

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: April 25, 2003

Section III
Notices of Changes, Corrections and
Withdrawals

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

DOCKET NO.: (01-10R)

RULE CHAPTER NO.: 18-21 RULE CHAPTER TITLE: Sovereignty Submerged Lands Management

RULE NOS.: 18-21.004 RULE TITLES: Management Policies, Standards, and Criteria.

18-21.011 Payments and Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 5, (January 31, 2003), issue of the Florida Administrative Weekly and on the Department's official notice Internet site at www.dep.state.fl.us.

These proposed changes, along with the rule as published January 31, 2003, will be considered by the Board of Trustees at the previously noticed Adoption Hearing to be held June 26, 2003, beginning at 9:00 a.m., in Room LL03 (Cabinet Meeting Room), The Capitol, Tallahassee, Florida.

CONTACT: A copy of the agenda item requesting adoption of the rule with the changes in this notice will be distributed to all persons on the interested parties mailing list. Any questions may be directed to Alice Heathcock, Florida Department of Environmental Protection, Bureau of Beaches and Wetland Resources, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, (850)245-8483, facsimile (850)245-8499 or e-mail: Alice.Heathcock@dep.state.fl.us.

THE FULL TEXT OF PROPOSED RULE CHANGES IS:

18-21.004 Management Policies, Standards and Criteria.

- (1) No change.
- (2) Resource Management.
- (a) through (k) No change.

(l) Applications for telecommunication lines received after [effective date of rule] that originate from or extend to locations outside of the state's territorial limits through the territorial sea including the area between mean high and mean low water lines and any associated conduits shall be subject to the following:

- I. No change.

2. Installations at individual landing sites are limited to no more than six telecommunication lines and conduits except where the applicant can affirmatively demonstrate that the landing site will support a larger number of such lines and that the routing to ~~through~~ the State's territorial limits within the territorial sea will cause no more than minimal individual and cumulative impacts.

3. No change.

4. Installations shall be prohibited south of the southern edge of the right-of-way of Sunny Isles Boulevard/SR 826 Sunny Isles in Miami-Dade County and in all of Monroe County.

5. No change.

6. While locating in these areas is required for approval, ~~s~~Special consideration areas are designated for telecommunication lines and associated conduits located within the ~~recognized~~ reef-gaps generally described as follows, based on World Geodetic System 84:

a. Lake Worth Gap (northern Palm Beach County), beginning at the easternmost end at N. Lat. 26 37.659/W. Long. 80 01.341 (south side) to and N. Lat. 26 38.481/W. Long. 80 01.258 (north side), ~~and extending perpendicular to shore~~ in a 1,672 yard-wide gap, ~~to the mean high water line landward of the second reef terrace;~~

b. ~~South Lake Worth Inlet Boynton Beach~~ Gap (central ~~southern~~ Palm Beach County), beginning at the easternmost end at N. Lat. ~~26 32.492~~ 26 32.200/W. Long. 80 01.610 (south side) ~~80 01.788~~ to N. Lat. ~~26 32.444~~ 26 32.245/W. Long. 80 01.626 (north side) ~~80 01.794~~, in a 100 90-95 yard-wide gap to the mean high water line.

c. Delray Gap (southern Palm Beach County), beginning at the easternmost end at N. Lat. 26 27.393/W. Long. 80 02.765 (south side) to and at N. Lat. 26 27.641/W. Long. 80 02.726 (north side), ~~and extending perpendicular to shore~~ in a 508 yard-wide gap, ~~to the mean high water line;~~

d. Sea Turtle Gap (southern Palm Beach County), beginning at the easternmost end at N. Lat. 26 22.672/W. Long. 80 03.224 (south side) to and at N. Lat. 26 22.748/W. Long. 80 03.224 (north side), ~~and extending perpendicular to shore~~ in a 154 yard-wide gap, ~~to the mean high water line; or~~

e. South Broward Gap (southern Broward County), beginning at the easternmost end at N. Lat. 25 58.438/W. Long. 80 05.278 (south side) and N. Lat. 25 58.821/W. Long. 80 05.271 (north side) and extending westerly landward on its southerly limits through the following points: N. Lat. 25 58.977/W. Long. 80 05.733, N. Lat. 25 59.132/W. Long. 80 05.997, and ending at N. Lat. 25 59.138/W. Long. 80 06.366, and westerly landward on its northerly limits through the following points: N. Lat. 25 59.039/W. Long. 80 05.725, N. Lat. 25 59.205/W. Long. 80 06.060, and ending at N. Lat. 25 59.192/W. Long. 80 06.371.

(m) No change.

(3) through (5) No change.

