69V-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) No change.

(2) Each ultimate equitable owner of 10% or greater interest, principal representative, each chief executive officer, each chief financial officer, chief operations officer, chief legal officer, chief compliance officer, control person, member, partner, joint venturer, and each director of an entity applying for licensure as a correspondent mortgage lender, shall submit a completed fingerprint card (FL921050Z) and Biographical Summary from Form OFR-494-01, to the Office of Financial Regulation along with a $43.25 nonrefundable processing fee.

~~(a) If the individual principal representative, owner, director, or chief executive officer holds an active mortgage broker's license with the Office of Financial Regulation, they are exempt from the provisions of subsection (2).~~

~~(b) If an entity holds an active license under Chapter 494, F.S., with the Office of Financial Regulation, it is exempt from the provisions of subsection (2) when it applies for a different type of license under Chapter 494, F.S., unless there has been a change of control of 25% or more of the ownership or in controlling interest since the time its initial license was approved by the Office of Financial Regulation.~~

~~(c) Any claim to any of the above exemptions shall be supported by attaching evidence of the exemption with the application for license.~~

(3) through (8) No change.

Rulemaking ~~Specific~~ Authority 215.405, 494.0011(2), 494.0062(3), (8). (11), (13) FS. Law Implemented 494.0062, 494.0067(4) FS. History–New 10-1-91, Amended 6-6-93, 5-14-95, 9-3-95, 11-5-95, 7-14-96, 11-24-97, 8-22-99, 12-12-99, 12-9-01, 12-8-02, 12-11-03, Formerly 3D-40.220, Amended 3-23-08, 12-25-08, 3-4-09, _____.

69V-40.290 Acts Requiring Licensure as a Mortgage Broker, Mortgage Brokerage Business, Mortgage Lender or Correspondent Mortgage Lender.

(1) No change.

(2) The phrase "holds himself out to the public in any manner" in Sections 494.00115(2)(e) and (f) ~~subsection 494.006(1)(i) and (j)~~, F.S., means that any person who does any of the following, but not limited to, is not exempt from mortgage lender or correspondent mortgage lender license requirements:

(a) Is a business entity which makes, sells, or offers to sell, mortgage loans to noninstitutional investors;

(b) Is employed or associated with a business where mortgage lending or mortgage brokering services may be received;

(c) Has placed himself in a position where he is likely to come into contact with borrowers or investors or buyers or sellers of mortgage loans;

(d) Advertises, related to mortgage loans, by soliciting for borrowers, lenders or purchasers in a telephone directory;

(e) Advertises in newspapers, magazines, or the like in a manner which would lead the reader to believe the person was in the business of buying, making or selling mortgage loans. For example, placing an advertisement which states "I buy and sell mortgages" would lead the public to believe the person was in the mortgage lending business; or

(f) Solicits in a manner which would lead the reader to believe the person was in the business of buying, making or selling mortgage loans.

Rulemaking ~~Specific~~ Authority 494.0011(2) FS. Law Implemented 494.001, 494.00115(2) ~~494.006(1)~~ FS. History–New 1-10-93, Amended 12-12-99, Formerly 3D-40.290, Amended _____.

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-14.117	Application for Examination for Pest Control Operator's Certificate and Special Identification Card and Limited Certificate for Urban Landscape Commercial Fertilizer Application

PURPOSE AND EFFECT: The application fee for structural pest control category examination for applicants who have failed the examination and reapply to take it will be increased from $225 to $300. Section 482.1562(1), F.S. directs the Department to establish a limited certification for urban landscape commercial fertilizer application. This proposed rule change will establish the requirements for the limited certification for urban landscape commercial fertilizer application and a procedure for obtaining the limited certificate.

SUMMARY: The application fee for structural pest control category certificate is increased from $225 to $300 for applicants who have failed the examination and reapply to take it. Pursuant to the provisions of Section 482.1561, F.S. the rule change establishes requirements for the limited certification for urban landscape commercial fertilizer application and a procedure for obtaining the limited certificate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 482.051, 482.1562 FS.
LAW IMPLEMENTED: 482.141, 482.1562 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: Mr. Michael J. Page, Chief of the Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee Florida 32301-2961; (850)921-4177

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-14.117 Application for Examination for Pest Control Operator's Certificate and Special Identification Card and Limited Certificate for Urban Landscape Commercial Fertilizer Application.

(1) through (15) No change.

(16) An applicant who fails to pass one or more category or special identification card examinations may reapply for examination upon filing the prescribed application accompanied by a fee of $300 ~~$225~~ for each category examination or $200 for each special identification card examination.

(17) No change.

(18) Applicants for limited certification for urban landscape commercial fertilizer must submit a copy of the training certificate issued pursuant to Section 403.9338, F.S., with their completed Application for Limited Certification for Urban Landscape Commercial Fertilizer, DACS 13677, (Rev. 08/09) and the application fee of $25.00. The renewal fee for the limited certificate for urban landscape commercial fertilizer is $25.00.

(19) All forms and filing specifications contained in this rule are hereby adopted and incorporated by reference an may be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Entomology and Pest Control, 1203 Governors Square Boulevard, Suite 300, Tallahassee, Florida 32301-2961; (850)921-4177; or by visiting the department's website at http://www.doacs.state.fl.us/onestop/aes/pestcont.html.

Rulemaking ~~Specific~~ Authority 482.051, 482.1562 FS. Law Implemented 482.131, 482.132, 482.141, 482.151, 482.152, 482.156, 482.1562 FS. History–New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.117, Amended 8-11-93, 7-5-95, 5-28-98, 4-29-02, 7-11-07, 2-24-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Anderson Rackley, Director of Agricultural Environmental Services
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mr. Charles H. Bronson, Commissioner of Agriculture
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Forestry

RULE NOS.:	RULE TITLES:
5I-6.001	Purpose
5I-6.002	Approved Best Management Practices BMPs
5I-6.003	Presumption of Compliance
5I-6.004	Notice of Intent to Implement
5I-6.005	Record Keeping

PURPOSE AND EFFECT: New BMPs for Mat Logging in wetlands Updated information on seeding rates for vegetative stabilization. Provide a current list of special waterbodies in Florida as obtained from the Florida Department of Environmental Protection (i.e. Outstanding Florida Waters, Outstanding National Resource Waters, and Class I Waters).
SUMMARY: The proposed rule establishes a procedure for submitting a "Notice of Intent to Implement" Silviculture BMPs, that, when filed with the Florida Department of Agriculture and Consumer Services, Division of Forestry (DOF), and BMPs are implemented, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices. Once filed with DOF, the Notice of Intent shall enable the applicant to apply for assistance with the implementations as identified in Section 403.067(7)(c)2., F.S. This proposed rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based BMPs are subject to DOF inspection.
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.
Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
RULEMAKING AUTHORITY: 403.067(7)(c)2., 570.07(23) FS.
LAW IMPLEMENTED: 403.067(7)(c)2., 589.041(1)(a) FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jeffery L. Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone

(850)414-9969, fax (850)488-0863. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jeffery L. Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, telephone (850)414-9969, fax (850)488-0863

THE FULL TEXT OF THE PROPOSED RULES IS:

5I-6.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Rulemaking ~~Specific~~ Authority 403.067(7)(c)2.~~(d)~~, 570.07(23) FS. Law Implemented 403.067(7)(c)2.~~(d)~~, 589.04(1)(a) FS. History–New 2-11-04.

5I-6.002 Approved Best Management Practices BMPs.

The document titled *Best Management Practices for Silviculture* (2008) ~~(2003)~~ is hereby incorporated and adopted by reference in this rule. Copies of the document may be obtained from the Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)414-9969 ~~9935~~ or FAX (850)488-0863 or by visiting www.fl-dof.com/forest_management/bmp/index.html.

Rulemaking ~~Specific~~ Authority 403.067(7)(c)2.~~(d)~~, 570.07(23) FS. Law Implemented 403.067(7)(c)2.~~(d)~~, 589.04(1)(a) FS. History–New 2-11-04, Amended _____.

5I-6.003 Presumption of Compliance.

In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices the applicant must:

(1) Conduct an assessment of the subject properties using the document titled *Best Management Practices for Silviculture* (2008 ~~October, 2003~~)

(2) Submit a Notice of Intent to Implement as outlined in Rule 5I-6.004, F.A.C.

(3) Implement the non-regulatory and incentive-based BMPs identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the non-regulatory and incentive-based BMPs as outlined in Rule 5I-6.005, F.A.C.

Rulemaking ~~Specific~~ Authority 403.067(7)(c)2.~~(d)~~, 570.07(23) FS. Law Implemented 403.067(7)(c)2.~~(d)~~, 589.04(1)(a) FS. History–New 2-11-04, Amended _____.

5I-6.004 Notice of Intent to Implement.

(1) A Notice of Intent to Implement Non-Regulatory and Incentive Based BMPs identified in the document titled *Best Management Practices for Silviculture* (2008 ~~2003~~) shall be submitted to the Department of Agriculture and Consumer Services, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 (850)414-9969 ~~9935~~ or FAX (850)488-0863. Such notice shall identify BMPs the applicant will implement. The notice shall also include: the name of the property owner; the location of the property; the property tax ID number(s); a timeline for implementation; the gross acreage on which the practices will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent. This notice is a one-time notification and is not required for each and every individual silviculture activity undertaken by the applicant.

(2) Once filed with FDACS, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)~~(d)~~, F.S.

Rulemaking ~~Specific~~ Authority 403.067(7)(c)2.~~(d)~~, 570.07(23) FS. Law Implemented 403.067(7)(c)2.~~(d)~~, 589.04(1)(a) FS. History–New 2-11-04, Amended _____.

5I-6.005 Record Keeping.

Where silviculture BMP implementation is not physically observable in the field, participants must preserve sufficient documentation to confirm implementation of the non-regulatory and incentive based BMPs identified in the Notice of Intent to Implement. All field activities and documentation related to BMP implementation are subject to FDACS, Division of Forestry inspection.

Rulemaking ~~Specific~~ Authority 403.067(7)(c)2.~~(d)~~, 570.07(23) FS. Law Implemented 403.067(7)(c)2.~~(d)~~, 589.04(1)(a) FS. History–New 2-11-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: James R. Karels, Division Director

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles H. Bronson, Commissioner of Agriculture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.0081 Charter School and Charter Technical Career Center Monthly Financial Statements and Financial Conditions

PURPOSE AND EFFECT: The proposed new rule will establish procedures for charter schools and charter technical career centers to develop financial recovery and corrective action plans and establish procedures for determining a charter school or center's deteriorating financial condition. The rule will also specify the requirements for a charter school or center's monthly financial statement to be submitted to its sponsor.

SUMMARY: The rule specifies the requirements for a charter school's monthly financial statements, criteria for determining a deteriorating financial condition or state of financial emergency, and a process for development and approval of a corrective action plan and financial recovery plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 218.503, 1001.02(1), 1002.345 FS.

LAW IMPLEMENTED: 218.39, 218.503, 1002.33(9)(g), 1002.34(11)(f), 1002.345 FS.

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

DATE AND TIME: January 19, 2010, 9:30 a.m.

PLACE: Tampa, Florida. For additional information contact Lynn Abbott, (850)245-9661 or e-mail Lynn.abbott@fldoe.org

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Adam Miller, Director of Charter Schools, Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0081 Charter School and Charter Technical Career Center Monthly Financial Statements and Financial Conditions.

