed for fee simple acquisition or less-than-fee acquisition, and why. If a less-than-fee acquisition is proposed, include a brief description of any known activities or property rights proposed to be acquired by the state and those proposed to be retained by the property owner.

(g) The applicant must provide thirteen copies of any oversized or color documents presented as part of the application for consideration by the Council.

(4) Each acquisition project application shall, within 30 days of receipt, be reviewed by staff to verify sufficiency of information in accordance with this section. Incomplete applications shall be returned to the applicant, with a letter stating every deficiency, for completion and resubmission within 30 days of the date of the deficiency letter. If the information is not received by the deadline, the entire file will be returned to the applicant.

Specific Authority 259.035(1),(4), 259.105(9),(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New \_\_\_\_\_.

18-24.004 Initial Review of Project Proposals.

(1) Complete applications shall receive an initial review by the Council starting within 60 days, or at the next regularly scheduled Council meeting, whichever occurs later. Initial review by the Council will consist of:

(a) Review of information provided by the applicant and other relevant information provided by Council staff, the Florida Natural Areas Inventory, Florida Fish and Wildlife Conservation Commission, Department of Environmental Protection, Department of State's Division of Historical Resources, Department of Community Affairs, Department of Agriculture and Consumer Services' Division of Forestry, and including consultation with the applicable water management district on projects where hydrological considerations are integral to the proposal.

(b) Verification that staff has notified all local governments within whose jurisdiction an acquisition project is located.

(c) Review of the comments provided by the public in support of, or in opposition to, each acquisition project application, including those obtained at one or more public hearings.

(d) Review of all evaluations and comments received.

(2) Upon completion of the initial review, the Council shall vote to determine which acquisition project applications shall move forward for full review. An affirmative vote of at least five of the Council members is required to move an acquisition project application to full review.

(3) An acquisition proposal that was not selected for the full review list shall be reconsidered by the Council during a subsequent review cycle if all of the following conditions are met:

(a) A written request for resubmission and a complete application is received in accordance with Section 18-24.003;

(b) The original acquisition proposal was submitted within the last three calendar years; and

(c) The request includes new or updated information since the last consideration by the Council.

Specific Authority 259.035(1),(4), 259.105(9),(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New \_\_\_\_\_.

18-24.005 Full Review of Project Proposals.

(1) An affirmative vote of at least five council members shall be required to initiate a full review of a project proposal.

(2) For all acquisition project applications voted by the Council to receive full review, a Project Evaluation Report shall be prepared by staff and presented to the Council. The Project Evaluation Report shall:

(a) Confirm or revise, as appropriate, the information provided in the initial acquisition project application and initial review.

(b) Provide a review, including a site visit by staff, of the natural resources, physical, hydrological, recreational, archaeological, historical, and geographic characteristics of the components of the application to determine:

1. The number of Florida Forever goals and measures that are met by the project, and the extent to which the project contributes to meeting each of those goals and measures.

2. The number of Florida Forever criteria that are met by the project, and the extent to which the project contributes to meeting each of those criteria.

(c) Provide the Council with each reporting element required by subsection 259.105(15).

(d) Include an assessment of the relative values of the proposed project for each criterion and goal, and overall, to assist the Council in grouping projects recommended for approval as outlined in Section 18-24.006.

(e) Include a confirmation of the project boundary as contained in the application and recommend boundary adjustments needed for resource protection, acquisition planning, and management, within the constraints of subparagraph 259.105(7)(b)2. This shall include a recommendation for which portions of the project required to be purchased, if any, might be declared surplus to the purposes of the project.

(f) Include a recommended manager for the project and a brief rationale for the recommendation, a management policy statement, and a management prospectus prepared pursuant to Section 259.032, Florida Statutes.

(3) Full review of acquisition projects by the Council shall consist of:

(a) Consideration of the Project Evaluation Report described above.

(b) Independent consideration by the Council of the provisions listed in paragraph 18-24.005(2)(b).

(c) The holding of one or more public hearings, advertised as required in the Florida Administrative Weekly and in newspapers serving areas affected by potential acquisitions, for the purpose of taking verbal and written comments from the public in support of, or in opposition to, projects under full review. The chair of the Council or his or her designee shall conduct such public hearings.

(4) The Council shall approve, approve with amendments, or reject the project evaluation report.

(5) By majority vote, the Council may direct staff to prepare, revise, or update a project boundary for a project already on the approved list. Modifications to the project boundary must be justified in writing and include an assessment of the resources.

Specific Authority 259.035(1),(4), 259.105(9),(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New \_\_\_\_\_.

18-24.006 Council Evaluation and Grouping.

(1) Following full review, the Council shall develop a list of projects for consideration by the Board in accordance with the provisions of paragraph 259.105(3)(b), and subsections 259.105(4), (8), (9), (10), (13), (14), (15), and (16).

(2) Following the full review of projects pursuant to Section 18-24.005, the Council shall select projects for inclusion on the list. An affirmative vote of at least five council members shall be required to place a project on the list to be presented to the Board.

(3) The Council shall evaluate the entire list of approved projects and group those for consideration by the Board as follows:

(a) Group A: Those acquisition projects proposed for approval, which will receive the highest priority for acquisition. Projects designated for Group A shall be so designated based on those which make the greatest contributions toward achieving the Florida Forever goals and measures, and the Florida Forever criteria. The number of projects designated for Group A shall be limited, as determined by the Council, based on the total estimated funds available for acquisition during the acquisition cycle for which the projects are scheduled, and the anticipated success rate of acquiring targeted projects.

(b) Group B: Those acquisition projects proposed for approval that are considered by the Council to be important, but not of the highest priority, based on the criteria stated in (a).

(c) Within Group A and Group B there will be three subgroups:

1. Fee Simple/Large Holdings Subgroup: Those acquisition projects made up predominantly of large ownerships to be acquired in fee simple;

2. Multi-Parcel or Small Holdings Subgroup: Those acquisition projects made up predominantly of small ownerships with individual values not exceeding one million dollars each; or individual acquisitions that are determined by the Council to contribute to achieving the Florida Forever goals, measures and criteria enough to qualify for acquisition, but are valued at less than one million dollars; and

3. Less-Than-Fee Acquisition Subgroup: Those acquisition projects where the majority of the project is proposed to be acquired in less than fee, such as conservation easements.

(d) Within each of the subgroups in Group A and Group B, special consideration shall be given based on each project's ability to meet the provisions of the Florida Forever criteria described in paragraphs 259.105(9)(j) and (l), and in subsection 259.105(10).

(4) Project groupings shall be determined by the Council based on the results of the full review detailed in Section 18-24.005.

(5) The estimated value of all projects recommended to the Board by the Council, shall exceed the amount of money available in the Fund for acquisition.

(6) All acquisition projects approved by the Board shall be eligible for funding, with available resources targeted initially toward projects in Group A. However, the Board may approve the purchase of any project from any group or subgroup in furtherance of the intent expressed in paragraph 259.105(2)(e).

(7) Before consideration for acquisition from the Fund, projects remaining on the Conservation and Recreation Lands (CARL) list shall be evaluated by the Council as directed by subsection 259.105(16). Those projects recommended for approval will then be grouped as described in subsection 18-24.006(3).

Specific Authority 259.035(1),(4), 259.105(9),(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New

18-24.007 Board of Trustees Consideration.

(1) The Board shall receive at a regularly scheduled public meeting, at least semiannually, the report of the Council pursuant to subsection 259.105(15) and act on the recommendations contained in that report pursuant to subsection 259.105(14).

(2) The Council's report will include a list of owners who have requested by certified mail that their property be removed from the list, and maps of the locations of such property, and the Council's recommendations for whether or not the Board should add such property back on the list. The Board may add those properties back into projects pursuant to the provision of subparagraph 259.105(7)(b)2.

(3) Upon final approval of the list, staff may proceed with acquisition of the projects contained thereon.

Specific Authority 259.035(1),(4), 259.105(9),(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New

18-24.008 Capital Improvement and Restoration Proposals.

(1) In order for a capital improvement project, whether restoration or other, to be eligible for access to the Fund, pursuant to paragraph 259.105(3)(b), the project must be presented for the consideration of the Council in an application from the managing entity, for work on lands acquired from the Fund.

(2) All capital improvement projects, whether restoration or other, which are presented in an application to the Council for funding consideration, must be included in a land management plan submitted and approved pursuant to Sections 253.034 and 259.032, Florida Statutes.

(3) All capital improvement project applications presented to the Council for funding consideration must include all of the following:

(a) A written description of the proposed project and its purpose(s), and how it helps achieve Florida Forever goals and measures.

(b) A description of the existing landscape where the project is proposed to occur, including known physical, natural resource, biological, hydrological, historical and archaeological characteristics.

(c) A map of the managed area with the location of the project precisely indicated, including any lands or activities outside the managed area potentially affected by the project.

(d) A description of the landscape changes or management objectives intended to be achieved by the project.

(e) A detailed description of the physical work to be performed to complete the project.

(f) A description of any recreational activities that may be enhanced, impeded or curtailed by the project.