Specific Authority 253.03(7)(a), 253.73 FS. Law Implemented 253.03, 253.034, 253.04, 253.041, 253.141, 253.51, 253.61, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 7-21-92, 10-15-98, 12-11-01,_____.

18-21.011 Payments and Fees.

- (1) No change.
- (2) Private Easements
 - (a) No change.

(b) The fee for private easements for telecommunication lines and associated conduits that are subject to the provisions of paragraph 18-21.004(2)(l), F.A.C., shall be a one-time fee of \$5.06 per linear foot of telecommunication line or conduit as measured along sovereignty submerged lands from the State's territorial limits within of the territorial sea to first landfall on the mainland. This fee represents the easement value and the enhanced value for easements up to 10 feet wide, and shall be increased proportionally for easements of greater widths. This fee shall also be applicable to easement modifications to the extent that such modifications increase the easement area and to easement renewals. The fee shall be revised annually on March 1 and increased or decreased based on the average change in the Consumer Price Index, calculated by averaging the Consumer Price Index over the previous five-year period, with a 10 percent cap on any annual increase. This fee shall not be applicable to applications to transfer or assign an easement.

- (3) through (5) No change.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-4.091 Publications and Agreements
 Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to Chapter 2 of the Environmental Resource Permitting Manual Basis of Review, which is incorporated by reference into Rule 40D-4.091, F.A.C. The proposed rule language was published in Vol. 29, No. 10, March 7, 2003 issue of the Florida Administrative Weekly:

ENVIRONMENTAL RESOURCE PERMITTING
 INFORMATION MANUAL
 BASIS OF REVIEW

CHAPTER TWO – ADMINISTRATIVE CRITERIA

2.8 Construction Surface Water Management

2.8.2

b. For non-agricultural systems with a project area of 1 5 acres or more, or construction activities that result in the disturbance of less than five acres, but are part of a larger common plan of development or sale within a total land area, the construction surface water management plan shall, in addition to the requirements of Section 2.8.2(a) above, be

designed and implemented to function in accordance with the technical standards, conceptual practices and guidelines for a stormwater pollution prevention plan described in Part V of the Florida Department of Environmental Protection (FDEP) document, "Generic Permit for Stormwater Discharge from Construction Activities that Disturb Five or More Acres of Land." FDEP document number 62-621.300(4)(a), effective October 22, 2000.

c. For agricultural systems, a conservation plan shall be designed and implemented for the proposed activities that is the functional equivalent of a construction surface water management plan. As used herein, "conservation plan" means a formal document describing the stormwater and surface water management practices for a specific parcel of property. Such practices must comply with USDA-NRCS standards for the control of soil erosion and sediment transport, avoidance of off-site flooding, protection of wetlands and prevention of state water quality standard violations during construction and operation. These standards are contained in Section IV of the NRCS Florida Electronic Field Office Technical Guide as it exists on _____.

d. For silvicultural systems, a surface water management plan shall be designed and implemented in accordance with the best management practices set forth in "Silviculture Best Management Practices Manual" (1993).

2.8.4

c. The permittee shall amend the construction surface water management plan whenever the project is altered or modified in a manner that will result in: (1) the potential discharge of pollutants, (2) a change in the amount of discharge, (3) a change in the number or location of storm water discharge points, or (4) adverse impacts to wetlands, and; if such change(s) have not otherwise been previously addressed in the approved plan. The permittee shall also amend the plan if its implementation does not eliminate or minimize erosion and sediment deposition, off-site flooding, adverse impacts to wetlands, or violations of state water quality standards. Amendments to the plan shall be prepared and kept as separate documents along with the original plan. All alterations to the system must be shown on the amended plan along with the documentation of required approval(s).

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:
 40D-40.021 Definitions

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the Proposed Rule 40D-40.021 published in Vol. 29, No. 10, March 7, 2003, issue of the Florida Administrative Weekly:

40D-40.021 Definitions.

(2) "Incidental Site Activities" means the following activities in uplands that are conducted as part of the construction of a system proposed in an environmental resource permit application: land clearing, grading, excavation of borrow areas for on-site grading, road and building subgrade construction (excluding foundation construction), unpaved access road construction, utility installation, fence installation, construction trailer installation, construction phase surface water management, erosion and sediment control measures, and similar preliminary approved activities.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60S-1	Membership
RULE NOS.:	RULE TITLES:
60S-1.002	Statements of Policy
60S-1.004	Participation
60S-1.0045	Renewed Membership in the Regular Class and the Senior Management Service Class
60S-1.005	Special Risk Class; Legislative Intent and Procedures
60S-1.0052	Criteria for Special Risk Membership – Firefighters
60S-1.0053	Criteria for Special Risk Membership – Correctional Officers

NOTICE OF CORRECTIONS

On April 25, 2003, the Department of Management Services caused to be published in the Florida Administrative Weekly, a notice of proposed rule amendments to rules contained in Rule Chapter 60S-1, F.A.C., April 25, 2003, was incorrectly listed as the date of the publication of the notice of rule development. February 7, 2003, is the correct date the notice of rule development was published in the Florida Administrative Weekly.