The following provisions have been established to prescribe the format for a charter school or charter technical career center's monthly financial statement required by Sections 1002.33(9)(g) and 1002.34(11)(f), Florida Statutes, respectively, and to administer the requirements of Section 1002.345(4), Florida Statutes.

(1) Monthly financial statement.

(a) A charter school or charter technical career center shall provide a monthly financial statement to the school or center's sponsor in accordance with Sections 1002.33(9)(g) and 1002.34(11)(f), Florida Statutes, respectively, that contains the following information:

1. Projected enrollment for current school year upon which the school's budget is based.

2. Actual enrollment at time statement is submitted.

3. A balance sheet with assets, liabilities, and fund balances.

4. Year-to-date comparison of budgeted versus actual revenues and expenditures.

5. Notes to the monthly financial statement to include other information material to the monthly financial statement. Material is defined as when the magnitude of an omission or misstatement of accounting information that, in the light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement.

(b) The sponsor shall determine whether the monthly financial statement must be prepared on a cash or accrual basis and the selected format shall apply to all schools and centers in the district.

(c) Monthly financial statements shall be formatted in accordance with the accounts and codes prescribed in the publication titled, "Financial and Program Cost Accounting and Reporting for Florida Schools," which is adopted in Rule 6A-1.001, F.A.C.

(d) Charter schools and centers and sponsors shall agree in writing to the date by which the monthly financial statements are to be submitted, with the due date being no more than thirty (30) days after the last day of the month for the prior month's statement.

(e) Sponsors shall not require that monthly financial statements be prepared by an independent certified public accountant, unless otherwise agreed to in the charter or a financial recovery plan.

(f) The reporting requirements of this subsection are supplemental to any financial reporting requirements already established in the school or center's charter.

(2) Deteriorating financial condition. A deteriorating financial condition is defined as a circumstance that significantly impairs the ability of a charter school or charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in Section 218.503(1), Florida Statutes, or a circumstance that has resulted or will result in the occurrence of a condition described in Section 218.503(1), Florida Statutes, if action is not taken to assist the school or center.

(a) A deteriorating financial condition may be identified in one of the following ways:

1. The sponsor may determine that a deteriorating financial condition exists through review of a charter school or charter technical career center's monthly financial statement. A deteriorating financial condition may include, but is not limited to, the existence of one or more of the following circumstances:

a. The school or center's actual enrollment is seventy (70) percent or less of the projected enrollment for which the budget is based, or the enrollment is insufficient to generate enough revenues to meet expenditures;

b. The school or center's actual expenses exceed budgeted expenses for a period of at least three (3) consecutive months in an amount that the school does not have sufficient reserves to compensate; or

c. The school or center experiences an unbudgeted financial event for which the charter school has insufficient reserves to compensate.

The sponsor shall notify the school or center's governing board in writing within seven (7) business days of the determination.

2. An auditor may determine that a deteriorating financial condition as defined by Section 1002.345(1)(a)3., Florida Statutes, exists based on an annual audit performed pursuant to Section 218.39, Florida Statutes. If such a condition is identified, the auditor shall notify each member of the charter school or charter technical career center's governing board in accordance with Section 218.39(5), Florida Statutes. Upon receipt of notification, the governing board shall notify the sponsor of the deteriorating financial condition in writing within seven (7) business days.

(b) Upon determination under subparagraph (2)(a)1., of this rule or receipt of notification under subparagraph (2)(a)2., of this rule that a deteriorating financial condition exists, the sponsor shall notify the governing board of an expedited review, and both parties shall develop a corrective action plan pursuant to Section 1002.345(1)(c), Florida Statutes.

(3) Developing corrective action plans.

(a) If a corrective action plan is required due to the charter school or charter technical career center's failure to provide for an audit or failure to comply with statutory reporting requirements, the Commissioner shall maintain a record of the corrective action plan for the annual report required by Section 1002.345(3), Florida Statutes.

(b) If the corrective action plan is required due to the identification of a deteriorating financial condition or a condition specified in Section 218.503(1), Florida Statutes, the Commissioner shall review the corrective action plan within fifteen (15) business days of receipt to determine whether the strategies identified in the plan adequately address the financial challenges facing the charter school or charter technical career center.

1. If the Commissioner determines that the corrective action plan is sufficient, the Commissioner shall maintain a record of the corrective action plan for the annual report required by Section 1002.345(3), Florida Statutes, and the charter school or charter technical career center's governing board shall implement and monitor the corrective action plan in accordance with Sections 1002.33(9)(j)3. and 1002.34(13), Florida Statutes, respectively.

2. If the Commissioner determines that the corrective action plan is insufficient and a financial recovery plan is needed to resolve the condition, the charter school or charter technical career center shall be considered in a state of financial emergency pursuant to Section 218.503(4)(c), Florida Statutes.

(c) The corrective action plan shall include the following components:

1. A statement of the condition in Section 1002.345(1), Florida Statutes, that initiated the development of a corrective action plan.

2. A description of actions that will be taken to resolve the condition, including a timeline.

3. A summary of the governing board's procedures for monitoring implementation of the plan.

4. A schedule for the governing board to provide progress reports to the sponsor.

5. Any additional components deemed necessary and agreed upon by the charter school governing board and the sponsor.

(d) If the governing board and the sponsor are unable to agree on a corrective action plan, a letter signed by both parties shall be sent to the Office of Independent Education and Parental Choice requesting the involvement of the Commissioner pursuant to Section 1002.345(1)(c), Florida Statutes. The letter shall include:

1. A statement of the condition in Section 1002.345(1), Florida Statutes, that initiated the development of a corrective action plan.

2. A summary of the proposed corrective action for each party.

Within thirty (30) days of receipt of the request, the Commissioner shall determine the components of the corrective action plan, including the reporting requirements for the governing board and monitoring requirements for the sponsor.

(4) Determining a state of financial emergency.

(a) If the Commissioner is notified pursuant to Section 1002.345(2)(a)1., Florida Statutes, that a charter school or charter technical career center's financial audit reveals one or more of the conditions specified in Section 218.503(1), Florida Statutes, the governing board and the sponsor shall develop a corrective action plan for submission and review pursuant to paragraph (3)(b) of this rule.

(b) If the Commissioner is notified pursuant to Section 218.503(2), Florida Statutes, that one or more of the conditions specified in Section 218.503(1), Florida Statutes, have occurred or will occur if action is not taken to assist, the

governing board and the sponsor shall develop a corrective action plan for submission and review pursuant to paragraph (3)(b) of this rule.

(5) Developing financial recovery plans.

(a) If the Commissioner determines that a charter school or charter technical career center is in a state of financial emergency, the financial recovery plan prepared and filed in accordance with Section 1002.345(2)(a)2., Florida Statutes, by the school or center's governing board shall replace any existing corrective action plan created pursuant to paragraph (3)(b) of this rule.

(b) The financial recovery plan shall include the following components:

1. A statement of the condition identified in Section 218.503(1), Florida Statutes, that resulted in the determination of a state of financial emergency.

2. A description of the actions that will resolve or prevent the condition, including a timeline.

3. A summary of the governing board's procedures for monitoring the implementation of the plan.

4. A schedule for the governing board to provide progress reports to the Commissioner and the sponsor.

5. Any additional components deemed necessary by the school or center's governing board.

(c) The Commissioner shall review and approve or reject financial recovery plans pursuant to Section 218.503(4), Florida Statutes, within thirty (30) days of receipt.

(6) Correspondence. All correspondence to the Commissioner of Education related to the financial condition of a charter school or charter technical career center shall be addressed to the Office of Independent Education and Parental Choice, 325 W. Gaines Street, Suite 522, Tallahassee, Florida 32399-0400. In addition, electronic correspondence related to the school or center's financial condition shall be sent to charterschools@fldoe.org. This includes notifications that a financial condition identified in Section 218.503(1), Florida Statutes, has occurred or will occur, requests for the involvement of the Commissioner in creating a corrective action plan, completed corrective action plans, and completed financial recovery plans.

Rulemaking Authority 218.503, 1001.02(1), 1002.345 FS. Law Implemented 218.39, 218.503, 1002.33(9)(g), 1002.34(11)(f), 1002.345 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Kooi, Executive Director, Office of Independent Education and Parental Choice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 10, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE
6A-1.0421	Temporary Inability of Superintendent of Schools to Perform the Duties of Office

PURPOSE AND EFFECT: This rule provides for procedures and requirements that would govern in the event a superintendent of schools is mentally or physically incapacitated, or in the event of resignation or death. For elected superintendents, the Florida constitution and statutes governing public officers explain the procedures for when an officer is temporarily or permanently unable to perform the duties of office. For school districts that employ or appoint superintendents, such procedures are properly within the purview of the school boards to adopt.

SUMMARY: This rule is to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 1001.02(2), 1001.49(6), 1001.50(1) FS.

LAW IMPLEMENTED: 116.34(3), 1001.49, 1001.50 FS.

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

DATE AND TIME: January 19, 2010, 9:30 a.m.

PLACE: Tampa, Florida. For additional information contact Lynn Abbott, (850)245-9661 or e-mail Lynn.abbott@fldoe.org

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Large, Office of General Counsel, Department of Education, 325 West Gaines St., Suite 1244, Tallahassee, FL 32399-0400, (850)245-0442

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0421 Temporary Inability of Superintendent of Schools to Perform the Duties of Office.

Rulemaking ~~Specific~~ Authority 1001.02(2), 1001.49(6), 1001.50(1) FS. Law Implemented 116.34(3), 1001.49, 1001.50 FS. History–New 2-20-71, Repromulgated 12-5-74, Formerly 6A-1.421, Amended 8-30-88, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Deborah Kearney, Office of General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.0691 Procedures for Appealing a District School Board Decision

PURPOSE AND EFFECT: This rule provides for an appeals process related to school district employment issues. Section 1012.33, Florida Statutes, provides that school district personnel may contest a recommendation by the superintendent to not issue a new professional services contract by requesting a hearing pursuant to Sections 120.569 and 120.57, Florida Statutes. Such a hearing may be held before the school board or an administrative law judge of the Division of Administrative Hearings. Those provisions contain the appeal process in the event an individual is not satisfied with a final determination of the school board. As Chapter 120, F.S., governs this appeal process, no authority exists for the procedures provided in this rule.

SUMMARY: This rule is to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 20.05(1)(b), 120.53(1)(c), 1001.02(1), 1012.33(4), (6) FS.

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

DATE AND TIME: January 19, 2010, 9:30 a.m.

PLACE: Tampa, Florida. For additional information contact Lynn Abbott, (850)245-9661 or e-mail Lynn.abbott@fldoe.org

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robert Large, Office of General Counsel, Department of Education, 325 West Gaines St., Suite 1244, Tallahassee, FL 32399-0400, (850)245-0442

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0691 Procedures for Appealing a District School Board Decision.

Rulemaking ~~Specific~~ Authority 1001.02(1) FS. Law Implemented 20.05(1)(b), 120.53(1)(c), 1001.02(1), 1012.33(4), (6) FS. History–New 6-16-72, Repromulgated 12-5-74, Amended 6-17-81, Formerly 6A-1.691, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Deborah Kearney, Office of General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-1.099811 Differentiated Accountability State System of School Improvement

PURPOSE AND EFFECT: The purpose and effect of the proposed new rule is to provide in rule the process and procedures relating to the statewide system of school improvement as required by Section 1008.33, Florida Statutes, as amended in 2009.