(g) A description of how the project's success will be measured, or a detailed description of how the project's effects will be monitored.

(h) A detailed breakdown of the costs being requested from the Fund for the project.

(4) In measuring the relative merits of like restoration projects and like other capital improvement projects, the Council shall consider their contributions to Florida Forever goals, measures and criteria, and develop two capital improvement project lists, one for restoration and one for other, ranked accordingly.

(5) The Council shall present the two prioritized lists of capital improvement projects proposed for funding to the Board annually, as part of one of its reports submitted pursuant to subsection 259.105(15).

(6) Funding for all capital improvement projects shall not exceed 10 percent of the total annual allocation to the Fund. The Council may choose, in any annual funding cycle, to recommend for approval less than 10 percent of the total annual allocation to the fund for capital improvement projects.

Specific Authority 259.035(1),(4), 259.105(9),(18) FS. Law Implemented 259.0345, 259.035, 259.04, 259.041, 259.045, 259.07, 259.105 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Eva Armstrong, Director, Division of State Lands

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Internal Improvement Trust Fund

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 29, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 26, 2001

**DEPARTMENT OF CORRECTIONS**

RULE TITLE:  
Transfer of Inmates

RULE NO.:  
33-603.201

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct titles and clarify procedures relating to the transfer of inmates.

SUMMARY: The proposed rule clarifies relevant titles, provides exceptions for trailing escort vehicle requirements, and clarifies procedures relating to: the transfer of medical records during emergency situations; the transfer of certain classes of inmates; the authority of the transport officer in charge to utilize restraints for security reasons; restraint of prenatal and postpartum inmates; the use of handcuffs; the use of the electronic restraint belt; and, the release of inmates to private transport companies.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-603.201 Transfer of Inmates.

(1) For the purposes of this rule "transfer" shall mean the reassignment and movement of inmates from one institutional facility to another. "Transfer" does not include such movement as may be required for the normal operations of the Department such as outside trips sponsored by religious, Jaycee and Alcoholics Anonymous groups and trips by work and maintenance crews. The institutional inmate record and all sub-files must accompany any inmate being routinely transferred between department facilities, except in emergency situations. In emergency situations medical records will be transferred with the inmate except that in emergencies such as the evacuation of a facility, the medical records will be boxed together with all records going to one location and forwarded to the receiving institution(s) with the inmates or as soon as possible no inmate shall be transferred without the medical record. In such emergencies, individual packaging of medical records is waived. The institutional inmate record shall also accompany the inmate unless the inmate's health and welfare would be jeopardized if the transfer were delayed for the amount of time required to obtain the record. Local procedures shall be established to ensure that appropriate facility staff have access to the institutional inmate record during weekends, holidays, and after normal business hours. Such procedures

shall ensure that the security of the record is not compromised and that accountability for the record is maintained in the event that access is required other than during normal working hours. Following an emergency transfer, all other sub-files, such as the visiting record, educational record, property record, etc., shall be forwarded by the sending facility within 72 hours following the transfer.

(2) In order to ensure coordination in the operation of the transfer system, ensure the safety of the public, employees and inmates and to maintain proper security practices, a qualified officer must be in charge of each transfer. This rule shall also apply to work release ~~community correctional~~ centers except when inmate drivers are involved.

(3) No change.

(4) The transfer officer shall be responsible for maintaining schedules approved by the Bureau of Sentence Structure and Transportation Transfer Authority, supervising and instructing additional personnel assigned, guarding inmates, maintaining order and discipline and ensuring the secure and safe custody of inmates being transferred.

(5) No change.

(6) The vehicle shall be thoroughly searched and all security features inspected prior to boarding any inmates. Continuing checks shall be made periodically by the transfer officer while en route. Vehicle inspection shall be conducted given during the time the transfer vehicle is stopped prior to departing on or continuing a trip.

(7) through (9) No change.

(10) In transferring any death row, close management, or disciplinary confinement inmate, or any inmate determined by the Chief of Security Correctional Officer Chief to be a high-security risk inmate, the following will be required:

(a) The inmate shall be restrained with handcuffs, waist chains with a C and S handcuff cover (black box), and leg irons and transferred in a secure caged vehicle. The driver shall be unarmed in order to handle inmates en route if necessary.

(b) through (c) No change.

(d) Communication between the two vehicles is essential and is required ~~recommended~~ between both vehicles and the home station.

(e) The Chief of Security or shift supervisor is authorized to make individual exceptions to the assignment of a trailing escort vehicle for close management III and disciplinary confinement inmates.

(11) The transfer officer shall conduct a head count of inmates prior to departure and maintain continuing checks while en route and upon arrival at the receiving institution.

(12) No change.

(13) Manpower requirements shall vary depending upon the mode of transfer, the distance to be traveled and the type and number of inmates. Each situation must be thoroughly evaluated by the Chief of Security Correctional Officer Chief or shift supervisor prior to departure and appropriate personnel

assigned. A minimum of one armed correctional officer shall be assigned when there are close custody inmates to transfer except when special approval is received from the Director of Institutions Assistant Secretary for Security and Institutional Management. At all times, there must be at least one officer of the same sex as that of the inmate present during the transferring of medium, ~~or close,~~ or maximum custody inmates. There shall be no gender restrictions regarding the transfer of community or minimum custody inmates. Community or mMinimum custody inmates do not require restraints unless they are being transferred with close custody inmates or pose a security risk; however, there shall be an adequate number of officer escorts to provide appropriate supervision.

(14) Standard restraint equipment for the normal situation will be handcuffs and a restraint chain. Except as specifically outlined below, additional restraints, such as waist chains with a C and S handcuff cover (black box) and leg irons, shall be necessary when transferring death-row and close custody inmates, inmates who are extreme escape risks, inmates with serious assaultive tendencies, or any inmate determined by the Chief of Security Correctional Officer Chief to be a high security risk. Being legally responsible for the custody of inmates, the transfer officer in charge has the authority to apply restraints to community custody inmates and additional is unrestricted in the necessary application of restraints to medium or minimum custody inmates when he or she determines that such is necessary to ensure security.

(a) Use of restraint equipment, except for death row, close eustody, or any high security inmates, will not be necessary ~~When~~ inmates are transferred within the state from one secure perimeter to another secure perimeter provided and a specially designed secure transfer bus is used. ~~When a secure bus is used, close custody~~ inmates may shall be restrained with leg irons only and any other approved restraints deemed necessary by the transfer officer in charge. Death row and high-risk security inmates will require restraints as noted in (10) above during any transport.

(b) through (d) No change.

(e) During prenatal and postpartum periods, female inmates will not be restrained with their hands behind the back nor will leg irons be utilized due to the possibility of a fall. Waist chains with the C&S handcuff cover (black box) will not be worn when there is any danger of causing harm to the inmate or fetus.

(e) through (f) renumbered (f) through (g) No change.

(h)(g) An inmate shall not be handcuffed behind his or her back or handcuffed shackled to a stationary object in a moving vehicle.

(i)(h) No change.

(15) An Electronic Restraint Belt may be used in cases involving high profile transports outside the secure perimeter of an institution where in the judgment of the security staff the

use of the belt is warranted. Prior to usage of the Electronic Restraint Belt, written, signed approval must be obtained from the Office of Institutions, Bureau Chief of Security Operations.

~~(16)(15)~~ Because the carrying of firearms in the transferring of inmates is extremely hazardous, in those instances where it is advisable for firearms to be carried, such equipment must be kept in a secure place or on the person of an officer who will not come in direct contact with an inmate during the entire trip. Firearms shall not be carried by any of the escorting officers while in a car, plane or train unless the inmate is securely restrained and positive precautionary measures have been taken that will preclude contact between inmates and the armed officer. Use of firearms shall be in accordance with Rule 33-602.210, Florida Administrative Code.

~~(17)(16)~~ No change.

~~(18)(17)~~ Transfer by Commercial Airlines. ~~The majority of T~~ransfers via airlines shall be coordinated by the Bureau of Sentence Structure and Transportation Central Transfer Authority. The Bureau of Sentence Structure and Transportation Central Transfer Authority shall maintain liaison with the airlines and formulate standard operating procedures in accordance with Federal Aviation Agency and airline regulations.

~~(19)(18)~~ Private Transport Companies. The Department is authorized to contract with private transport companies for the transfer of prisoners both within and beyond the limits of this state.

(a) through (b)4. No change.

5. Each transfer vehicle operated by the transport company must be maintained in a condition meeting the specific requirements of Chapter 316, Florida Statutes, and be mechanically safe to transfer inmates. Transfer vehicles used outside the State of Florida must be maintained in a condition meeting the specific requirements of that state.

6. through 8. No change.