This notice does not affect the deadlines for requesting hearings or otherwise proceeding as required by law. Further information may be obtained from: The Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 270, Tallahassee, Florida 32399-0950.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60S-2	Creditable Service
RULE NOS.:	RULE TITLES:
60S-2.002	Statements of Policy
60S-2.004	Credit for Prior Service
60S-2.0041	Credit Toward Special Risk Normal Retirement Date
60S-2.005	Credit for Military Service

60S-2.006	Credit for Leaves of Absence Under the Florida Retirement System
60S-2.007	Credit for Out-of-State and In-State Service
60S-2.010	Creditable Service upon the Death of a Member
60S-2.013	Credit for Upgraded Previous Service
60S-2.015	Value of Each Year of Creditable Service

NOTICE OF CORRECTIONS

On April 25, 2003, the Department of Management Services caused to be published in the Florida Administrative Weekly, a notice of proposed rule amendments to rules contained in Rule Chapter 60S-2, F.A.C., April 25, 2003, was incorrectly listed as the date of the publication of the notice of rule development. February 7, 2003, is the correct date the notice of rule development was published in the Florida Administrative Weekly.

This notice does not affect the deadlines for requesting hearings or otherwise proceeding as required by law. Further information may be obtained from: The Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 270, Tallahassee, Florida 32399-0950.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60S-3	Contributions
RULE NOS.:	RULE TITLES:
60S-3.002	Statements of Policy
60S-3.003	Retirement Contributions for Regular, Special Risk, Elected Officer, Special Risk Administrative Support and Senior Management Service Classes; Contributions for the Retiree Health Insurance Subsidy; and the Deferred Retirement Option Program
60S-3.0035	Interest Rate on Payments for Creditable Service
60S-3.006	Retirement Contributions for Military Service Credit
60S-3.008	Retirement Contributions for Out-of-State and In-State Service Credit
60S-3.011	Payment of Contributions
60S-3.012	Retirement Contributions for Creditable Service upon the Death of a Member
60S-3.013	Retirement Contributions for Upgraded Previous Service Credit

NOTICE OF CORRECTIONS

On April 25, 2003, the Department of Management Services caused to be published in the Florida Administrative Weekly, a notice of proposed rule amendments to rules contained in Rule Chapter 60S-3, F.A.C., April 25, 2003, was incorrectly listed as the date of the publication of the notice of rule development. February 7, 2003, is the correct date the notice of rule development was published in the Florida Administrative Weekly.

This notice does not affect the deadlines for requesting hearings or otherwise proceeding as required by law.

Further information may be obtained from: The Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 270, Tallahassee, Florida 32399-0950.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60S-4	Benefits
RULE NOS.:	RULE TITLES:
60S-4.002	Statements of Policy
60S-4.0025	Minimum Benefits
60S-4.003	Retirement Eligibility
60S-4.0035	Retirement Application and Effective Retirement Date
60S-4.004	Benefits Payable upon Normal Retirement
60S-4.005	Benefits Payable Upon Early Retirement
60S-4.006	Benefits Based on Dual Retirement Ages
60S-4.007	Benefits Payable for Disability Retirement
60S-4.008	Benefits Payable upon Death
60S-4.010	Retirement Benefit Payment Options
60S-4.011	Designation of Beneficiary
60S-4.012	Employment After Retirement

NOTICE OF CORRECTIONS

On April 25, 2003, the Department of Management Services caused to be published in the Florida Administrative Weekly, a notice of proposed rule amendments to rules contained in Rule Chapter 60S-4, F.A.C., April 25, 2003, was incorrectly listed as the date of the publication of the notice of rule development. February 7, 2003, is the correct date the notice of rule development was published in the Florida Administrative Weekly.

This notice does not affect the deadlines for requesting hearings or otherwise proceeding as required by law.