SUMMARY: The proposed rule implements Section 1008.33, Florida Statutes, by facilitating a statewide system of school improvement that categorizes schools based on Adequate Yearly Progress (AYP) and school grade and provides support based on a system designed to target the lowest-performing schools with the greatest levels of intervention. The rule details the system of categorization, designates responsible parties to provide support, and establishes guidance and intervention for the lowest-performing schools in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 1008.33 FS.

LAW IMPLEMENTED: 1008.33 FS.

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

DATE AND TIME: January 19, 2010, 9:30 a.m.

PLACE: Tampa, Florida. For additional information contact Lynn Abbott, (850)245-9661 or e-mail Lynn.abbott@fldoe.org

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nikolai Vitti, Deputy Chancellor, Bureau of School Improvement, 325 W. Gaines Street, Suite 1502, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099811 Differentiated Accountability State System of School Improvement.

The purpose of this rule is to set forth the Differentiated Accountability State System of School Improvement, to set forth the framework for categorizing how well schools are meeting Adequate Yearly Progress criteria, to define the level of assistance provided to schools, and to identify the support systems and strategies to be implemented by schools and districts.

(1) Definitions. The following definitions shall be used in this rule:

(a) "Adequate Yearly Progress" or "AYP" means that the AYP criteria for demonstrating progress toward state proficiency goals were met by each subgroup.

(b) "Annual goals" or "state proficiency goals" means the annual targets for the percent of students who meet grade level proficiency in reading and mathematics as established in "Adequate Yearly Progress Benchmarks in Florida" of the 2009 Guide to Calculating Adequate Yearly Progress (AYP), Technical Assistance Paper dated June 2009, which is hereby adopted by reference and made part of this rule and accessible at http://schoolgrades.fldoe.org/pdf/0809/2009AYPTAP.pdf. Proficiency on the FCAT is attained at scoring level 3 or higher in reading and mathematics on a 5-level range. Proficiency on the Florida Alternate Assessment is attained at scoring level 4 or higher on a 9-level range.

(c) "AYP Count" means the value assigned to a school that did not achieve AYP for two (2) consecutive years, starting from the 2002-03 school year. The school is assigned a value of one (1) AYP count if the school failed to make AYP for two (2) consecutive years and increases by one (1) for each year that the school fails to achieve AYP.

(d) "Benchmark Baseline Assessment" means a diagnostic assessment given at the beginning of the year to evaluate students' strengths and weaknesses on grade-level skills in reading, mathematics, science, and writing.

(e) "Benchmark Mid-Year Assessment" means a diagnostic assessment given at the mid-point of a school year to evaluate students' progress on grade-level skills in reading, mathematics, science, and writing.

(f) "Benchmark Mini-Assessments" means diagnostic assessments given at frequent intervals used to monitor student learning of recently taught skills, and to guide teachers' instructional focus.

(g) "Community Assessment Team" or "CAT" means a team consisting of stakeholders including but not limited to parents, business representatives, teachers, administrators, district level personnel, and Department of Education staff, who advocate for low-performing schools within their community, as set forth in Section 1008.345, Florida Statutes.

(h) "D Former F" means a "D" graded school that improved from a grade of "F" the previous academic year.

(i) "Department" means the Florida Department of Education (FDOE).

(j) "Differentiated Accountability State System of School Improvement," "Differentiated Accountability" and "DA" mean the accountability system used by Florida to meet conditions for participation in the Elementary and Secondary Education Act, 20 U.S.C.ss 6301 et seq. that requires states to hold public schools and school districts accountable for making adequate yearly progress toward meeting state proficiency goals.

(k) "Direct instructional support" means support provided by a district curriculum specialist who visits the school frequently to provide onsite professional development and support to classroom teachers.

(l) "District" means the school district responsible for collaborating with the Department and schools to ensure the state system of school improvement is implemented with fidelity.

(m) "District Improvement and Assistance Plan" means a district level plan, submitted to the Department, that includes strategies for improving school performance and increasing student achievement.

(n) "Florida Continuous Improvement Model" or "FCIM" means a method for effectuating improvement that is based on the principle that student and teacher success requires a continuous effort. Key elements include analyzing data, developing timelines, quality instruction, and frequently assessing students.

(o) "Fully released coach" means a full time reading and mathematics or science coach who is devoted full time to coaching duties.

(p) "Individual Professional Development Plan" or "IPDP" means the plan for each instructional employee assigned to a school as set forth in Section 1012.98, Florida Statutes.

(q) "Instructional monitoring process" means a process for monitoring instructional programs and practices, and ensuring that they are implemented.

(r) "Lesson Study Group" or "LSG" means a small group of teachers who collaborate to plan an actual classroom lesson (called a "research lesson"), observe how the lesson works in practice, and report on the results for the benefit of other teachers.

(s) "Next Generation Sunshine State Standards" or "NGSSS" means the state's public K-12 curriculum standards adopted pursuant to Section 1003.41, Florida Statutes.

(t) "Peer Review" means the process by which school staff reviews and provides feedback on another school's improvement plan.

(u) "Response to Intervention" or "RtI" means the practice of providing services and interventions matched to individual student needs as determined by an analysis of student data and feedback from observations.

(v) "School Advisory Council" means the council set forth in Section 1001.452, Florida Statutes.

(w) "School grade" means the grade assigned to a school pursuant to Section 1008.34, Florida Statutes, and Rule 6A-1.09881, F.A.C., except that a high school's grade will be established solely by the FCAT scores and AYP for purposes of Differentiated Accountability.

(x) "School improvement plan" or "SIP" means a school level plan, submitted to the district and the Department, that includes strategies for improving school performance and increasing student achievement.

(y) "State adopted material" means textbooks and instructional materials that are aligned to the Next Generation Sunshine State Standards and approved for use in the state's schools under Section 1006.34, Florida Statutes.

(z) "Subgroup" means a demographic group whose performance on the state assessment is measured to determine AYP and includes American Indian, Asian, black or African American, Hispanic, white, economically disadvantaged students, English language learners, students with disabilities, and all students.

(aa) "Data chats" means the process of teachers or administrators meeting with students to discuss the results of student's assessments.

(bb) "Common planning time" means the time provided to teachers to meet regularly with common grade-level or subject-area teachers to collaborate.

(2) Adequate Yearly Progress.

(a) Every public school is expected to make adequate yearly progress towards state proficiency goals for each subgroup.

(b) AYP shall be calculated in accordance with Part II, 1.-5. of the 2009 Guide to Calculating Adequate Yearly Progress (AYP) Technical Assistance Paper, June 2009, which is hereby adopted by reference in this rule and accessible at http://schoolgrades.fldoe.org/pdf/0809/2009AYPTAP.pdf.

(c) AYP is comprised of thirty-nine (39) criteria as follows:

1. The first nine (9) criteria are met by determining whether the participation rate for each subgroup being evaluated in reading is at least ninety-five (95) percent.

2. The second nine (9) criteria are met by determining whether the participation rate for each subgroup being evaluated in mathematics is at least ninety-five (95) percent.

3. The third nine (9) criteria are met by determining whether the annual goals for reading proficiency are met by each subgroup being evaluated.

4. The fourth nine (9) criteria are met by determining whether the annual goals for mathematics proficiency are met by each subgroup being evaluated;

5. The thirty-seventh criterion is met if school-wide performance in writing improved by one (1) percent or is at a rate of ninety (90) percent or higher;

6. The thirty-eighth criterion is met if the school does not earn a grade of D or F; and

7. The thirty-ninth criterion is met if a high school improved its graduation rate or has a graduation rate of eighty-five (85) percent or higher.

(d) If a criterion is not applicable to a school because the subgroup is not of sufficient number or the school is not a high school, that criterion will be considered as having been met.

(e) The percentage of AYP criteria met is calculated by determining what percent of the thirty-nine (39) criteria was met by the school.

(3) Categories. The Department shall place each school into one of six categories annually. Beginning with the highest performing, the categories are entitled: Schools Not Required to Participate in Differentiated Accountability Strategies, Prevent I, Correct I, Prevent II, Correct II, and Intervene.

(a) Schools Not Required to Participate in Differentiated Accountability Strategies are schools in the highest-performing school category. A school shall be so categorized when the school:

1. Is graded "A", "B", "C", or is ungraded; and

2. Has not failed to make AYP for two (2) consecutive years.

(b) A school shall be categorized as a Prevent I school when the school:

1. Is graded "A", "B", "C", or is ungraded; and

2. Has an AYP count between one(1) and three (3); and

3. Has met at least eighty (80) percent of AYP criteria for at least two (2) consecutive years.

(c) A school shall be categorized as a Correct I school when the school:

1. Is graded "A", "B", "C", or is ungraded and;

2. Has an AYP Count of four (4) or greater; and

3. Has met at least eighty (80) percent of AYP criteria.

(d) A school shall be categorized as a Prevent II school when the school:

1. Is a "D" school that failed to meet AYP criteria for fewer than two (2) consecutive years; or

2. Is a "D" school that failed to meet AYP criteria for at least two (2) consecutive years, with an AYP count between one (1) and three (3); or

3. Is graded "A", "B", "C", or is ungraded; and

a. Has an AYP Count between one (1) and three (3); and

b. Has met less than eighty (80) percent of AYP criteria and has not met AYP criteria for at least two (2) consecutive years.

(e) A school shall be categorized as a Correct II school when the school:

1. Is graded "F" regardless of AYP status; or

2. Is graded "D" and has an AYP Count of four (4) or greater; or

3. Is graded "A", "B", "C", or is ungraded; and

a. Has an AYP Count of four (4) or greater; and

b. Has met less than eighty (80) percent of AYP criteria.

(f) A school shall be categorized as an Intervene school when the school:

1. Is graded "F" and has earned at least four (4) "F" grades in the last six (6) school years; or

2. Is graded "D" and meets the criteria for a Correct II school or is graded "F" and meets the criteria for a Correct II school, and the school also meets at least three (3) of the four (4) following conditions:

a. The percentage of non-proficient students in reading has increased when compared to the percentage attained five (5) years earlier.

b. The percentage of non-proficient students in mathematics has increased when compared to the percentage attained five (5) years earlier.

c. Sixty-five (65) percent or more of the school's students are not proficient in reading.

d. Sixty-five (65) percent or more of the school's students are not proficient in mathematics.

3. Alternative schools are exempt from qualifying for the Intervene category.

(4) Notice to District of School Category. The Department shall notify each school district of the category of each school located within the district.

(5) Intervention and Support Strategies. The strategies and support interventions required of schools in need of improvement fall into seven (7) areas: school improvement planning, leadership quality improvement, educator quality improvement, professional development, curriculum alignment and pacing, the Florida Continuous Improvement Model, and monitoring plans and processes. The action required for each school category is set forth in the form entitled, DA2 – Strategies and Support for Differentiated Accountability, effective as of the effective date of this rule. Form DA2 is hereby incorporated by reference in this rule and can be obtained through the Department of Education website www.flbsi.org/DA/index.htm or by contacting the Bureau of School Improvement in the Department. The strategies and support set forth in this form must be incorporated into districts' collective bargaining agreement. The entity responsible for implementing the Differentiated Accountability strategies is as follows:

(a) For Prevent I schools:

1. The school implements interventions.

2. The district monitors progress and provides support to schools.

(b) For Correct I schools:

1. The school implements interventions.

2. The district directs interventions.

3. The district monitors progress and provides support to schools.

(c) For Prevent II schools:

1. The school implements interventions.

2. The district directs school interventions.

3. The district monitors progress and provides support to schools.

4. The Department monitors the district's support to schools.

(d) For Correct II schools:

1. The school implements interventions.

2. The district directs school interventions.

3. The district and Department monitor progress and support schools.

4. Intensive onsite support is provided by the district and the Department for schools graded "F," "D Former F," and Exiting Intervene schools.