9. Correctional administrators will refuse to release death row, close custody, or other high-risk inmates to a private transport company or other law enforcement agencies that do not have an armed officer assigned or who do not provide a secure vehicle for transport. In these situations, the institution will:

a. Refuse to release the inmate and advise the transport company or law enforcement officer to stand by.

b. Contact the Population Management section of the Bureau of Sentence Structure and Transportation during normal working hours.

c. On weekends, holidays, or after normal working hours, contact the Emergency Action Center which will notify appropriate central office staff.

d. Population Management staff will contact the on duty supervisor for the private transport agency or law enforcement agency involved and advise him or her of the specific concern. This will be documented and the results of this contact relayed to the involved institutional staff providing specific directions regarding release.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 7-12-86, Amended 5-21-92, 1-6-94, 2-12-97, 11-8-98, Formerly 33-7.009, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Richard Dugger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Moore, Secretary, Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2000

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid**

RULE TITLE: County Health Department Clinic Services  
RULE NO.: 59G-4.055

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid County Health Department Clinic Services Coverage and Limitations Handbook, September 2000.

SUMMARY: The Florida Medicaid County Health Department Clinic Services Coverage Limitations Handbook contains updated policy for Family Planning Waiver Services, Family Planning HIV Counseling, and policy clarifications, as indicated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 10:00 a.m., May 9, 2001

PLACE: 2727 Ft. Knox Blvd., Building 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Aloï, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7330

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.055 County Health Department Clinic Services.

(1) This rule applies to all county health department clinic services providers enrolled in the Medicaid program.

(2) All county health department clinic services providers enrolled in the Medicaid program must comply with the Florida Medicaid County ~~Public Health Department Unit~~ Clinic Services Coverage and Limitations Handbook, ~~September 2000 December 1996~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA 1500 and ~~Child Health Check-Up EPSDT~~ 221, incorporated by reference in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New 6-27-93, Formerly 10P-4.350, Amended 4-16-95, 6-4-96, 6-24-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kay Aloï

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2000

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
Division of Recreation and Parks**

DOCKET NO.: 01-04R

RULE CHAPTER TITLE: Florida Recreation Development Assistance Program  
RULE CHAPTER NO.: 62D-5

RULE TITLES:	RULE NOS.:
Definitions	62D-5.054
General Requirements	62D-5.055
Application Requirements and Processing	62D-5.056
Evaluation Criteria	62D-5.057
Grant Administration	62D-5.058

PURPOSE AND EFFECT: The Florida Recreation Development Assistance Program (FRDAP) is a competitive program which provides grants for acquisition and development of land for public outdoor recreation use. The purpose of this amendment is to provide a third funding category for trail construction and renovation. It will facilitate grants for trails which have historically not been able to score high enough to obtain grants.

SUMMARY: The proposed rule provides for definitions for a third funding category for trail construction and renovation. The proposed rule provides evaluation criteria with point values for trail construction and renovation. The proposed rule updates allowable support facilities to include a combined restroom/concession stand. The proposed rule adds several new definitions for the trails category and clarifies the existing

rule by adding definitions for Project Completion, Ineligible Match Source, Eligible Site, and Duplicate Projects. The proposed rule prohibits certain overlapping grants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 375.075 FS.

LAW IMPLEMENTED: 375.075 FS.

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

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist, Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Terri Messler, 3900 Commonwealth Blvd., MS 585, Tallahassee, Florida 32399-3000, (850)488-7896

THE FULL TEXT OF THE PROPOSED RULES IS:

62D-5.054 Definitions.

The terms used in this part are defined as follows:

(1) through (18) No change.

(19) “GREENWAY PLAN” means an adopted local or regional plan describing the acquisition and development of a system proposed to link natural areas, open spaces and trails in the area served.

(20) “GREENWAYS AND TRAILS PLAN” means the document entitled “Connecting Florida’s Communities with Greenways and Trails”, dated September, 1998, and available from the Office of Greenways and Trails, 3900 Commonwealth Boulevard, MS 795, Tallahassee, Florida 32399-3000, (850)488-3701.

(19) through (22) renumbered (21) through (24) No change.

~~(24) “NRTFP” means the National Recreational Trails Funding Program, also known as “Recreational Trails Program”.~~

(25) “LWCF” means the Land and Water Conservation Fund, administered pursuant to Chapter 62D-5, Part VII, Florida Administrative Code.

~~(26)(23)~~ No change.

(27) “MIXED-USE/MULTI-USE TRAIL” means a trail or corridor designated for more than one use, including motorized or non-motorized uses.



(28) “MOTORIZED TRAIL” means a trail specifically for off-road recreational motorized vehicular activities, including all-terrain vehicle riding, motorcycling, use of off-road light trucks, e-bikes, or other off-road motorized vehicles.

(25) through (26) renumbered (29) through (30) No change.

(31) “NONMOTORIZED TRAIL” means a trail designated for foot, bicycle, canoe/kayak, equestrian traffic, or other nonmotorized uses.

(27) through (29) renumbered (32) through (34) No change.

(35)(30) “PRIMARY FACILITY” means any facility which could stand alone and provide outdoor recreation without a support facility. Examples of primary facilities are: beach access, trailhead and trailside facilities, fishing piers, boat ramps and docks, canoe trails, boardwalks, observation towers, ball fields, tennis and basketball courts, playgrounds, hiking, nature and bike trails, or skate facilities.

(31) through (35) renumbered (36) through (40) No change.

(41) “PROJECT COMPLETION” means the project is open and available for use by the public. Project must be designated complete prior to release of final reimbursement.

(36) through (43) renumbered (42) through (49) No change.

(50) “RTP” means the Recreation Trails Program of the Office of Greenways and Trails, administered pursuant to Chapter 62S-2, Florida Administrative Code.

(44) through (46) renumbered (51) through (53) No change.

(54)(47) “SUPPORT FACILITY” means a facility which could not stand alone, or which would have little or no public outdoor recreational value without the primary facility. Examples of support facilities are: parking lots, rest rooms, bathhouses, combined restroom-concession stand buildings, access roads, walkways, landscaping, security lighting and fencing, and interpretive signs.

(55) “TRAIL CONSTRUCTION” means the act of developing new or renovating recreational trails, which may include trailhead and trailside facilities.

(56) “TRAIL SYSTEM” means a set of interconnected components that function as a whole and thereby achieve a behavior or performance that is different than the sum of each of the components taken separately.

(57) “TRAILHEAD” means a point of access to a trail. It shall be accessible from a public road and have restrooms and parking available.

Specific Authority 375.075 FS. Law Implemented 375.075 FS. History—New 12-10-90, Formerly 16D-5.054, Amended 8-23-00,\_\_\_\_\_.

62D-5.055 General Requirements.

The following constitutes the general procedures for the program:

(1) through (3) No change.

(4) MATCH REQUIREMENTS. Match requirements for FRDAP grants are set forth below:

(a) through (b) No change.

(c) Ineligible Match Sources. Land value of property acquired through FRDAP or other state and federal grant land acquisition programs, such as: Land and Water Conservation Funds, legislative special interest projects, Florida Communities Trust, Conservation and Recreation Lands Program (CARL), Save Our Rivers, Preservation 2000, Florida Forever, Recreational Trails Program (RTP), and Land Acquisition Trust Fund (LATF).

(5) through (6) No change.

(7) RECOMMENDED APPLICATION PRIORITY LIST. The program amount assigned to each fund, established pursuant to Subsection 62D-5.055(6), shall be divided into ~~two~~ three categories: acquisition, and development, and trail construction. The fund amount assigned to each category is based on the percentage of funds in each category in relationship to the total amount of requested funds in all eligible project applications for each fund. Likewise, eligible project applications shall be divided into land acquisition, and facility development, and trail construction categories in each fund and evaluated according to Section 62D-5.057. A total point score shall be assigned to each application upon evaluation of each under Sections 5.056 and 5.057. Department staff shall prepare one priority list for each fund. Applications shall be ranked on the priority list according to assigned point scores. The application with the highest score will receive the highest priority. The remaining applications will be arranged in descending order according to their assigned point scores. Applications scoring below the minimum, established pursuant to ~~Section paragraph~~ 62D-5.056(3)(b), shall not be placed on the priority list. The priority list shall include recommendations for distribution of available program funds. In the event there are insufficient applications to account for all program funds assigned to a category or fund, the remaining funds shall then be allocated to the other category or fund.

(8) through (10) No change.

Specific Authority 375.075 FS. Law Implemented 375.075 FS. History—New 12-10-90, Formerly 16D-5.055, Amended 8-23-00,\_\_\_\_\_.

62D-5.056 Application Requirements and Processing.

The Department shall approve applications for program grants in order of priority until all program funds are depleted under the following standards and criteria:

(1) No change.

(2) PROJECT ELIGIBILITY.

(a) No change.

(b) Eligible Site: The site of a FRDAP development project shall be owned by the applicant, or shall be under lease to the applicant for a period of time sufficient to satisfy the dedication period required by this rule. Other forms of real

property interest will be considered if the applicant provides clear and explicit documentation showing that it has the sole ability to control, manage, and dedicate the park for the required period of time; and that such interest cannot be unilaterally or arbitrarily canceled by the grantor of the interest. The site of a FRDAP development project shall be controlled By the closing date of the application submission period, (owned, leased, or managed by or dedicated by) the grantee by the closing date of the application submission period. Eligible sites shall not include school board property, where the site shall be used primarily for educational or school related purposes. Eligible sites shall be dedicated or managed for public recreational use pursuant to Section 62D-5.059.

(c) through (d) No change.