Further information may be obtained from: The Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 270, Tallahassee, Florida 32399-0950.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60S-6	Definitions
RULE NO.:	RULE TITLE:
60S-6.001	Definitions

NOTICE OF CORRECTIONS

On April 25, 2003, the Department of Management Services caused to be published in the Florida Administrative Weekly, a notice of proposed rule amendments to rules contained in Rule Chapter 60S-6, F.A.C., April 25, 2003, was incorrectly listed as the date of the publication of the notice of rule development. February 7, 2003, is the correct date the notice of rule development was published in the Florida Administrative Weekly.

This notice does not affect the deadlines for requesting hearings or otherwise proceeding as required by law.

Further information may be obtained from: The Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 270, Tallahassee, Florida 32399-0950.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60S-7	Actuarial Factors
RULE NOS.:	RULE TITLES:
60S-7.009	Actuarial Factors for Calculating Benefits Provided by Options 2, 3, and 4 on and After August 1, 1983
60S-7.010	Actuarial Factors for Calculating Disability Benefits Provided by Options 2, 3, and 4 on and After August 1, 1983
60S-7.050	Actuarial Factors for Calculating Benefits Provided by Options 1, 2, 3, and 4 in the Teachers' Retirement System on and After August 1, 1983
60S-7.060	Actuarial Factors for Calculating Reduced Benefits Provided in the State and County Officers and Employees' Retirement System on and After August 1, 1983
60S-7.070	Actuarial Factors for Calculating Reduced Benefits Provided by the Highway Patrol Pension Fund on and After August 1, 1983

NOTICE OF CORRECTIONS

On April 25, 2003, the Department of Management Services caused to be published in the Florida Administrative Weekly, a notice of proposed rule amendments to rules contained in Rule Chapter 60S-7, F.A.C., April 25, 2003, was incorrectly listed as the date of the publication of the notice of rule development. February 7, 2003, is the correct date the notice of rule development was published in the Florida Administrative Weekly.

This notice does not affect the deadlines for requesting hearings or otherwise proceeding as required by law.

Further information may be obtained from: The Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 270, Tallahassee, Florida 32399-0950.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60S-11	Deferred Retirement Option Program
RULE NOS.:	RULE TITLES:
60S-11.001	Definitions
60S-11.002	Participation
60S-11.003	Contributions
60S-11.004	Benefits

NOTICE OF CORRECTIONS

On April 25, 2003, the Department of Management Services caused to be published in the Florida Administrative Weekly, a notice of proposed rule amendments to rules contained in Rule Chapter 60S-11, F.A.C., April 25, 2003, was incorrectly listed as the date of the publication of the notice of rule development. February 7, 2003, is the correct date the notice of rule development was published in the Florida Administrative Weekly.

This notice does not affect the deadlines for requesting hearings or otherwise proceeding as required by law.

Further information may be obtained from: The Department of Management Services, Office of the General Counsel, 4050 Esplanade Way, Suite 270, Tallahassee, Florida 32399-0950.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-15.015	Certification of Specialty Structure Contractors

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 18, May 2, 2003, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-5.0041	Board Approval of Continuing Education Providers
61G17-5.0043	Obligations of Continuing Education Providers
61G17-5.0044	Evaluation of Providers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the above-referenced rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 10, of the March 7, 2003 issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

The changes are as follows:

1. In Rule 61G17-5.0041, F.A.C., subsections (3)(e) and (3)(f) shall be changed to read as follows:

(e) A nonrefundable application fee of \$450;

(f) A renewal fee of \$250, which, upon request, will be refundable if the applicant is denied provider status.

In addition, Section 455.2179(4), F.S., shall be added to the Specific Authority citation and Section 455.2179(3), F.S., shall be added to the Law Implemented citation of Rule 61G17-5.0041, F.A.C.

2. In subsection 61G17-5.0043(12), F.A.C., shall be changed to read: "All information or documentation, including electronic course rosters, submitted to the Department shall be submitted in a format acceptable to the Department. Failure to comply with time and form requirements will result in disciplinary action taken against the provider. No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of any final order against the provider."

3. In subsection 61G17-5.0043(13), F.A.C., shall be changed to read: "On-line/internet courses shall be treated as correspondence courses for continuing education purposes, as set forth in subsection (5) above."

In addition, Section 455.2123, F.S., shall be added to the Law Implemented citation in Rule 61G17-5.0043, F.A.C.