(e) For Intervene schools:

1. The school implements interventions.

2. The district and Department conduct onsite monitoring of intervention implementations.

3. The district and Department provide intensive onsite support.

4. In the event the school does not make sufficient progress to exit the Intervene category within one (1) year, the district must choose one (1) of the four (4) reconstitution options described in subsection (8) of this rule.

(6) School Improvement Plan.

(a) Except for a school in the highest performing category, a school's improvement plan shall include the strategies and support activities found in the Department's Form DA2 – Strategies and Support for Differentiated Accountability. The School Improvement Plan template as incorporated by reference in Rule 6A-1.09981, F.A.C., as Form SIP-1, is available at http://www.flbsi.org.

(b) Non-Title I A, B, or C schools may receive a waiver from FDOE if the district/school can demonstrate that their existing template provides strategies for subgroups that did not meet AYP in the area of data analysis, RtI, and increasing student achievement. Applications for waivers are submitted to the Department of Education, K-12 Public Schools, prior to the annual submission deadline of the School Improvement Plan. The Department shall approve or deny the waiver and notify the district.

(7) Progression and exiting from categories other than Intervene. A Prevent I, Correct I, Prevent II, or Correct II school may progress to a School Not Required to Participate in Differentiated Accountability Strategies when it meets AYP criteria for two (2) consecutive years.

(8) Intervene Status; exiting the Intervene category; consequences of failing to exit.

(a) In order to exit the Intervene category a school must make significant progress after one (1) year. Significant progress is defined as:

1. The school's letter grade improves to a "C" or better, and

2. The school's AYP performance improves so that at least one (1) subgroup in reading and at least one (1) subgroup in mathematics that previously did not make AYP has made AYP.

(b) In the event a school in the Intervene category fails to make significant progress within one (1) year and exit the Intervene category, the district and Department will provide assistance with the selection and implementation of one (1) of the four (4) following reconstitution options for the school:

1. Reassign students to another school and monitor the students' progress. This option requires the district to:

a. Close the school and assign the students to different locations.

b. Follow established procedures for attendance boundary changes and zoning requirements in reassigning students to different locations.

c. Ensure that teachers from the closed school who are responsible for teaching reading and mathematics are not assigned to any school where the students from the closed school are assigned unless the teacher is highly qualified as set forth in Section 1012.05, Florida Statutes, and sixty-five (65) percent of the teacher's students achieved learning gains on FCAT for reading and mathematics.

d. Identify students from the closing school who were reassigned and monitor their academic progress. Progress will be reported annually to the Department for three (3) years.

e. In addition to open house events, the school must offer a flexible number of meetings to inform parents of their child's performance at school. These meetings shall be held at convenient times such as morning, evening, or weekends.

2. Convert the school to a district-managed turnaround school. This option requires:

a. The district to assign a district employee who is responsible for managing the turnaround process.

b. The district to replace the principal, all assistant principals, and instructional coaches unless assigned to the school for less than one (1) year and the school's failure to improve cannot be attributed, in whole or in part, to the individual. The Department shall provide recommendations to the district with respect to replacing the principal, assistant principals, and instructional coaches.

c. The district to reassign or replace instructional faculty and staff whose students' failure to improve can be attributed to a lack in performance on the part of faculty and staff providing instruction. Reading and mathematics teachers may not be rehired at the school unless they are highly qualified and effective instructors as set forth in Section 1012.05, Florida Statutes, and as evidenced by sixty-five (65) percent of their students achieving learning gains on FCAT.

d. The district to undertake a comprehensive search to recruit a new principal with a record of turning around a similar school. The principal's contract must include differentiated pay in the form of a signing bonus and performance pay for raising student achievement. The selection of the principal shall be informed by guidance from the Department.

e. The principal and new leadership team to select new faculty and staff with the Department's assistance. Differentiated pay may be offered to faculty through signing bonuses and compensation for mandatory professional development and involvement in additional parent and student functions after school. Performance pay may also be offered to teachers for raising student achievement. The hiring process shall be completed in time to ensure all teachers participate in summer professional development activities.

f. The district to provide the school with a fully released reading coach and a fully released mathematics or science coach, and will provide additional coaches based on enrollment, unless the district provides direct instructional support services.

g. The district to assemble an advisory board comprised of district personnel, community members, and a representative of the Department. The advisory board shall report monthly to the superintendent regarding its activities, concerns, and recommendations. Only one advisory board is required for a district with more than one school in the Intervene category.

h. The district to make available to the school's administrators and teachers prior to the opening of school a summer professional development academy that is developed in conjunction with the Department.

i. The school to establish common planning time within the master schedule to allow meetings to occur a minimum of two (2) times a week, by grade level in elementary school and by subject area at the secondary level. If the master schedule cannot allow all grade level or subject area teachers to participate at the same time, the district must establish weekly common planning time after school for a minimum of one (1) hour a week.

j. The district to enhance its school allocation formula to provide additional funds, resources, and personnel to the school.

k. The district to submit to the bargaining process the terms of any provision of a collective bargaining agreement that impede the district's efforts to make gains sufficient for its schools in the Intervene category to exit from that category.

l. In addition to open house events, the school must offer a flexible number of meetings to inform parents of their child's performance at school. These meetings shall be held at convenient times such as morning, evening, or weekends.

3. Close the school and reopen the school as a charter school or multiple charter schools. This option requires the district to:

a. Close the school and follow procedures of Section 1002.33, Florida Statutes, to reopen the school as a charter or multiple charters.

b. Reassign students who do not choose to attend the charter to other schools.

c. Ensure that the charter includes the following provisions:

(I) The principal selected must have experience turning around a low-performing school;

(II) The principal, assistant principals, or coaches from the closed school may not be hired at the charter school unless assigned to the school for less than one (1) year and the school's failure to improve cannot be attributed, in whole or in part, to the individual;

(III) Reading and mathematics teachers from the closed school may only be hired if they are highly qualified and effective instructors as set forth in Section 1012.05, Florida Statutes, and as evidenced by sixty-five (65) percent of their students achieving learning gains on FCAT.

(IV) The district provides the school with a fully released reading coach and a fully released mathematics or science coach and provides additional coaches based on enrollment, unless the charter provides direct instructional support services.

d. In addition to open house events, the school must offer a flexible number of meetings to inform parents of their child's performance at school. These meetings shall be held at convenient times such as morning, evening, or weekends.

4. Contract with an outside entity to operate the school. This option requires the district to enter into a contract with a management company having a proven success record of improving low-performing schools. The contract must include the following:

a. The principal must have experience turning around a low-performing school.

b. The principal, assistant principals, or coaches from the closed school may not be hired at the new school unless assigned to the school for less than one (1) year and the school's failure to improve cannot be attributed, in whole or in part, to the individual.

c. Reading and mathematics teachers from the closed school may only be hired if they are highly qualified and effective instructors as set forth in Section 1012.05, Florida Statutes, and as evidenced by sixty-five (65) percent of their students achieving learning gains on FCAT.

d. The district provides the school with a fully released reading coach and a fully released mathematics or science coach and provides additional coaches based on enrollment unless the charter provides direct instructional support services.

e. In addition to open house events, the school must offer a flexible number of meetings to inform parents of their child's performance at school. These meetings shall be held at convenient times such as morning, evening, or weekends.

(c) If a school does not exit the Intervene category after one (1) year of implementing one (1) of the options for reconstitution, a different option will be selected by the district each year until all options are exhausted, in which case the school will be closed and students reassigned.

(d) If a school does not exit the lowest-performing category during the initial year of implementing one of the reconstitution options, the school district must submit a plan, for State Board of Education approval, that includes details for implementing a different reconstitution option at the beginning of the next school year, unless the provisions of paragraph (8)(e) of this rule apply.

(e) When a school district demonstrates that a school is likely to move from the lowest-performing category if additional time is provided to implement intervention and support strategies, the State Board of Education shall permit continuation of an implementation option beyond one year.

(f) Each year the Department shall publish notice of the deadline for the selection of a reconstitution option, as provided in paragraph (8)(b) of this rule and the submission of plan for implementation of that option. The notice shall provide a district a minimum of thirty (30) days for selection of the implementation option and a minimum forty-five (45) days after that date for the submission of an implementation plan.

(9) Annual update of DA forms. DA forms will be annually updated and submitted for State Board approval.

Rulemaking Authority 1001.02(1), 1008.33 FS. Law Implemented 1006.40(2), 1008.33 FS. History–New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Frances Haithcock, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-10.0312	Minimum Standards of College-Level Communication and Computation Skills
6A-10.0314	Applications of College-Level Communication and Computation Skills in State Universities and Community Colleges
6A-10.0317	Participation in the College-Level Communication and Computation Skills Testing Program by Nonpublic Postsecondary Institutions

PURPOSE AND EFFECT: Effective July 1, 2009, Senate Bill 1696 repealed Section 1008.29, Florida Statutes, relating to the College-Level Academic Skills Test (CLAST). The repeal of the statute removes the statutory authority for these rules, necessitating the repeal of the rules.

SUMMARY: These rules are to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 1008.29 FS.

LAW IMPLEMENTED: 1008.29 FS.

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

DATE AND TIME: January 19, 2010, 9:30 a.m.

PLACE: Tampa, Florida. For additional information contact Lynn Abbott, (850)245-9661 or e-mail Lynn.abbott@fldoe.org

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dr. Heather Sherry, Director, Office of Articulation, 325 West Gaines Street, Suite 1401, Tallahassee, FL 32399-0400, (850)245-0427

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-10.0312 Minimum Standards of College-Level Communication and Computation Skills.

Rulemaking ~~Specific~~ Authority 1001.02(2)(d), 1008.29(4) FS. Law Implemented 1001.02, 1008.29, 1008.345 FS. History–New 9-3-81, Amended 9-29-82, 3-28-84, Formerly 6A-10.312, Amended 4-13-88, 10-17-89, 5-2-90, 8-19-91, 10-18-94, Repealed _____.

6A-10.0314 Applications of College-Level Communication and Computation Skills in State Universities and Community Colleges.

Rulemaking ~~Specific~~ Authority 1001.02(6) FS. Law Implemented 1001.02, 1008.29, 1004.68 FS. History–New 9-3-81, Amended 10-7-82, 11-10-83, 3-28-84, Formerly 6A-10.314, Amended 4-13-88, 10-18-94, Repealed _____.

6A-10.0317 Participation in the College-Level Communication and Computation Skills Testing Program by Nonpublic Postsecondary Institutions.

Rulemaking ~~Specific~~ Authority 120.53(1)(b), 229.053(1), (2)(d), 240.107(7) FS. Law Implemented 229.053, 240.107, 240.233, 240.239, 240.3215, 240.325 FS. History–New 4-1-91, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Heather Sherry, Director, Office of Articulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-14.064 College Credit Dual Enrollment

PURPOSE AND EFFECT: The purpose of the rule is to implement Section 1007.271, Florida Statutes, relating to dual enrollment programs and to delineate the responsibilities of the Department, postsecondary institutions, and school districts as required by legislation.