(e) Duplicate Projects: A grantee shall not apply for FRDAP funds to complete an approved or incomplete FRDAP, LWCF, or RTP project. An applicant shall not submit the same application, in whole or in part, for more than one of the following: Florida Recreation Development Assistance Program, Land and Water Conservation Fund, or Recreational Trails Program, in concurrent or overlapping funding cycles.

(3) ELIGIBILITY DETERMINATION. Following closure of an application submission period, Department staff will review and determine the eligibility of each applicant based on the following:

(a) Deficiency Documentation: The applicant may retain eligibility by submitting documentation missing from the application, such as: proof that applicant had site control by the submission period deadline, evaluation criteria, cost estimate, site development plan, or survey. This documentation must be submitted within fifteen working days from date of deficiency notification.

(b) No change.

(4) through (6) No change.

Specific Authority 375.075 FS. Law Implemented 375.075 FS. History--New 12-10-90, Formerly 16D-5.056, Amended 8-23-00,\_\_\_\_\_.

62D-5.057 Evaluation Criteria.

Pursuant to Subsection 62D-5.055(7), a total point score shall be assigned to each eligible application after an evaluation according to the application criteria which follows:

(1) through (3) No change.

(4) TRAIL CONSTRUCTION CRITERIA.

(a) The project provides for new trail construction on an entirely undeveloped park property: 5 points

(b) The project addresses one or more of the recommendations identified in the Greenways and Trails Plan: 6 points

(c) The project is located on or connects with a Florida Designated Greenway or Trail: 3 points

(d) The project implements a Greenway Plan: 4 points

(e) The specific trail design demonstrates that the project will support mixed use/multi-use trail opportunities: 8 points

or

Single use recreational trail opportunities: 6 points

(f) The project addresses the priority funding needs for new construction, renovation, or a combination of the two for the applicant's population density identified in the Department's study entitled "Infrastructure Assessment of Local Government Recreation and Park Department Facility Needs in the State of Florida", effective December 1995, available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-7896, and incorporated herein by reference for one of the following:

Higher priority or combination of new construction and renovation: 13 points

Lower priority: 8 points

Specific Authority 375.075 FS. Law Implemented 375.075(2) FS. History--New 12-10-90, Formerly 16D-5.057, Amended 8-23-00,\_\_\_\_\_.

62D-5.058 Grant Administration.

The following constitutes procedures for administration of program grants:

(1) through (6) No change.

(7) DEVELOPMENT PROJECTS AND TRAIL CONSTRUCTION. The following constitutes the specific procedures for administration of development projects:

(a) through (b) No change.

(c) Commencement Documentation. Prior to commencement of project construction, the grantee shall submit for approval the documentation described in the Florida Recreation Development Assistance Program Development Project Commencement/Reimbursement Documentation Form, FPS-A034, effective 08/23/00, hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-7896.

1. Project Permitting ~~Preconstruction~~ Certification. The grantee shall submit to the Department a Project Permitting ~~Preconstruction~~ Certificate, FPS-A035, effective date 08/23/00, hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-7896.

2. through 3. No change.

(d) through (e) No change.

Specific Authority 375.075 FS. Law Implemented 375.075 FS. History--New 12-10-90, Formerly 16D-5.058, Amended 8-23-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Terri Messler, Community Program Administrator, Bureau of Design and Recreation Services, 3900 Commonwealth Blvd., MS 585, Tallahassee, Florida 32399-3000, (850)488-7896

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Fran Mainella, Director, Division of Recreation and Parks, 3900 Commonwealth Blvd., MS 500, Tallahassee, Florida 32399-3000, (850)488-6131

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 29, 2000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Recreation and Parks

DOCKET NO.: 99-58R

RULE CHAPTER TITLE: Land And Water Conservation

RULE CHAPTER NO.: 62D-5

Fund Program

RULE TITLES: Purpose

Definitions

General Requirements

Application Requirements and Processing

Evaluation Criteria

Grant Administration

Compliance Responsibilities

PURPOSE AND EFFECT: The Land and Water Conservation Fund (LWCF) is a competitive program which provides grants for acquisition and development of land for public outdoor recreation use. The purpose of this part is to set forth procedures to govern the program.

SUMMARY: The proposed rule provides a purpose for the LWCF. The proposed rule provides definitions. The proposed rule provides general requirements. The proposed rule provides application requirements and processing information. The proposed rule provides evaluation criteria with point values. The proposed rule details grant administration and compliance responsibilities. The proposed rule prohibits certain overlapping grants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.1823(1) FS.

LAW IMPLEMENTED: 375.021(4), 403.1823(2), 403.1826, 403.1832 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 noon, May 9, 2001

PLACE: Kissimmee Civic Center, 201 E. Dakin Av., Kissimmee, Florida 34741, (407)935-1412

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Collier Clark, Advisory Services Manager, Bureau of Design and Recreation Services, 3900 Commonwealth Blvd., MS 585, Tallahassee, Florida 32399-3000, (850)488-7896

THE FULL TEXT OF THE PROPOSED RULES IS:

62D-5.068 Purpose.

The federal Land and Water Conservation Fund (LWCF), established by the U.S. Congress upon enactment of the Land and Water Conservation Fund Act of 1965 (Public Law 88-578, 78 Statute 897, as amended), provides matching grants to the State of Florida, and through the State to governmental entities, for the acquisition and development of land for public outdoor recreation purposes. The National Park Service (NPS) and the Florida Department of Environmental Protection (Department) administer the program on behalf of the U.S. Department of the Interior and the State of Florida, respectively. After federal apportionment, NPS provides LWCF funds to the State of Florida and the Florida Legislature provides expenditure authority to the Department. The purpose of this Part is to set forth policies and procedures for the Department to implement the LWCF grant program. The Department is authorized to participate in the LWCF pursuant to subsection 375.021(4), Florida Statutes.

Specific Authority 403.1823(1) FS. Law Implemented 375.021(4), 403.1823(2), 403.1826, 403.1832 FS. History—New

62D-5.069 Definitions.

The basic terms utilized in this part are defined as follows:

(1) "Acquisition" means the act of obtaining real property or interests and rights therein by various legal means to serve public outdoor recreation purposes.

(2) "Applicant" means a local governmental entity which submits an application for Land and Water Conservation Fund (LWCF) funds to the Department during an announced application submission period.

(3) "Application" means a formal request for LWCF funds by an applicant consisting of a project proposal with required documentation.

(4) "Application Submission Period" means the period of time announced by the Department in the Florida Administrative Weekly for the submission of LWCF applications by local governmental entities for a single funding cycle.

(5) "Cash" means money paid by a grantee to purchase goods and services from private and independent sources for accomplishment of an approved LWCF project. In-kind service costs are not defined as cash.

(6) “Department” means the Florida Department of Environmental Protection.

(7) “Development” means the act of physically improving an area, facility, resource, or site to increase its ability or capacity to serve public outdoor recreation purposes.

(8) “Division” means the Division of Recreation and Parks of the Department.

(9) “Division of State Lands” means the Division of State Lands of the Department.

(10) “Evaluation Criteria” means the standards used by the Department to evaluate LWCF applications.

(11) “Facilities” means capital improvement projects which provide or assist in providing outdoor recreation opportunities.

(12) “Fiscal Year” means the State of Florida fiscal year, July 1 - June 30.

(13) “FRDAP” means the Florida Recreation Development Assistance Program administered pursuant to Chapter 62D-5, Part V, Florida Administrative Code.

(14) “Funding Cycle” means the interval of time between the opening of an LWCF application submission period and grant award by the National Park Service (NPS).

(15) “Grant” means program funds authorized by NPS for release to the State, and by the Secretary of the Department for release to a grantee, for implementation of an approved program project.

(16) “Grantee” means a local governmental entity receiving LWCF funds pursuant to an approved LWCF application.

(17) “In-Kind Service Costs” means in-house expenses incurred by a grantee for labor and materials and grantee-owned and maintained equipment for accomplishment of an approved LWCF project.

(18) “Land Value” means the current appraised value of donated land used by a grantee to match LWCF funds.

(19) “Linear Park” means an active or passive outdoor area of linear design that provides or connects recreation, park land, or open space areas.

(20) “Local Comprehensive Plan” means a plan adopted pursuant to Chapter 163, Florida Statutes.

(21) “LWCF” means the Land and Water Conservation Fund Program.

(22) “Manual” means the Land and Water Conservation Fund Program Grants Manual published by the National Park Service of the United States Department of the Interior, available from the Department, Bureau of Design and Recreation Services, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-7896.

(23) “Match” means the provision of cash, in-kind services and value of donated real property in the ratio required to be added to LWCF funds by the grantee for the project cost.

(24) “Needs” means a deficiency in or a necessity to carry out a predetermined level of service.

(25) “New Construction” means building new facilities.

(26) “NPS” means the National Park Service of the United States Department of the Interior.

(27) “Open Space” means an outdoor area whose purpose is to provide a source of recreation and contributes to environmental harmony through the enrichment of flora, fauna and geological features.

(28) “Outdoor Recreation” means the pursuit of leisure activities in an outdoor environment.