4. The introduction of subsection (1) of Rule 61G17-5.0044, F.A.C., shall be changed to read: "The Board shall evaluate continuing education courses or seminars offered to professional surveyors and mappers for credit by:"

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.:	RULE TITLES:
64B24-4.001	Definitions
64B24-4.002	Approval of Training Program
64B24-4.004	Educational Objectives
64B24-4.006	Curriculum Guidelines
64B24-4.007	Clinical Training
64B24-4.010	Four-Month Pre-Licensure Course

NOTICE OF PUBLIC HEARING

The Department of Health, Council of Licensed Midwifery, hereby gives notice of a public hearing on the above-referenced rules to be held on Friday, June 13, 2003, 9:30 a.m., 4042 Bald Cypress Way, Room 301, Tallahassee, Florida 32399. The rules were originally published in Vol. 29, No. 16, of the April 18, 2003 Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director 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).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.:	RULE TITLES:
64B24-7.007	Responsibilities of Midwives During the Antepartum Period
64B24-7.008	Responsibilities of Midwives During Intrapartum

NOTICE OF PUBLIC HEARING

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Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director 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).

Section 286.0105, Florida Statutes, provides that, if a person decides to appeal any decision made by the department with respect to any matter considered at this hearing, they will need a record of proceedings, and for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-38.002	Definitions
67-38.003	Application Submission Procedures
67-38.004	Incomplete Applications and Rejection Criteria
67-38.005	Application Evaluation and Award Guidelines

NOTICE OF CHANGE

Notice is hereby given that the following proposed changes have been made to Rule 67-38, F.A.C., in accordance with subparagraph 120.54(3)d)1., F.S., as published in Vol. 29, No. 12, March 21, 2003 issue of the Florida Administrative Weekly. In response to written comments received by the Corporation, the following proposed amendments have been made to the following rules, so that when adopted, the paragraphs will read:

67-38.002(5) The Corporation hereby adopts and incorporates by reference the Application Package (Form PLP 1115 February 2003).

67-38.003(3) Applications that do not contain the required information and documentation as set forth in the Application Package and do not provide adequate justification for omitting the required information and documentation, shall be determined to have not met Threshold Requirements.

67-38.003(5) Application shall be accompanied by the appropriate Application fee.

67-38.003(7) If the Applicant, Principal, Affiliate, developer or financial beneficiary of the Applicant has any existing Developments participating in Corporation programs that are in non-compliance with the Code, this Rule Chapter or applicable Loan documents, and any applicable cure period has

expired at the time of approval of the Development Plan, the requested allocation ~~shall may~~ be denied; ~~upon Denial will be based on~~ a determination by the Board that the non-compliance increases the likelihood that the Applicant will not be able to satisfy the terms of the Loan.

67-38.004(1) If the Applicant fails threshold, the Corporation shall notify the Applicant of any additional or revised information or material that ~~is may be~~ required for the Application to meet threshold.

67-38.004(2) An Application shall be ~~subject to rejected~~ ~~ion~~ if any of the following occurs:

67-38.005(9) The Corporation ~~shall~~ may request additional information ~~and~~ or documentation necessary for the Application to meet Threshold Requirements prior to approval of the Development Plan.

FISH AND WILDLIFE CONSERVATION COMMISSION

Be advised that the following rules being considered by the Commission in public hearings during its May 28-30, 2003 regular meeting in Kissimmee, Florida, may be filed with the Department of State for adoption as soon June 11, 2003, to be effective July 1, 2003:

- 68A-9.004; 68A-15.005; 68A-15.062; 68A-15.063;
- 68A-15.065; 68A-27.0012; 68A-27.004; 68A-27.005;
- 68B-4.082; 68B-13.005; 68B-13.010; 68B-24.002;
- 68B-24.004; 68B-24.0055; 68B-24.006; 68B-35.002;
- 68B-35.003; 68B-35.004; 68B-35.005; 68B-38.001;
- 68B-39.001; 68B-39.002; 68B-39.003; 68B-39.004;
- 68B-39.0045; 68B-39.0046; 68B-39.0047; 68B-39.005;
- 68B-39.008; 68B-44.006; 68B-44.008; 68B-55.001;
- 68B-55.002; 68B-55.003; 68B-55.004

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 484, GONE FISHIN' RULE NO.: 53ER03-26
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 484, "GONE FISHIN'," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-26 Instant Game Number 484, GONE FISHIN'.

(1) Name of Game. Instant Game Number 484, "GONE FISHIN'."

(2) Price. GONE FISHIN' lottery tickets sell for \$1.00 per ticket.

(3) GONE FISHIN' lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning GONE FISHIN' lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any GONE FISHIN' lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The "YOUR FISH" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The "CATCH OF THE DAY" play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(6) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(7) The legends are as follows:

INSERT SYMBOLS

(8) Determination of Prizewinners.

(a) A ticket having a symbol in the "YOUR FISH" play area that matches the symbol in the "CATCH OF THE DAY" play area shall entitle the claimant to the corresponding prize shown for that symbol. A ticket may have up to five sets of matching symbols. The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$500.