SUMMARY: The proposed rule will delineate implementation requirements for postsecondary institutions and school districts offering dual enrollment courses as authorized by Section 1007.271, Florida Statutes which addresses dual enrollment programs. The rule will codify standards for student eligibility, faculty, curriculum, environment, accountability and assessment, and strategic planning.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 1007.271(3), (9), 1001.02(2), (6) FS.

LAW IMPLEMENTED: 1007.271 FS.

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

DATE AND TIME: January 19, 2010, 9:30 a.m.

PLACE: Tampa, Florida. Please contact Lynn Abbott at lynn.abbott@fldoe.org for specific location.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Alexander, Division of Florida Colleges, Department of Education, telephone: (850)245-9523 or Email: julie.alexander@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.064 College Credit Dual Enrollment.

(1) To be eligible to receive college credit through dual enrollment:

(a) Students must meet the grade point average (GPA) requirements, as specified in Section 1007.271, Florida Statutes, for the degree or certificate program selected. Procedures for determining exceptions to the GPA

requirements on an individual student basis must be noted in the District Interinstitutional Articulation Agreement as required by Section 1007.235, Florida Statutes.

(b) Students must satisfy the college preparatory testing requirements of Rule 6A-10.0315, F.A.C. Before accumulating more than twelve (12) credit hours, students must either meet established minimum scores on all sections of a postsecondary readiness assessment, or earn a passing score on the Basic Skills Exit Test as required by Section 1008.30, Florida Statutes, and complete each of the following high school courses with a grade of C or better: Mathematics for College Success (1200410), Reading for College Success (1008350) and Writing for College Success (10009370).

(c) For joint dual enrollment and Advanced Placement (AP) courses, as authorized in Section 1007.272, Florida Statutes, students must comply with the add/drop policies and deadlines of the postsecondary institution. A student who elects to enroll in an AP course that is jointly offered with a dual enrollment course may not earn postsecondary credit for that course through dual enrollment.

(d) In order to remain eligible for college credit coursework, students must maintain the high school GPA required for initial eligibility unless otherwise noted in the District Interinstitutional Articulation Agreement.

(e) Participation of exceptional student education (ESE) students must be in accordance with statutory eligibility requirements and with the procedural guidelines, and district-college responsibilities delineated in the District Interinstitutional Articulation Agreement.

(f) Districts and colleges may agree to extend dual enrollment participation in Student Life Skills (designated as SLS course prefix in the Statewide Course Numbering System) courses to students who do not meet the statutory eligibility requirements, if alternate eligibility requirements are delineated in the District Interinstitutional Articulation Agreement.

(g) In order to be considered a full-time dual enrollment early admission student, the student must enroll in a minimum of twelve (12) college credit hours, but may not be required to enroll in more than fifteen (15) college credit hours.

(2) The following requirements shall apply to faculty providing instruction in college credit dual enrollment courses:

(a) All full-time or adjunct faculty teaching dual enrollment courses must meet Southern Association of Colleges and Schools Commission on Colleges' Principles of Accreditation: Foundations for Quality Enhancement, 2008 Edition, section 3.7.1, for postsecondary instructors in the course and discipline, which is hereby incorporated by reference. The document may be accessed at http://www.sacscoc.org/pdf/2008PrinciplesofAccreditation.pdf. These criteria apply to all faculty teaching postsecondary courses regardless of the physical location of the course being taught. The postsecondary institution awarding credit shall ensure faculty teaching dual enrollment courses meet these qualifications.

(b) Postsecondary transcripts of all full-time or adjunct faculty teaching dual enrollment courses must be filed with the postsecondary institution, regardless of who employs or pays the faculty member's salary.

(c) All full-time and adjunct faculty teaching dual enrollment courses shall be provided with a copy of the current faculty or adjunct faculty handbook of the postsecondary institution, and shall adhere to the professional guidelines, rules, and expectations therein. Any exceptions to such requirements must be noted in the District Interinstitutional Articulation Agreement.

(d) All full-time and adjunct faculty teaching dual enrollment courses shall be provided with a current student handbook detailing information that includes, but is not limited to, add/drop and withdrawal policies, student code of conduct, grading policies, and critical dates, and shall adhere to the guidelines, rules, and expectations therein. Any exceptions to such requirements must be noted in the District Interinstitutional Articulation Agreement.

(e) All adjunct faculty teaching dual enrollment courses shall be provided with a full-time faculty contact or liaison in the same discipline.

(f) All full-time and adjunct faculty teaching dual enrollment courses, regardless of location of instruction, shall be observed by a designee of the college president and evaluated based on the same criteria used for all other full-time or adjunct faculty delivering college courses at that institution.

(g) The postsecondary institution shall provide all full-time and adjunct faculty teaching dual enrollment courses with a copy of course plans and objectives for the college course they are teaching. In addition, faculty shall be provided with information on additional requirements related to Rule 6A-10.030, F.A.C., if applicable. All course objectives and identified competencies must be included in the course plan and covered per the syllabus during the term.

(h) All full-time and adjunct faculty teaching dual enrollment courses shall file a copy of their current course syllabus with the college's discipline chair or department chair prior to the start of each term. Content of the syllabus must meet the same criteria as required for all college courses offered at that institution.

(3) The following curriculum standards for content, syllabi, exams, and grades shall apply to college credit dual enrollment:

(a) Dual enrollment courses taught on the high school campus must meet all competencies expected and outlined in the postsecondary course plan. To ensure equivalent rigor with on-campus courses, final examinations for all dual enrollment courses taught or delivered on the high school campus must be developed by full-time postsecondary faculty at the institution

granting postsecondary credit, and approved by the appropriate curriculum or department chair as a comprehensive assessment of expected learning outcomes. Final exams will be provided to the high school campus dual enrollment course instructor by the college in a timely manner to ensure availability prior to scheduled administration dates. Completed, scored exams will be returned to the postsecondary institution and held on file for a period of one (1) year.

(b) Textbooks and instructional materials used in dual enrollment courses must be the same or comparable with those used with other postsecondary courses at the postsecondary institution with the same course prefix and number. The postsecondary institution will advise the school district of instructional material requirements as soon as that information becomes available, but no later than one term prior to a course being offered.

(c) Course requirements such as tests, papers, or other assignments for dual enrollment students must be at the same level of rigor or depth as those for all non-dual enrollment postsecondary students. All full-time and adjunct faculty teaching dual enrollment courses must observe postsecondary institution procedures and deadlines for submission of grades in the appropriate format. All faculty will be advised of postsecondary institution-wide grading guidelines prior to teaching a dual enrollment course.

(d) Policies relating to dual enrollment course withdrawals and repeats shall be determined by the college and must be clearly delineated in the District Interinstitutional Articulation Agreement.

(4) The following environmental standards shall apply to college credit dual enrollment:

(a) Dual enrollment courses taught on a high school campus shall ensure minimal interruptions of instructional time. Student behavior that is disruptive to the learning environment may result in that student's loss of dual enrollment eligibility.

(b) Dual enrollment courses may not be combined with other high school courses, except in accordance with Section 1007.272, Florida Statutes.

(c) A formalized process between the high school counselor and the college must be delineated in the District Interinstitutional Articulation Agreement for informing students and parents or guardians of college course-level expectations, including, but not limited to the following:

1. Any letter grade below a "C" will not count as credit toward satisfaction of the General Education graduation requirement and the requirements in Rule 6A-10.030, F.A.C.; however, all grades are calculated in a student's GPA and will appear on their college transcript.

2. All grades, including "W" for withdrawal, become a part of the student's permanent college transcript and may affect subsequent postsecondary admission.

3. While appropriate for college-level study, course materials and class discussions may reflect topics not typically included in secondary courses which some parents may object to for minors. Courses will not be modified to accommodate variations in student age and/or maturity.

4. The selection of courses to meet degree requirements, including approved program common prerequisite courses, in order to minimize student and state costs for excess hours.

5. The inclusion of dual enrollment course plans in their Electronic Personal Educational Planner (ePEP), as required by Section 1003.413(3)(i), Florida Statutes, to minimize enrollment in a random selection of college courses.

(5) The following accountability and assessment standards shall apply to college credit dual enrollment:

(a) Postsecondary institutions shall analyze student performance in dual enrollment to ensure that the level of preparation and future success is comparable with non- dual enrollment postsecondary students. Analyses and recommendations shall be shared and reviewed with the principal and local school district.

(b) High schools shall analyze course and instructor evaluations for dual enrollment courses on the high school campus. Analyses and recommendations shall be shared and reviewed by both the college and the high school.

(c) Any course-, discipline-, college-, or system-wide assessments that a postsecondary institution requires in non-dual enrollment sections of a course shall also be used in all dual enrollment sections of the course.

(d) Colleges shall compare student performance, to include final grade and exam, of dual enrollment course offerings on high school campuses and college campuses to ensure that results are comparable to non-dual enrollment sections. Results will be made available to the principal, local school district, the college president, and the Department of Education.

Rulemaking Authority 1007.271(3), (9), 1001.02(2), (6) FS. Law Implemented 1007.271 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Willis Holcombe, Chancellor, Division of Florida Colleges, Department of Education

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Eric J. Smith, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-10.001	Composition of Value Adjustment Board
12D-10.002	Appointment and Employment of Special Magistrates
12D-10.003	Powers, Authority, Duties and Functions of Value Adjustment Board
12D-10.004	Receipt of Taxpayer's Petition to be Acknowledged
12D-10.0044	Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners
12D-10.005	Duty of Clerk to Prepare and Transmit Record
12D-10.006	Public Notice of Findings and Results of Value Adjustment Board

PURPOSE AND EFFECT: The repeal of specific provisions in Rule Chapter 12D-10, F.A.C., is necessary to administratively implement the provisions of Sections 3, 4, 5, and 6 of Chapter 2008-197, Laws of Florida and to conform to the new proposed Rule Chapter 12D-9, F.A.C. The effect of these proposed rule changes is that taxpayers who petition property tax matters to Value Adjustment Boards, including property tax assessments, denials of classifications, and denials of exemptions, have access to the procedures that apply to the hearing of their petitions.

SUMMARY: Proposed Rule Chapter 12D-9, F.A.C., is being created to establish uniform procedures for hearings before value adjustment boards and their special magistrates. Current Rule Chapter 12D-10, F.A.C., repeats language in the new proposed chapter. The repeal of specific provisions in current Rule Chapter 12D-10, F.A.C., and the amendment of other provisions in Rule Chapter 12D-10, F.A.C., fulfills the intention of conforming it to the proposed new Rule Chapter 12D-9, F.A.C. The repeal eliminates confusion for the public and clarifies the procedures. The rule draft incorporates a series of technical changes and repeals to place current Rule Chapter 12D-10, F.A.C., into consistency with new Rule Chapter 12D-9, F.A.C., as currently proposed. These changes to Rule Chapter 12D-10, F.A.C., are a portion of the changes that will ultimately be proposed to fully implement Chapters 2008-197 and 2009-121, Laws of Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 194.011(5), 194.034(1), 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: Ch. 2008-197, Laws of Florida, 193.122, 194.011, 194.015, 194.032, 194.034, 194.035, 194.036, 194.037, 194.301, 195.002, 195.022, 195.096, 196.011, 197.122, 200.069, 213.05 FS.

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

DATE AND TIME: January 11, 2010, 9:00 a.m.