(29) “Part” means Part VII of Chapter 62D-5, Florida Administrative Code.

(30) “Plan” means the currently effective state comprehensive outdoor recreation plan (“SCORP”) for the State of Florida, dated March 1994 and available from the Office of Park Planning, Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 525, Tallahassee, Florida 32399-3000, (850)488-2200.

(31) “Preagreement Expenses” means expenses incurred by the grantee, with Department approval, for accomplishment of an eligible LWCF project prior to execution of a project agreement.

(32) “Program” means the Land and Water Conservation Fund Program.

(33) “Program Amount” means the amount of LWCF funds available during any funding cycle.

(34) “Project” means a planned undertaking in which all actions or activities have a clear-cut identity and a well-defined common outdoor recreation objective and which has been planned to the point of definite implementation.

(35) “Project Agreement” means an executed contract between the Department and a grantee setting forth mutual obligations regarding an approved LWCF project.

(36) “Project Completion Date” means the date specified in a project agreement by which the grantee shall complete an approved LWCF project and incur all grant and match-related expenses. The project is not complete until it is open to the public for use.

(37) “Project Cost” means the total of the LWCF grant award and required match.

(38) “Project Element” means an identified segment of a project with related facilities or improvements.

(39) “Project Period” means the period of time set forth in a project agreement during which eligible project costs may be incurred and charged to the grant.

(40) “Project Site” means the specific area, defined by a survey or project boundary map and legal description, where LWCF funds are used for an approved project.

(41) “Real Property” means land and improvements attached to or affixed to the land.

(42) “Renovation/Repair” means the restoration of a facility or project area that has deteriorated due to natural causes to the point where its usefulness is impaired to an improved state suitable for public use. This does not include restoration of a facility which has deteriorated due to inadequate maintenance during its reasonable lifetime.

(43) “RTP” means Recreational Trails Program administered by the Office of Greenways and Trails of the Department pursuant to Chapter 62S-2, Florida Administrative Code.

(44) “Secretary” means the Secretary of Department

(45) “Staff” means Division staff of Department.

(46) “State” means the State of Florida.

(47) “Waiver of Retroactivity” means written Department authorization that an acquisition project may be commenced by an applicant prior to NPS approval of a program application. Such authorization does not constitute or imply Department or NPS approval of a future LWCF application.

Specific Authority 403.1823(1) FS. Law Implemented 375.021(4), 403.1823(2), 403.1826, 403.1832 FS. History—New

#### 62D-5.070 General Requirements.

The following constitutes the general requirements for the program:

(1) DISTRIBUTION OF PROGRAM FUNDS. LWCF funds are distributed as grants by the Department on a matching, project-by-project basis, to approved applicants after a competitive evaluation of eligible program applications submitted within announced application submission periods. The Department's performance and obligation to award program grants are contingent upon an annual apportionment from NPS and expenditure authorization by the Florida Legislature.

(2) MANUAL. The Department, applicants, and grantees shall meet all program requirements set forth in the Land and Water Conservation Fund Grants Manual. The manual is hereby incorporated by reference and is available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000.

(3) PLAN. All projects receiving grant assistance through LWCF shall implement the Plan.

(4) ELIGIBLE APPLICANTS. All local governmental entities with the legal responsibility for the provision of outdoor recreational sites and facilities for the use and benefit of the public may submit LWCF applications during the application submission period.

(5) PROJECT ELIGIBILITY. LWCF grants are awarded to grantees for projects that are for the sole purpose of providing outdoor recreation opportunities to the public. Applicants may request funds for the following types of projects:

(a) Acquisition. The acquisition of real property or interests and rights therein by various legal means.

(b) Development. Projects for the construction, expansion, renovation/repair or installation of the following:

1. Primary Facilities. LWCF funds are awarded for one or a combination of natural or man-made sites and facilities, such as: beach access improvements, fishing piers, boat ramps and docks, canoe trails, boardwalks and riverwalks, observation towers, baseball and softball fields, tennis and basketball courts, playgrounds, and hiking, interpretive, and bicycle trails. Enclosed buildings and structures are ineligible facilities. Primary facility cost must be equal to, or greater than, 50 percent of the total project cost.

2. Support Facilities and Improvements. LWCF funds can be awarded for support facilities and improvements, such as: parking lots, rest rooms, bathhouses, combined restroom-concession stand buildings, access roads, landscaping, lighting, fencing, signs, and handicap ramps which would have little or no recreational value without the primary facilities. Enclosed buildings and structures, except for rest rooms, bathhouses, and combined restroom-concession stand buildings are ineligible facilities.

(6) MATCH REQUIREMENTS. Match requirements for LWCF grant projects are set forth below:

(a) Matching Basis. LWCF assistance is provided on a 50 percent (program/grantee) matching basis.

(b) Eligible Match Types. A grantee may utilize the following types of match sources:

1. Development Project:

a. Cash;

b. In-kind service costs; or

c. Donated real property pursuant to this Part and the Manual.

2. Acquisition Project:

a. Cash; or

b. Real property donated pursuant to this Part and the Manual.

(c) Ineligible Match Types. Ineligible match sources include real property acquired or funds obtained from any of the following sources:

1. FRDAP, RTP, and LWCF funds;

2. Donated value of real property acquired prior to Department approval or through LWCF; and

3. Other state or federal grant or land acquisition programs such as: legislative special interest projects, Save Our Coast Program, Preservation 2000, Florida Forever, Conservation and Recreation Lands Program, Save Our Rivers Program, and Land Acquisition Trust Fund. Funding sources identified in Sections 640.1.7 and 670.1.5 of the Manual are eligible match types.

(7) GRANT AWARD. The Secretary shall approve applications to the extent of available program funds, based on a review of the recommended application priority lists established pursuant to subsections 62D-5.070(8) and (9) of this Part.

(8) PROGRAM AMOUNT ALLOCATION. The program amount shall be divided into two categories: acquisition and development. The acquisition category will be assigned the first 25 percent of the program amount. The remaining program amount will be assigned to the acquisition and development categories based on the percentage of funds requested in each category in relationship to the total amount of requested funds in all eligible program applications.

(9) RECOMMENDED APPLICATION PRIORITY LISTS. All eligible applications shall be divided into acquisition and development categories and evaluated according to Section 62D-5.072 of this Part. A total point score shall be assigned to each application. Department staff shall prepare two priority lists according to the type of category: acquisition and development. Applications shall be ranked on the priority lists according to assigned point scores. The application with the highest score will receive the highest priority. The remaining applications will be arranged in descending order according to their assigned point scores. The priority lists shall rank all eligible applications and include recommendations for distribution of available program funds. In the event there are insufficient applications to account for all program funds assigned to one category, the remaining funds may be applied to the other category.

(10) SITE CONTROL. The site of an LWCF development project shall be owned by the applicant, or shall be under lease to the applicant from another public agency for a period of time sufficient to satisfy the dedication period required by this rule. Other forms of real property interest will be considered if the applicant provides clear and explicit documentation showing that it has the sole ability to control, manage, and dedicate the park for the required period of time; and that such interest cannot be unilaterally or arbitrarily canceled by the grantor of the interest. Eligible sites shall not include school board property. Eligible sites shall be dedicated or managed for public outdoor recreational use pursuant to Section 62D-5.074 of this Part.

(11) RETROACTIVE PROJECTS. Land acquired for public outdoor recreation purposes prior to the date of project approval by NPS shall be eligible for LWCF consideration if the applicant obtains a waiver of retroactivity from Department staff before entering into formal negotiations to acquire the property. Prior to undertaking such negotiations, an applicant shall contact Department staff at Bureau of Design and Recreation Services, Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-7896, for forms and instructions.

(12) HANDICAPPED ACCESSIBILITY. Grantee must comply with Section 553.501-.513, Florida Statutes, and the Uniform Federal Accessibility Standards. These standards are incorporated by reference and may be obtained from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896.

(13) PUBLIC ACCESSIBILITY. Program projects must be accessible to the public on a non-exclusive basis without regard to age, sex, race, religion, marital status, disability, or ethnic group.

(14) ENTRANCE FEES. Reasonable differences in admission fees on the basis of residence for program projects are permitted if they comply with Section 675.9.2.B of the Manual.

(15) FEDERAL COMPLIANCE AND ASSURANCES. LWCF applicants and approved grantees shall comply with all federal laws, rules, and regulations pursuant to sections 650.1 and 660.3 of the Manual.

(16) NATIVE PLANTINGS. In developing a project site with program funds, a grantee shall use only vegetation native to the area except for lawn grasses.

(17) UNSETTLED CLAIMS. The Department shall deny or suspend program eligibility or withhold grant funds to any applicant or grantee against which the Department has an unsettled financial claim.

Specific Authority 403.1823(1) FS. Law Implemented 375.021(4), 403.1823(2), 403.1826, 403.1832 FS. History—New

#### 62D-5.071 Application Requirements and Processing.

The following constitutes the general requirements and procedures for application submittal and processing:

(1) APPLICATION SUBMISSION PERIOD: The Department shall accept program applications only during the application submission period. Applications shall be postmarked or received on or before the last day of the application submission period. The Department shall publicize the dates of the application submission period and other pertinent application information specified in this rule in the Florida Administrative Weekly. The Department shall announce additional application submission periods if sufficient funds remain after the initial funding cycle.