PLACE: Room 442, Carlton Building, 501 South Calhoun Street, Tallahassee Florida. The public can also participate in the hearing through a telephone conference call. Information on how to participate in this conference call will be posted on the Property Tax Oversight Program's Internet site at http://dor.myflorida.com/dor/property/vabwb/vabws.html on or before January 4, 2010.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Janice Forrester at (850)922-7945. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Janice Forrester at (850)922-7945

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-10.001 Composition of Value Adjustment Board.

~~The value adjustment board may be convened at any time in order to consider necessary business. Each elected member of the board shall serve on the board until he is replaced by a successor elected by his respective parent board or is no longer a member of the governing body or school board of the county. The respective parent boards must elect a replacement for those members of the value adjustment board who are no longer members of the governing body or school board of the county. The quorum requirements of section 194.015, Florida Statutes, may not be waived by anyone, including the petitioner.~~

Rulemaking ~~Specific~~ Authority 195.027(1), 213.06(1) FS. Law Implemented 194.015, 213.05 FS. History–New 10-12-76, Formerly 12D-10.01, Amended 12-31-98, Repealed _____.

12D-10.002 Appointment and Employment of Special Magistrates.

~~Special magistrates appointed by the board act in place and stead of the board except to render final decision. The recommendation of a special magistrate to the board shall be in~~

~~writing and contain the findings of fact and conclusions of law upon which the recommendation is based and shall conform to the provisions of Rule 12D-10.003(5)(a) and (b), F.A.C. Proceedings before the special magistrate shall meet all basic requirements of a proceeding before the board, and the special magistrate's records and decisions shall be developed, preserved and maintained as described in Rule 12D-10.003(4).~~

Rulemaking ~~Specific~~ Authority 195.027(1), 213.06(1) FS. Law Implemented 194.032, 194.034, 194.035, 213.05 FS. History–New 10-12-76, Formerly 12D-10.02, Repealed _____.

12D-10.003 Powers, Authority, Duties and Functions of Value Adjustment Board.

(1) The board has no power to fix the original valuation of property for ad valorem tax purposes or to grant an exemption not authorized by law and the board is bound by the same standards as the county property appraiser in determining values and the granting of exemptions. The board has no power to grant relief either by adjustment of the value of a property or by the granting of an exemption on the basis of hardship of a particular taxpayer. The board, in determining the valuation of a specific property, shall not consider the ultimate amount of tax required.

(2) The powers, authority, duties and functions of the board, insofar as they are appropriate, apply equally to real property and tangible personal property (including taxable household goods).

~~(3) A county property appraiser's determination of value is entitled to a presumption of correctness. The petitioning taxpayer has the burden to prove that the property appraiser's determination was incorrect. The presumption of correctness for valuation determinations can be properly rebutted as described in Section 194.301, Florida Statutes.~~

~~(4)(a) The verbatim record required by Section 194.034(1)(c), Florida Statutes, may be kept by electronic tape recording. The clerk of the board shall maintain the verbatim record and the preserved evidence and listings for a period of not less than four years. All witnesses may be required, upon the request of either party, to testify under oath as administered by the chairman of the board. Witnesses for either party may be cross-examined by the other party when testimony is taken.~~

~~(b) No evidence shall be considered by the board or special magistrate except when presented during the time scheduled for the petitioner's hearing, or at a time when the petitioner has been given reasonable notice. All documentary evidence presented shall be properly preserved and indexed to the verbatim record. Where no decision is rendered in a case, such as where the petition is withdrawn or acknowledged correct by the property appraiser, the reasons for no decision shall be placed in the record and a detailed listing of each case so handled and the reasons therefor shall be compiled by the clerk and maintained along with the verbatim record.~~

~~(c) No petitioner shall present, nor shall the board or special magistrate accept, testimony or other evidentiary materials for consideration that were requested of the petitioner in writing by the property appraiser of which the petitioner had knowledge and deliberately denied to the property appraiser.~~

(3)~~(5)(a)~~ Every decision of the board must contain specific and detailed findings of fact which shall include both ultimate findings of fact and basic and underlying findings of fact. Each basic and underlying finding must be properly annotated to its supporting evidence. For purposes of these rules, the following are defined to mean:

(a)~~1.~~ An ultimate finding is a determination of fact. An ultimate finding is usually expressed in the language of a statutory standard and must be supported by and flow rationally from adequate basic and underlying findings.

(b)~~2.~~ Basic and underlying findings are those findings on which the ultimate findings rest and which are supported by evidence. Basic and underlying findings are more detailed than the ultimate findings but less detailed than a summary of the evidence.

(c)~~3.~~ Reasons are those clearly stated grounds upon which the board or property appraiser acted.

~~(b) All decisions made shall include the nature of the change made and indicate the just, taxable, and exempt value before and after the change.~~

~~(6) The board shall certify each assessment roll or part of an assessment roll after all hearings on that roll or part of a roll have been held. The certificate shall be in the manner and form prescribed by the Department of Revenue and a sufficient number of copies thereof delivered to the property appraiser who shall attach the same to each copy of each assessment roll prepared by the property appraiser. The board shall forward a copy of the certificate to the Department of Revenue.~~

~~(7) The board shall remain in session until its duties are completed concerning all assessment rolls or parts of assessment rolls. The board may temporarily adjourn from time to time but shall reconvene when necessary in the normal course of business or to hear petitions, complaints, or appeals and disputes filed upon that roll or portion of the roll finally approved which had been disapproved by the Executive Director pursuant to Section 193.1142(2), Florida Statutes, or disapproved by the assessment administration review commission or the Supreme Court pursuant to section 195.098, Florida Statutes. A temporary adjournment after consideration of all petitions objecting to an assessment on the roll as submitted to the Department of Revenue under Section 193.114(5), Florida Statutes, shall be considered an "adjournment" under Section 200.011, Florida Statutes.~~

~~(8) The board may not extend the time for the filing of petitions. However, the failure to meet the statutory deadline for filing a petition to the board is not an absolute bar to consideration of such a petition by the board when the board determines that the petitioner has demonstrated good cause~~

~~justifying consideration and that the delay will not, in fact, be prejudicial to the performance of its functions in the taxing process.~~

Rulemaking ~~Specific~~ Authority 194.034(1), 195.027(1), 213.06(1) FS. Law Implemented 193.122, 194.011, 194.015, 194.032, 194.034, 194.036, 194.037, 194.301, 195.002, 195.096, 196.011, 197.122, 213.05 FS. History–New 10-12-76, Formerly 12D-10.03, Amended 11-10-77, 9-30-82, 12-31-98, _____.

12D-10.004 Receipt of Taxpayer's Petition to be Acknowledged.

~~(1)(a) The taxpayer has the sole responsibility for filing a petition with the clerk of the value adjustment board to appeal any decision of the property appraiser, including denial of homestead exemption. The prescribed form for filing a petition is Form DR-486 (or DR-486T for tangible personal property), as incorporated by reference in Rule 12D-16.002, F.A.C. Regardless that the value adjustment board uses a form other than Forms DR-486 or DR-486T, as permitted under section 195.022, F.S., a taxpayer may submit, and the value adjustment board must accept, Forms DR-486 and DR-486T.~~

~~(b) The clerk shall acknowledge receipt of the petition and promptly furnish a copy of the petition to the property appraiser. If the taxpayer files a petition after the statutory deadline of 25 days after the notice of proposed property taxes was mailed, the clerk shall note this fact on the petition and bring it to the attention of the board.~~

~~(c) If any taxpayer's request for homestead exemption is denied by the property appraiser, such taxpayer may file a petition with the clerk of the value adjustment board. The taxpayer must file this petition on or before the 30th day following the mailing (postmark date) of the notice of denial. It is the sole option and responsibility of the taxpayer to file this petition.~~

~~(2) The clerk of the board shall prepare a schedule of appearances before the board based on timely filed petitions. The clerk shall notify each petitioner of the scheduled time of appearance. The notice shall be in writing and delivered by regular or certified U.S. mail or personal delivery so that the notice shall be received by the taxpayer no less than twenty five (25) calendar days prior to the day of such scheduled appearance. The clerk will have prima facie complied with the requirements of this section if the notice was deposited in the U.S. mail thirty (30) days prior to the day of such scheduled appearance.~~

~~(3) For the purposes of Section 194.032(2), Florida Statutes, the term "chairman" shall include a special magistrate appointed under Section 194.035(1), Florida Statutes.~~

~~(4) Where a petitioner, pursuant to Section 194.032(2), Florida Statutes, leaves a scheduled meeting for undue delay, the board or special magistrate is not precluded from considering the petition of the taxpayer. In that event, if the petition contains sufficient information, then the board is authorized to enter its decision on the petition.~~

Rulemaking ~~Specific~~ Authority 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 195.022, 200.069, 213.05 FS. History–New 10-12-76, Formerly 12D-10.04, Amended 1-11-94, 12-28-95. 12-31-98, 1-20-03, 12-30-04, Repealed _____.

12D-10.0044 Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with Section 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners.

~~(1) The value adjustment board must accept Forms DR-486 and DR-486T, regardless that the value adjustment board uses another such form, as permitted under section 195.022, F.S.~~

~~(2) Subsequent to the mailing or sending of the hearing notice, and at least 15 days before the scheduled hearing, the petitioner shall provide the property appraiser with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing.~~

~~(3) No later than 7 days before the hearing, if the property appraiser receives the petitioner's documentation and if requested in writing by the petitioner, the property appraiser shall provide the petitioner with a list and summary of evidence to be presented at the hearing. The list and summary must be accompanied by copies of documentation to be presented at the hearing. The evidence list must contain the property record card if provided by the clerk.~~

~~(4)(a) If the taxpayer does not provide the information to the property appraiser at least 15 days prior to the hearing pursuant to subsection (2), the property appraiser need not provide the information to the taxpayer pursuant to subsection (3).~~

~~(b) If the property appraiser does not provide the information within the time required by subsection (3), the hearing shall be rescheduled.~~

~~(5)(a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. It shall be sufficient if at least three (3) FAX or email attempts are made to such address. If more than one (1) FAX number is provided, three (3) attempts must be made for each number to satisfy this requirement. The taxpayer and property appraiser may agree to a different timing and method of exchange. "Provided" means made available in the manner designated by the property appraiser or by the petitioner in his/her submission of information, as via email, facsimile, U.S. mail, or at the property appraiser's office for pick up. If the petitioner does not designate his/her desired manner for receiving the property appraiser's information, the information shall be provided by the property appraiser by depositing it in the U.S. mail.~~

~~(b) The information shall be sent to the address listed on the petition form; however, it may be submitted to an email or FAX address if given.~~

(c) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, or legal holiday. If the fifteenth day before a hearing is a Saturday, Sunday, or legal holiday, the information under subsection (2) shall be provided no later than the previous business day.

(6) Level of detail on evidence summary: The summary pursuant to subsections (2) and (3) shall be sufficiently detailed as to reasonably inform a party of the general subject matter of the witness' testimony, and the name and address of the witness.

(7) Hearing procedures: Neither the Board nor the special magistrate shall take any general action regarding compliance with this section, but any action on each petition shall be considered on a case by case basis. Any action shall be based on a consideration of whether there has been a substantial noncompliance with this section, and shall be taken at a scheduled hearing and based on evidence presented at such hearing. "General action" means a prearranged course of conduct not based on evidence received in a specific case at a scheduled hearing on a petition. A property appraiser shall not appear at the hearing and use undisclosed evidence that was not supplied to the petitioner as required. The normal remedy for such noncompliance shall be a rescheduling of the hearing to allow the petitioner an opportunity to review the information of the property appraiser.

(8) The petitioner may reschedule the hearing one time by submitting a written request to the clerk of the board no less than five (5) calendar days before the scheduled appearance.

(9) This rule provides procedures for information and evidence exchange between the petitioner and property appraiser, consistent with Section 194.032, F.S., subject to the provisions of Section 194.034(1)(d), F.S., and subsection 12D-10.003(4), F.A.C., relating to a request by a property appraiser for information from the petitioner in connection with a filed petition, which information need not be provided earlier than fifteen (15) days prior to a scheduled hearing pursuant to subsections (2) and (5).

(10) The value adjustment board shall hold an organizational meeting and must make the uniform procedures available to petitioners. Such procedures shall be available a reasonable time following the organizational meeting and shall be available a reasonable time before the commencement of hearings in conformance with this rule. The Board shall be deemed to have complied if it causes petitioners to be notified in writing, along with or as part of the notice of hearing, of the existence and availability of its procedures and include notice as to the exchange of information contained in this rule. The Board is authorized to use other additional or alternative means of notification directed to the general public or specific taxpayers, as it may determine.

(11) Such procedures shall be available in time to permit parties to comply with them, and such procedures, and the provisions of this rule, shall apply to petitions heard on and after January 1, 2003.

Rulemaking ~~Specific~~ Authority 194.011(5), 195.027(1), 213.06(1) FS. Law Implemented 194.011, 194.015, 194.032, 194.034.035, 195.022, 200.069, 213.05 FS. History–New 4-4-04, Amended 12-30-04, Repealed _____.

12D-10.005 Duty of Clerk to Prepare and Transmit Record.

(1) To the extent not inconsistent with the Florida Rules of Appellate Procedure, when applicable, when a change in the tax roll made by the board becomes subject to review by the Circuit Court pursuant to Section 194.036, Florida Statutes, it shall be the duty of the clerk, when requested, to prepare the record for review. The record shall consist of a copy of each paper, including the petition and each exhibit in the proceeding together with a copy of the board's decision and written findings of fact and conclusions of law. The clerk shall transmit to the Court this record, and the clerk's certification of the record which shall be in the following form:

Certification of Record

I hereby certify that the attached record, consisting of sequentially numbered pages one through, consists of true copies of all papers, exhibits, and the Board's findings of fact and conclusions of law, in the proceeding before the _____ County Value Adjustment Board upon petition numbered filed by

_____

Clerk of Value Adjustment Board

By: _____

Deputy Clerk

Should the verbatim transcript be prepared other than by a court reporter, the clerk shall also make the following certification:

CERTIFICATION OF VERBATIM TRANSCRIPT

I hereby certify that the attached verbatim transcript consisting of sequentially numbered pages through is an accurate and true transcript of the hearing held on _____ in the proceeding before the County Value Adjustment Board petition numbered filed by.

_____

Clerk of Value Adjustment Board

By: _____

Deputy Clerk

(2) The clerk shall provide the petitioner and property appraiser, upon their request, a copy of the record at no more than actual cost.

Rulemaking ~~Specific~~ Authority 195.027(1), 213.06(1) FS. Law Implemented 194.032, 194.036, 213.05 FS. History–New 10-12-76, Amended 11-10-77, Formerly 12D-10.05, Repealed _____.

12D-10.006 Public Notice of Findings and Results of Value Adjustment Board.

~~(1) After all hearings have been completed the clerk of the value adjustment board shall publish a public notice advising all taxpayers of the findings and results of the board. The public notice shall be in the form of a newspaper advertisement and shall be referred to as the "tax impact notice". The format of the tax impact notice shall be substantially as follows:~~

~~(2) The size of the notice shall be at least a quarter page size advertisement of a standard or tabloid size newspaper. The newspaper notice shall include all of the above information and no change shall be made in the format or content without Department approval. The notice shall be published in a part of the paper where legal notices and classified ads are not published.~~

~~(3) The notice of the findings and results of the value adjustment board shall be published in a newspaper of paid general circulation within the county. It shall be the specific intent of the publication of notice to reach the largest segment of the total county population. Any newspaper of less than general circulation in the county shall not be considered for publication except to supplement notices published in a paper of general circulation.~~

~~(4) The headline of the notice shall be set in a type no smaller than 18 point and shall read "TAX IMPACT OF VALUE ADJUSTMENT BOARD."~~

~~(5) It shall be the duty of the clerk of the value adjustment board to insure publication of the notice after the board has heard all petitions, complaints, appeals, and disputes.~~

Rulemaking ~~Specific~~ Authority 195.027(1), 213.06(1) FS. Law Implemented 50, 194.032, 194.034, 194.037, 213.05 FS. History–New 2-12-81, Formerly 12D-10.06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Howard Moyes, Deputy Director, Property Tax Oversight Program, Department of Revenue, Bloxham Building, 725 S. Calhoun Street, Room G-12, Tallahassee, Florida 32399-0100, telephone (850)922-7991

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Governor and Cabinet of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Section 120.54(2), F.S. provides that no notice of rule development is required when an entire rule provision is being repealed. However, several notices of proposed rule development have been published, and several rule development workshops have been held. A notice of rule development was published on December 5, 2008 (see Vol. 34, No. 49. pp. 6352-6353 of the Florida Administrative Weekly/F.A.W.). Notices for rule development workshops at which versions of these proposed new and amended rules were also discussed were published on: July 11, 2008, for a workshop that was held in Ft. Lauderdale, Florida, on July 28, 2008 (see Vol. 34. No. 28. pp. 3613-3614 of the Florida Administrative Weekly/F.A.W.); July 18, 2008, for a workshop that was held in Live Oak, Florida, on August 6, 2008 (see Vol. 34, No. 29, p. 3668 of the F.A.W.); July 18, 2008, for a workshop that was held in Tallahassee, Florida, on August 12, 2008 (see Vol. 34, No. 29, p. 3668 of the F.A.W.); September 19, 2008, for a workshop that was held in Tampa, Florida, on October 13, 2008 (see Vol. 34, No. 38, p. 4803, of the F.A.W.); September 19, 2008, for a workshop that was held in Panama City, Florida, on October 17, 2008 (see Vol. 34, No. 38, p. 4803, of the F.A.W.); October 31, 2008, for a workshop that was held in Orlando, Florida, on November 19, 2008 (see Vol. 34, No. 44, pp. 5709-5711 of the F.A.W.); and, October 31, 2008, for a workshop that was held in Miami, Florida, on November 20, 2008 (see Vol. 34, No. 44, pp, 5709-5711 of the F.A.W.). Members of the public attended each of these workshops and made comments on the proposed rules. In addition, written comments have been submitted to the Department by email, and to an Internet site at http://dor.myflorida.com/dor/property/vabwb/vabws.html, which was created specifically to give the public access to all versions of public a site to submit comments, and to view the comments submitted by others. In addition, a Notice of Rule Development for rules in Rule Chapter 12D-10, F.A.C., was published in the F.A.W. on August 14, 2009 (Vol. 35, No. 32, pp. 3843-3844).

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-107.0011	Public-Private Transportation Facilities

PURPOSE AND EFFECT: The rule amendment will implement the requirements of Section 334.30(1), Florida Statutes.

SUMMARY: The rule establishes a fee only for unsolicited public-private transportation facility proposals submitted to the Department. The amendment will also eliminate the issuance of refunds.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 334.044(2), 337.30 FS.

LAW IMPLEMENTED: 334.30(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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-107.0011 Public-Private Transportation Facilities.

(1) An initial fee of $50,000 payable to the Florida Department of Transportation shall ~~must~~ accompany any unsolicited ~~a~~ public-private transportation facility proposal. Unsolicited p~~P~~roposals received without the initial fee shall not be accepted.

(2) Payment shall be made by cash, cashier's check, or any other non-cancelable instrument. Personal checks will not be accepted.

(3) If the initial fee is not sufficient to pay the Department's costs of evaluating the unsolicited proposal ~~proposals~~, the Department shall request in writing additional amounts required. The public-private partnership or private entity submitting the unsolicited proposal shall pay the requested additional fee within 30 days. Failure to pay the additional fee shall result in the unsolicited proposal being rejected.

~~(4) The Department shall refund any fees in excess of the costs of evaluating the proposal after the evaluation is complete.~~

Rulemaking ~~Specific~~ Authority 334.044(2), 334.30 FS. Law Implemented 334.30(1) FS. History–New 3-13-97, Amended 12-14-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Leon H. Corbett, Financial Project Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-4.0665 Lifeline Service

PURPOSE AND EFFECT: Amendment to codify the requirements for participation in the Lifeline service program. Docket No. 090504-TP.

SUMMARY: The rule codifies Lifeline service eligibility requirements and requirements that eligible telecommunications carriers (ETCs) must follow when offering Lifeline service. Such requirements include offering toll blocking and toll limitation service, and number-portability free of charge. Additional requirements address Link-Up service, service deposits, noticing of impending termination of Lifeline service, timing of the Lifeline credit, distribution of Lifeline information, and quarterly reporting requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rule amendment will result in an increased workload on Commission staff, associated with implementation of the Automated Online application Process and maintenance and review of the quarterly reporting requirements, but may decrease inquiries from ETCs relating to Lifeline service. The proposed rule amendment will affect approximately 21 ETCs, some of which are small businesses. Lifeline customers should experience less difficulty and delay in receiving approval of their Lifeline applications, but will have to pay a deposit if they do not elect toll blocking. Outside businesses and local governments should not be affected.

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

RULEMAKING AUTHORITY: 120.80(13)(d), 350.127(2), 364.0252, 364.10(3)(j) FS.

LAW IMPLEMENTED: 364.0252, 364.10, 364.105, 364.183(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: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0665 Lifeline Service.

(1) A subscriber is eligible for Lifeline service if:

(a) the subscriber is a participant in one of the following federal assistance programs:

1. Medicaid;

2. Food Stamps;

3. Supplemental Security Income (SSI);

4. Temporary Assistance for Needy Families/Temporary Cash Assistance;

5. "Section 8" Federal Public Housing Assistance (42 U.S.C. sec. 1437f (2009), which is incorporated herein by reference);

6. Low-Income Home Energy Assistance Program; or

7. The National School Lunch Program – Free Lunch; or

(b) The subscriber's eligible telecommunications carrier has more than one million access lines and the subscriber's household income is at or below 150 percent of the federal poverty income guidelines.