(2) MAXIMUM REQUEST: The Department shall announce the maximum funds that an applicant may request in a LWCF application when publicizing the establishment of an application submission period. The amount will depend on the level of federal funding available.

(3) NUMBER OF APPLICATIONS: An applicant may submit only one application during each announced application submission period. The application may contain no more than one project site except for sandy beach access sites.

(4) DUPLICATE PROJECTS: A grantee shall not apply for LWCF funds to complete an approved project funded by LWCF, FRDAP, RTP, or other sources such as those identified in subsection 62D-5.070(6)(c) of this Part. An applicant shall not submit the same application, in whole or in part, under LWCF, RTP, or FRDAP in concurrent or overlapping funding cycles.

(5) ACTIVE PROJECTS: A grantee with two incomplete LWCF projects by the closing date of the announced application submission period shall not be allowed to apply for additional program funds.

(6) OUTDOOR RECREATION: LWCF grants shall only be awarded to grantees for projects that are for the sole purpose of providing outdoor recreational opportunities to the public.

(7) APPLICATION FORMS. The Land and Water Conservation Fund Program Application Form, FPS-A047, [effective date], is hereby incorporated by reference and is available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896.

(8) ELIGIBILITY DETERMINATION. Following closure of an application submission period, staff will review and determine the eligibility based on the following:

(a) Deficiency Documentation: The applicant may retain eligibility by submitting documentation missing from the application, such as: proof that applicant had site control by the submission period deadline, evaluation criteria, cost estimate, site development plan, or survey. This documentation must be submitted within 15 working days from date of deficiency notification.

(b) Ineligibility: an application, in whole or in part, may be declared ineligible by the Department pursuant to subsection 62D-5.070(10) and subsection 62D.5.071(3)-(6) of this Part. The Department may determine that a project site or facility is not viable or practical. A project site would not be considered practical if it has documented and unresolved environmental violations on the site.

(c) Application Evaluation: Each eligible application shall be evaluated on the basis of the information provided in the application and in accordance with Section 62D-5.072 of this Part. Each shall be assigned a total point score pursuant to subsection 62D-5.070(9) of this Part.

(9) PROJECT DOCUMENTATION. Following Secretary approval of the priority list of applications, the grantees shall submit to the Department the documentation described in the Land and Water Conservation Fund Program Approved Project Documentation Form, FPS-A048, [effective date], hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896. This documentation must be submitted in order for Department to apply for federal grant funds pursuant to Section 62D-5.068 of this Part.

(a) Appraisal. Prior to the Department staff authorizing the grantee to commence acquisition procedures for acquisition projects and projects where the seller is donating real property as all or part of the grantee's matching funds, the grantee shall submit to the Department an appraisal(s) obtained at its own expense, prepared in accordance with uniform appraisal standards for federal land acquisitions, which establishes the fair market value of the project site. The fair market value of the project site shall be based on its highest and best use. If the property is \$500,000 or less in appraised value, one appraisal is required. If the property exceeds \$500,000 in appraised value, a second appraisal is required. The appraisal(s) shall be dated no earlier than six months prior to the closing date of the LWCF application submission period and prepared by an appraiser on the list of approved appraisers maintained by the Department's Division of State Lands under provisions of paragraphs 253.025(6)(b), F.S., 259.041(7)(c), F.S., and Section 18-1.007, F.A.C. The list of approved appraisers may be obtained from the Division of State Lands, Bureau of Appraisal, 3900 Commonwealth Boulevard, Mail Station #110, Tallahassee, Florida 32399-3000, (850)488-9025. The Bureau of Appraisal shall approve the appraisals prior to submittal of the State application by the Department to NPS. The project cost is based on the purchase price or appraised value, whichever is lower. If two appraisals are required for the project, the lower of the purchase price or the approved appraised values is the basis of the project cost. Appraisal costs are ineligible project costs.

(b) Survey or Boundary Map. The grantee shall submit project site boundary information to the Department as follows:

1. Acquisition Project. The grantee shall submit a survey of the project site. The survey shall include a legal description of the property, be updated to within one year of the closure date of the application submission period and be prepared by a Florida registered land surveyor and mapper. Along with the survey, the grantee shall submit the results of a title search for the project area. The search shall cover the thirty-year period prior to the Secretary's approval of the project list. Survey and title search expenses are ineligible project costs.

2. Development Project. The grantee shall submit a boundary map of the project site pursuant to Section 660.2.6 of the Manual.

(10) APPLICATION EVALUATION. All eligible project applications will be reviewed on the basis of information provided in the applications in accordance with Section 62D-5.072 of this Part.

(11) UNFUNDED AND INELIGIBLE APPLICATIONS. Any unfunded or ineligible application may be returned to the applicant upon request. If no request is made within 30 days after notification of grant awards, unfunded applications shall be discarded by staff.

Specific Authority 403.1823(1) FS. Law Implemented 375.021(4), 403.1823(2), 403.1826, 403.1832 FS. History—New \_\_\_\_\_.

62D-5.072 Evaluation Criteria.

In addition to provisions set forth in this part, an eligible application's standing among competing eligible applications shall be determined by the extent to which it is determined to meet the criteria set forth in this section. Pursuant to subsection 62D-5.070(9), a total point score shall be assigned to each application after an evaluation according to the general criteria and, depending upon the type of project, either the acquisition or development criteria.

(1) GENERAL CRITERIA.

Points shall be awarded as follows:

(a) The project implements the applicant's adopted local comprehensive plan and is included in their capital improvement plan or schedule (CIP) during the current or next three fiscal year: 20 points.

or

is included as part of the plan through an adopted resolution committing the applicant to amend its CIP and complete the project should it receive program funds: 10 points.

(b) The extent to which the project would implement the outdoor recreation goals, objectives and priorities specified in the Plan: 4 points.

(c) The extent to which the project would provide for priority resource or facility needs in the region as specified in the Plan: 7 points.

(d) The project has been considered in the applicant's public participation process: 21 maximum points.

Points shall be awarded as follows:

1. Presentation at an advertised public meeting solely for the discussion of the proposed project: 10 points.

2. Presentation at a regularly scheduled advisory board meeting: 7 points.

3. Presentation to community organizations, neighborhood associations, or taking of an opinion survey: 4 points.

(e) The project is for a linear park purpose: 13 points.

(f) The project is for preservation purposes such as historical, archaeological, or cultural preservation and the site has been verified in writing by the Florida Department of State, Division of Historical Resources: 7 points.

(g) The applicant has the capability to develop, operate and maintain the project: 8 maximum points.  
Points shall be awarded as follows:

1. Has a full-time recreation or park department staffed to provide facility development, programming, and maintenance capabilities: 8 points.

2. Has demonstrated the existence of a full-time ability to provide facility development, programming, and maintenance capabilities: 4 points.

(2) DEVELOPMENT CRITERIA.

Points shall be awarded as follows:

(a) The project provides for new development of entirely undeveloped property: 5 points

(b) The project provides new or additional recreation facilities and opportunities:

1. 3 or more facilities or opportunities: 15 points

2. 2 facilities or opportunities: 10 points

3. 1 facility or opportunity: 5 points

(c) The project provides renovation of existing recreation facilities:

1. 3 or more facilities: 13 points.

2. 2 facilities: 9 points.

3. 1 facility: 4 points.

(d) The project provides new or renovated support facilities and improvement to existing recreation areas: 15 points.

(e) The project provides developed pedestrian access to or along water resources, such as trails, boardwalks, or dune walkovers: 7 points.

(f) The project provides facilities for recreational use of water resources, such as boat ramps, swimming docks, or fishing piers: 12 points.

(g) The project provides a facility identified in the priority of new facilities needs or renovation/repair needs within the applicant's population density set forth in the current study entitled "An Infrastructure Assessment of Local Government Recreation and Park Department Facility Needs in the State of Florida", effective December 1995 (Infrastructure Assessment), hereby incorporated by reference and available from the Departments Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896: 12 points.

(h) The project addresses the priority of infrastructure funding needs set forth in the applicant's population density in the current study entitled "An Infrastructure Assessment of Local Government Recreation and Park Department Facility Needs in the State of Florida" identified in (g), above:



1. Higher priority in Infrastructure Assessment or combination of new construction and renovation/repairs: 13 points.

2. Lower priority in Infrastructure Assessment: 8 points.

(3) ACQUISITION CRITERIA.

Points shall be awarded as follows:

(a) The Project assists in conserving and protecting environmentally unique, irreplaceable and valued ecological resources such as flora, fauna, natural communities, or other special features identified in the Florida Natural Areas Inventory, incorporated by reference and available from Florida Natural Areas Inventory, 1018 Thomasville Road, Suite 200-C, Tallahassee, Florida 32303, (850)224-8207:

13 points.

(b) The project provides frontage on wetlands or water bodies such as rivers, lakes, or oceans:

6 points.

(c) The project provides for development of facilities identified in the top three priority ranked index clusters of outdoor facilities needs for new construction identified within the applicant's population density set forth in the Department's study entitled "Infrastructure Assessment of Local Government Recreation and Park Department Facility Needs in the State of Florida" identified in (2)(g), above:

15 points.

(d) The project provides the following pursuant to the applicant's adopted local comprehensive plan:

23 maximum points.

Points shall be awarded as follows:

1. Needed acreage: 15 points.

2. Needed distribution of acreage: 8 points.

(e) The applicant has:

1. Identified development of the property in their capital improvement plan or schedule (CIP) during the current or next three fiscal years:

6 points.

or

2. The applicant has included development of the property as part of the plan through an adopted resolution committing the applicant to amend its CIP and develop the property should it receive program funds

3 points.

(4) TIE BREAKER SYSTEM.

If two or more applications receive the same score as a result of the above evaluation, the following tie breaker system will be used to decide the priority ranking among them. Tied applicants will be evaluated according to each step of the tie-breaker system in order and will be assigned their priority accordingly. If Step 1 does not break the tie, Step 2 shall be used.

(a) Step 1 – Funding History. An order of priority among those applications with equal scores shall be established based on the per capita amount of funds previously received by the applicant from LWCF during the previous five funding years. The application from the applicant having the lowest per capita amount of funds receives the highest priority. Other

applications will be arranged in descending order inversely to their applicants' per capita amount of funds received. The resident population within the applicant's jurisdictional boundaries shall be utilized to compute the applicant's per capita amount of funds received.

(b) Step 2 – Per Capita Operating Budget. The applicant with the lowest per capita expenditure of general operating funds receives the highest priority. The resident population within the applicant's jurisdictional boundaries will be divided into the applicant's total general operating budget for the applicant's current fiscal year to obtain the per capita operating fund amount.

Specific Authority 403.1823(1) FS. Law Implemented 375.021(4), 403.1823(2), 403.1826, 403.1832 FS. History—New \_\_\_\_\_.

62D-5.073 Grant Administration.

The following constitute procedures for administration of program grants:

(1) PROJECT AGREEMENT. After approval of the funding list by the Secretary and execution of the NPS and State project agreement, the Department and grantee shall enter into a project agreement which sets forth the responsibilities and duties of each regarding administration of the approved project, which shall be based on the Manual, this Part, and the Project's particular needs.

(2) PAYMENT BASIS. Grantees are paid approved program funds by the Department subject to the following conditions:

(a) Project Costs. Payment of project costs are made if eligible as provided for in the Manual, this Part and the project agreement. Costs shall be incurred between the effective date of, and the project completion date identified in, the project agreement, except for preagreement costs as stated in the project agreement. If the total cost of the project exceeds the grant and required match, the grantee must pay the additional cost.

(b) Costs Limits. Project planning expenses for development projects such as architectural and engineering costs, permitting fees, and project inspection fees are eligible project costs, provided that such costs do not exceed 15 percent of the project cost. Such costs shall only be incurred between the effective date of, and the project completion date identified in, the project agreement.

(c) Retention. For development projects, the Department shall retain 10 percent of the grant award until the grantee completes the project and staff approves the completion documentation set forth in subparagraph 62D-5.073(7)(e)2. of this Part.

(3) ACCOUNTABILITY. The following procedures shall govern the accountability of program funds:

(a) Accounting System: Each grantee is responsible for maintaining an accounting system which meets generally accepted accounting principles and for maintaining financial records to properly account for all program and matching funds.

(b) Grant Accountability Procedure. The grantee shall also meet the requirements of the Division's Grant Accountability Procedure, effective January 23, 1997, incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station 585, Tallahassee, Florida 32399-3000, (850)488-7896.

(4) REVERTED PROJECT FUNDS. If any funds awarded during a funding cycle are not used and become available before termination of the federal fiscal year for which appropriated, the Department may apply the funds in priority order to unfunded program applications remaining on the current priority lists.

(5) PROJECT COMPLETION CERTIFICATION. The grantee shall submit to the Department a Project Completion Certificate, FPS-A049, [effective date], available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896.

(6) ACQUISITION PROJECTS. The following constitute the specific procedures for administration of acquisition projects:

(a) Grant Period. The grantee shall have up to one year from the effective date of the project agreement to complete the project, unless extended by the Department staff for good cause, such as financial hardship, public controversy, or factors beyond the grantee's control, upon written request of the grantee.

(b) Ownership. Title to land acquired with program funds shall vest in the grantee.

(c) Procurement. The grantee shall purchase the property according to sections 640.1. 2 and .3; 650.4 and .7; 670.1 and .3; and 675.2 of the Manual.

(d) Assumption of Title. The grantee may not purchase the property acquired with LWCF funds until the project agreement is fully executed and Department staff approves the commencement documentation required by paragraph 62D-5.073(6)(g), unless otherwise specified in this Part.

(e) Total Grant Award. The total grant payment is based on the project cost, negotiated purchase price, or approved appraised value, whichever is lowest. If the negotiated purchase price or approved appraised value is greater than the project cost, the grantee must pay the additional cost.

(f) Site Development. The grantee shall have up to three years from completion date set forth in the project completion certificate to develop the property unless extended by staff for good cause, such as financial hardship, public controversy,

material shortage, unfavorable weather conditions, or factors beyond the grantee's control, upon written request of the grantee.

(g) Commencement Documentation. Prior to commencement of acquisition procedures, the grantee shall submit for Department staff approval the documentation described in the Land and Water Conservation Fund Program Required Project Commencement Documentation Form, FPS-A050, [effective date], hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896.

(h) Completion Documentation. After completion of acquisition procedures and prior to final reimbursement, the grantee shall submit for Department staff approval the documentation described in the Land and Water Conservation Fund Program Required Project Completion Documentation Form, FPS-A051, [effective date], hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896.

(7) DEVELOPMENT PROJECTS. The following constitutes the specific procedures for administration of development projects:

(a) Grant Period. The grantee shall have up to three years from the effective date of the project agreement to complete the project, unless extended by Department staff for good cause, such as financial hardship, public controversy, material shortage, unfavorable weather conditions, or factors beyond the grantee's control, upon written request of the grantee.

(b) Procurement of Goods and Services. The grantee shall secure all goods and services for accomplishment of the project according to its adopted procurement procedures and applicable federal requirements identified in Section 675.3 of the Manual.

(c) Contracting Requirement. Any contractor awarded a contract for construction of facilities under the grant must be bonded and insured pursuant to Section 675.3 of the Manual.

(d) Inspections. Department staff shall perform an on-site inspection of the project site to ensure compliance with the project agreement prior to release of the final grant payment.

(e) Commencement Documentation. Prior to commencement of the project, the grantee shall submit for Department staff approval the documentation described in the Land and Water Conservation Fund Program Required Project Commencement Documentation Form, FPS-A050, [effective date], hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896.

1. Permitting Certification. The grantee shall submit to the Department a Land and Water Conservation Program Project Permitting Certification, FPS-A052, [effective date], hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896.

2. Completion Documentation. Upon completion of the project and prior to release of the final payment, the grantee shall submit for Department staff approval the documentation described in the Land and Water Conservation Fund Program Required Project Completion Documentation Form, FPS-A051, [effective date], hereby incorporated by reference and available from the Department's Division of Recreation and Parks, 3900 Commonwealth Boulevard, Mail Station #585, Tallahassee, Florida 32399-3000, (850)488-7896.

Specific Authority 403.1823(1) FS. Law Implemented 375.021(4), 403.1823(2), 403.1826, 403.1832 FS. History-New \_\_\_\_\_.

**62D-5.074 Compliance Responsibilities.**

Subsection 62D-5.070(12)-(16) and the following constitute the general requirements for program compliance:

(1) SITE DEDICATION. Land owned by the grantee, which is developed or acquired with LWCF funds, shall be dedicated in perpetuity as an outdoor recreation site for the use and benefit of the public. Land which is leased from the federal government or another public agency by grantee must include safeguards to ensure the perpetual use requirement contained in the Land and Water Conservation Fund Act. Safeguards include such things as joint sponsorship of the project or an agreement between the parties that the lessor would assume compliance responsibility for the project site in the event of default by the lessee (grantee) or termination or expiration of the lease. These dedications must be recorded in the county's public property records by the grantee.

(2) MANAGEMENT OF PROJECT SITES. Grantees shall ensure by site inspections that the property acquired or developed with LWCF are being operated and maintained for outdoor recreation purposes. All projects shall be open at reasonable times and shall be managed in a safe and attractive manner appropriate for public use. Facilities shall be kept in reasonable repair for a minimum of 25 years from the date set forth on the project completion certificate to prevent undue deterioration.

(3) CONVERSION. Should a grantee, within the period of dedication, convert all or part of the project site to other than public outdoor recreational uses, the grantee shall replace the area, facilities, resource or site at its own expense with an acceptable project of comparable or greater value, scope and quality pursuant to Section 675.9.3 of the Manual.

(4) NON-COMPLIANCE. Before a project is closed, the Department and the NPS shall have the right to terminate a project agreement and demand return of the program funds for non-compliance by a grantee. Failure by a grantee to comply

with the provisions of this Part or the project agreement will result in the Department declaring the grantee ineligible for further participation in LWCF until such time as compliance has been obtained as determined by the Department under this rule and the Manual.

(5) INSPECTIONS. Department staff shall periodically inspect program projects to ensure compliance with (1), (2), and (3) of this section and Section 675.9 of the Manual.

Specific Authority 403.1823(1) FS. Law Implemented 375.021(4), 403.1823(2), 403.1826, 403.1832 FS. History-New \_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Collier Clark, Advisory Services Manager, Bureau of Design and Recreation Services, 3900 Commonwealth Blvd., MS 585, Tallahassee, Florida 32399-3000, (850)488-7896

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Fran Mainella, Director, Division of Recreation and Parks, 3900 Commonwealth Blvd., MS 500, Tallahassee, Florida 32399-3000, (850)488-6131

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** April 2, 2001

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** January 7, 2000

**DEPARTMENT OF HEALTH**

**Board of Medicine**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Organization	64B8-40.002
Delegation of Powers and Duties	64B8-40.003

**PURPOSE AND EFFECT:** The purpose of the amendments for the above rules is to remove outdated language and to delegate additional powers and duties to the Dietetics and Nutrition Practice Council.

**SUMMARY:** These amendments serves to address specific requirements for organization and Delegation of Powers and Duties.

**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:** 468.507 FS.

**LAW IMPLEMENTED:** 468.507 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.**

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-40.002 Organization.

~~The principal office of the Council is in Tallahassee. The mailing address and telephone number of the Council is DIETETICS AND NUTRITION PRACTICE COUNCIL, 1940 North Monroe Street, Tallahassee, Florida 32399-0789, (850)487-3372. The office is open from 8:00 a.m. to 5:00 p.m. on weekdays, excluding holidays.~~

Specific Authority 468.507 FS. Law Implemented 468.507 FS. History--New 4-9-89, Formerly 21M-46.002, 61F6-46.002, Amended 11-16-95, Formerly 59R-40.002, Amended \_\_\_\_\_.

64B8-40.003 Delegation of Powers and Duties.

(1) Pursuant to Section 468.506, Florida Statutes, the Board delegates to the Council the following powers and duties:

(a) Certification of dietitian/nutritionist by endorsement or examination and certification of nutrition counselor by employment status as of April 1, 1988.

(b) Issuance of temporary permits to applicants for endorsement or examination.

(c) Approval of continuing education programs and providers of continuing education programs in dietetics and nutrition practice.

(2) Rulemaking proposals, petitions for declaratory statement and petitions to adopt, amend or repeal rules which relate to dietetics and nutrition practice and nutrition counseling and assessment shall be presented to the Council. The Council shall consider the matter and make recommendations to the Board as to the appropriate action to be taken.

Specific Authority 468.506 FS. Law Implemented 468.507 FS. History--New 4-9-89, Formerly 21M-46.003, 61F6-46.003, Amended 11-16-95, Formerly 59R-40.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dietetics and Nutrition Practice Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2001

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLES:	RULE NOS.:
General Requirements	64B8-45.001
Continuing Education Approval	64B8-45.002
Performance of Pro Bono Services	64B8-45.005

PURPOSE AND EFFECT: Rule 64B8-45.001 is being amended to delete the part, which is obsolete. Rule 64B8-45.002, the purpose is to update the continuing education

approval requirements. Rule 64B8-45.005, is to delete reference to statutes which are no longer applicable to this program.

SUMMARY: These amendments serves to address specific requirements for general requirements; continuing education approval and performance of pro bono services.

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: 456.013(8), 468.507 FS.

LAW IMPLEMENTED: 468.514, 468.515 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: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-45.001 General Requirements.

(1) through (3) No change.

~~(4) All renewal notices and continuing education completion forms, together with the appropriate fees must be postmarked on or before February 28 of each odd-numbered year, in order to be considered timely.~~

~~(4)(5) Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action.~~

~~(5)(6) If prior to biennial renewal a licensee has any extenuating circumstance such as catastrophic illness or extreme situations beyond the control of the licensee, the Council shall consider the situation on an individual basis.~~

Specific Authority 456.013(8), 468.507 FS. Law Implemented 468.514, 468.515 FS. History--New 12-5-90, Amended 1-1-92, 9-24-92, 5-6-93, Formerly 21M-51.001, Amended 9-28-93, Formerly 61F6-51.001, Amended 1-2-95, 11-12-95, Formerly 59R-45.001, Amended \_\_\_\_\_.

64B8-45.002 Continuing Education Approval.

(1) through (2) No change.

(3) The ~~Council Board~~ shall evaluate applications from providers of continuing education programs to determine if approval is to be granted or denied. To be approved, a continuing education program must meet the following criteria:

(a) through (e) No change.

(4) No change.

(5) The Council Board shall biennially evaluate applications for renewal of continuing education provider status to determine if renewal is to be granted or denied. To be renewed, a continuing education provider must:

- (a) through (c) No change.
- (6) through (7) No change.

Specific Authority 468.507 FS. Law Implemented 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, Formerly 21M-51.002, Amended 11-4-93, Formerly 61F6-51.002, Amended 12-28-94, 11-12-95, Formerly 59R-45.002, Amended.

**64B8-45.005 Performance of Pro Bono Services.**

(1) Up to four hours per biennium of continuing education credit may be fulfilled by the performance of pro bono services to the indigent, underserved populations, or areas of critical need within the state where the licensee practices. The standard for determining indigency shall be that recognized by the Federal Poverty Income Guidelines produced by the Department of Health and Human Services ~~found in 45 CFR § 206 and § 234 and incorporated herein by reference.~~

- (2) No change.

Specific Authority 468.507 FS. Law Implemented 468.514, 468.515 FS. History—New 12-5-90, Amended 1-1-92, 9-24-92, Formerly 21M-51.002, Amended 11-4-93, Formerly 61F6-51.002, Amended 12-28-94, 11-12-95, Formerly 59R-45.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dietetics and Nutrition Practice Council

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2001

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Licensure by Examination: Certification for Examination  
RULE NO.: 64B19-11.003

PURPOSE AND EFFECT: The rule is being repealed.

SUMMARY: The Board is repealing the above rule.

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: 490.004(4) FS.

LAW IMPLEMENTED: 490.005(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: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.003 Licensure by Examination: Certification for Examination.

Specific Authority 490.004(4) FS. Law Implemented 490.005(1) FS. History—New 8-12-90, Amended 7-7-92, 11-18-92, 4-26-93, Formerly 21U-11.0061, 61F13-11.0061, Amended 1-7-96, Formerly 59AA-11.003, Amended 12-4-97, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2001

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Collection and Payment of Fees  
RULE NO.: 64B19-12.001

PURPOSE AND EFFECT: The rule is being repealed.

SUMMARY: The Board is repealing the above rule.

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: 490.004(4) FS.

LAW IMPLEMENTED: 456.013(2), 490.005(1)(a), 490.006(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: Kaye Howertron, Executive Director, Board of Psychology, Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.001 Collection and Payment of Fees.

Specific Authority 490.004(4) FS. Law Implemented 456.013(2), 490.005(1)(a), 490.006(1) FS. History—New 1-12-82, Formerly 21U-12.01, Amended 7-7-86, 8-12-90, Formerly 21U-12.001, 61F13-12.001, 59AA-12.001, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 9, 2001

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-20.012	Critical Teacher Shortage Tuition Reimbursement Program
6A-20.025	Grants for Teachers for Special Training in Exceptional Student Education

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 51, December 22, 2000, Florida Administrative Weekly have been withdrawn.

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF INSURANCE**

RULE NO.:	RULE TITLE:
4-211.031	Effect of Law Enforcement Records on Applications for Licensure

**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)l., Florida Statutes, published in Vol. 27, No. 11, Match 16, 2001, of the Florida Administrative Weekly:

4-211.0031 should be changed to read "4-211.031".

Delete Shirley Kerns and the contact person and replace with "Audrey Higgins".

The remainder of the rule reads as published.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE NO.:	RULE TITLE:
4A-2.024	Construction Materials Mining Activities

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 31, August 4, 2000, of the Florida Administrative Weekly, has been withdrawn.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:	RULE TITLE:
6A-1.0503	Definition of Qualified Instructional Personnel

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 51, December 22, 2000, Florida Administrative Weekly was continued from March 29, 2001, to April 10, 2001.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NOS.:	RULE TITLES:
61G15-32.002	Definitions
61G15-32.003	Common Requirements to All Fire Protection Engineering Documents
61G15-32.004	Design of Water Based Fire Protection Systems

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Professional Engineers hereby gives notice of an additional public hearing on the above-referenced rules to be held on April 24, 2001, at 1:30 p.m., at The Embassy Suites Hotel, 3705 Spectrum Boulevard, Tampa, Florida 33612. This additional public hearing is being held in response to comments received from the Notice of Hearing held March 5, 2001. The rule was originally published in Vol. 27, No. 3, of the January 19, 2001, Florida Administrative Weekly.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Natalie Lowe, Administrator, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Administrator at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).