~~An eligible telecommunications carrier must provide 60 days written notice prior to the termination of Lifeline service. The notice of pending termination shall contain the telephone number at which the subscriber can obtain information about the subscriber's Lifeline service from the eligible telecommunications carrier. The notice shall also inform the subscriber of the availability, pursuant to Section 364.105, F.S., of discounted residential basic local telecommunications service.~~

(2) Eligible telecommunications carriers with less than one million access lines are not required to enroll Lifeline applicants through the income eligibility test of 150 percent or less of the federal poverty income guidelines, but may do so voluntarily. ~~If a subscriber's Lifeline service is terminated and the subscriber subsequently presents proof of Lifeline eligibility, the eligible telecommunications carrier shall reinstate the subscriber's Lifeline service as soon as practicable, but no later than 60 days following receipt of proof of eligibility. Irrespective of the date on which the eligible telecommunications carrier reinstates the subscriber's Lifeline service, the subscriber's bill shall be credited for Lifeline service as of the date the eligible telecommunications carrier received the proof of continued Lifeline eligibility.~~

(3) Eligible telecommunications carriers that charge an initial connection charge must offer Link-Up service to subscribers who are eligible for Lifeline service pursuant to this rule. ~~All eligible telecommunications carriers shall participate in the Lifeline service Automatic Enrollment Process. For purposes of this rule, the Lifeline service Automatic Enrollment Process is an electronic interface between the Department of Children and Family Services, the Commission, and the eligible telecommunications carrier that allows low income individuals to automatically enroll in Lifeline following enrollment in a qualifying public assistance program.~~

~~(a) The Commission shall send an e-mail to the eligible telecommunications carrier informing the eligible telecommunications carrier that Lifeline service applications are available for retrieval for processing.~~

~~(b) The eligible telecommunications carrier shall enroll the subscriber in the Lifeline service program as soon as practicable, but no later than 60 days from the receipt of the e-mail notification. Upon completion of initial enrollment, the eligible telecommunications carrier shall credit the subscriber's bill for Lifeline service as of the date the eligible telecommunications carrier received the e-mail notification from the Commission.~~

~~(c) The eligible telecommunications carrier shall maintain a current e-mail address with the Commission, which the Commission will use to inform the eligible telecommunications carrier that new Lifeline service applications are available for retrieval for processing.~~

~~(d) The eligible telecommunications carrier shall maintain with the Commission the names, e-mail addresses and telephone numbers of one primary and one secondary company representative who will manage the user accounts on the Commission's secure website.~~

~~(e) Within 20 calendar days of receiving the Commission's e-mail notification that the Lifeline service application is available for retrieval, the eligible telecommunications carrier shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline service facsimile telephone line at (850)413-7142, identifying the customer name, address, telephone number, and date of the application for:~~

~~1. Misdirected Lifeline service applications;~~

~~2. Applications for customers currently receiving Lifeline service; and~~

~~3. Rejected applicants, which shall include the reason(s) why the applicants were rejected.~~

~~In lieu of a facsimile, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.~~

~~(f) Pursuant to Section 364.107(1), F.S., information filed by the eligible telecommunications carrier in accordance with paragraph (3)(c) of this rule is confidential and exempt from Section 119.07(1), F.S. However, the eligible telecommunications carrier may disclose such information consistent with the criteria in Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible telecommunications carrier will be presumed necessary for disclosure to the Commission pursuant to the criteria in Section 364.107(3)(a)4., F.S.~~

(4) When enrolling customers in the Lifeline service program under paragraph (1)(a) of this rule, eligible telecommunications carriers shall accept Form PSC/RAD 157 (XX/XX), entitled "Application for Link-Up Florida and Lifeline Assistance," which is incorporated into this rule by reference and can be accessed from the Commission's website at www.floridapsc.com, by selecting "Link-Up Florida and Lifeline," then selecting "Need Discounted Phone Service?," and then selecting "English Link-Up and Lifeline Certification Form" (also available in Spanish and Creole). ~~All eligible telecommunications carriers shall provide current Lifeline service company information to the Universal Service~~

~~Administrative Company (USAC) at www.lifelinesupport.org so that the information can be posted on the USAC's consumer website.~~

(5) Eligible telecommunications carriers shall enroll customers for Lifeline service who electronically submit Form PSC/RAD 158 (XX/XX), entitled "Lifeline and Link-Up Florida On-line Self Certification Form," which is incorporated into this rule by reference and can be accessed from the Commission's website at www.floridapsc.com, by selecting "Link-Up Florida and Lifeline," then selecting "Apply On-line."

(6) For Lifeline applicants who do not use On-line enrollment or simplified certification enrollment, the eligible telecommunications carrier must accept Public Assistance eligibility determination letters, including those provided for food stamps, Medicaid, and public housing lease agreements, as proof of eligibility for Link-Up and Lifeline enrollment.

(7) Eligible telecommunications carriers must allow customers the option to submit Link-Up or Lifeline applications via U.S. Mail or facsimile, and may allow applications to be submitted electronically. Eligible telecommunications carriers must also allow customers the option to submit copies of supporting documents via U.S. Mail or facsimile.

(8) Eligible telecommunications carriers shall only require a customer to provide the last four digits of the customer's social security number for application for Lifeline and Link-Up service and to verify continued eligibility for the programs as part of the annual verification process.

(9) All eligible telecommunications carriers shall participate in the Lifeline service Automatic Enrollment Process. For purposes of this rule, the Lifeline service Automatic Enrollment Process is an electronic interface between the Department of Children and Family Services, the Commission, and the eligible telecommunications carrier that allows low-income individuals to automatically enroll in Lifeline following enrollment in a qualifying public assistance program.

(a) The Commission shall send an e-mail to the eligible telecommunications carrier informing the eligible telecommunications carrier that Lifeline service applications are available for retrieval for processing.

(b) The eligible telecommunications carrier shall enroll the subscriber in the Lifeline service program as soon as practicable, but no later than 60 days from the receipt of the e-mail notification. Upon completion of initial enrollment, the eligible telecommunications carrier shall credit the subscriber's bill for Lifeline service as of the date the eligible telecommunications carrier received the e-mail notification from the Commission.

(c) The eligible telecommunications carrier shall maintain a current e-mail address with the Commission, which the Commission will use to inform the eligible telecommunications carrier of the Commission's Lifeline secure website address and that new Lifeline service applications are available for retrieval for processing.

(d) The eligible telecommunications carrier shall maintain with the Commission the names, e-mail addresses and telephone numbers of one primary and one secondary company representative who will manage the user accounts on the Commission's Lifeline secure website.

(e) Within 20 calendar days of receiving the Commission's e-mail notification that the Lifeline service application is available for retrieval, the eligible telecommunications carrier shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline service facsimile telephone line at (850)413-7142, or an electronic response via the Commission's Lifeline secure website, identifying the customer name, address, telephone number, and date of the application for:

1. Misdirected Lifeline service applications;

2. Applications for customers currently receiving Lifeline service; and

3. Rejected applicants, which shall include the reason(s) why the applicants were rejected.

In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.

(f) Pursuant to Section 364.107(1), F.S., information filed by the eligible telecommunications carrier in accordance with paragraph (9)(e) of this rule is confidential and exempt from Section 119.07(1), F.S. However, the eligible telecommunications carrier may disclose such information consistent with the criteria in Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible telecommunications carrier will be presumed necessary for disclosure to the Commission pursuant to the criteria in Section 364.107(3)(a)4., F.S.

(10) An eligible telecommunications carrier shall not impose additional verification requirements on subscribers beyond those which are required by this rule.

(11) If the Office of Public Counsel certifies a subscriber eligible to receive Lifeline service under the income test set forth in Section 364.10(3)(a), F.S., an eligible telecommunications carrier shall not impose any additional verification requirements on the subscriber.

(12) An eligible telecommunications carrier must provide written notice to a customer within 30 days of receipt of the application providing the reason for a rejected Lifeline application, and providing contact information for the customer to get information regarding the application denial.

(13) An eligible telecommunications carrier must provide 60 days written notice prior to the termination of Lifeline service. The notice of pending termination shall contain the telephone number at which the subscriber can obtain information about the subscriber's Lifeline service from the

eligible telecommunications carrier. The notice shall also inform the subscriber of the availability, pursuant to Section 364.105, F.S., of discounted residential basic local telecommunications service.

(14) If a subscriber's Lifeline service is terminated and the subscriber subsequently presents proof of Lifeline eligibility, the eligible telecommunications carrier shall reinstate the subscriber's Lifeline service as soon as practicable, but no later than 60 days following receipt of proof of eligibility. Irrespective of the date on which the eligible telecommunications carrier reinstates the subscriber's Lifeline service, the subscriber's bill shall be credited for Lifeline service as of the date the eligible telecommunications carrier received the proof of continued Lifeline eligibility.

(15) All eligible telecommunications carriers shall provide current Lifeline service company information to the Universal Service Administrative Company at www.lifelinesupport.org so that the information can be posted on the Universal Service Administrative Company's consumer website.

(16) Eligible telecommunications carriers must advertise the availability of Lifeline service to those who may be eligible for the service. At a minimum, if the eligible telecommunications carrier publishes a directory, the eligible telecommunications carrier must include in the index of the directory a notice of the availability of Lifeline service. If the eligible telecommunications carrier generates customer bills, the eligible telecommunications carrier must also place an insert in the subscriber's bill or a message on the subscriber's bill at least once each calendar year advising subscribers of the availability of Lifeline service.

(17) Eligible telecommunications carriers may not charge a service deposit in order to initiate Lifeline service if the subscriber voluntarily elects toll blocking or toll limitation. If the subscriber elects not to place toll blocking on the line, an eligible telecommunications carrier may charge a service deposit.

(18) Eligible telecommunications carriers may not charge Lifeline subscribers a monthly number-portability charge.

(19) Eligible telecommunications carriers offering Link-Up and Lifeline service must submit quarterly reports to the Commission no later than 30 days following the ending of each quarter as follows: First Quarter (January 1 through March 31); Second Quarter (April 1 through June 30); Third Quarter (July 1 through September 30); Fourth Quarter (October 1 through December 31). The quarterly reports shall include the following data:

(a) The number of Lifeline subscribers, excluding resold Lifeline subscribers, for each month during the quarter;

(b) The number of subscribers who received Link-Up for each month during the quarter;

(c) The number of new Lifeline subscribers added each month during the quarter;

(d) The number of transitional Lifeline subscribers who received discounted service for each month during the quarter; and

(e) The number of residential access lines with Lifeline service that were resold to other carriers each month during the quarter.

Rulemaking ~~Specific~~ Authority 120.80(13)(d), 350.127(2), 364.0252, 364.10(3)(j) FS. Law Implemented 364.0252, 364.10, 364.105, 364.183(1) FS. History–New 1-2-07, Amended 12-6-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Casey, Public Utilities Supervisor

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 42, October 17, 2008; Vol. 35, No. 45, November 13, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-104.101	News Media Visitors

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify that Rules 33-104.201-.204, F.A.C., shall govern the procedures for news media visits with those inmates confined under sentenced of death who have an active death warrant; clarify the permissible types of news media visits (Inmate Interviews and Program Visits), how many media representatives may attend each interview, and the permissible times for interviews; specify the requisite information that must be provided to the Department and institution prior to a news media visit; clarify the procedures that news media outlets and representatives must follow in order to be permitted the particular type of interview sought; specify that inmates' attorneys, family members, and doctors may not accompany news media representatives on their visits.

SUMMARY: The rule is amended to: clarify the appropriate procedures for news media visits with those inmates confined under sentenced of death who have an active death warrant; clarify the permissible types of news media visits, how many media representatives may attend each visit, and the permissible times for visits; specify the requisite information that must be provided to the Department and the institution prior to a news media visit; clarify the procedures that news media outlets and representatives must follow in order to be permitted the particular type of interview sought; and specify that inmates' attorneys, family members, and doctors may not accompany news media representatives on their visits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-104.101 News Media Visitors.

(1) Permission for visits by bona fide news media representatives shall not be unreasonably withheld. This shall apply for visits to inmates other than death sentence inmates with an active death warrant ~~those confined under sentence of death~~. Rules 33-104.201-.204, F.A.C., shall govern procedures for media interviews with inmates under sentence of death once an execution date has been set. It shall be the responsibility of the news media representatives requesting the visitation to present to the Office of Public Affairs ~~public affairs office,~~ evidence sufficient to establish that such person is a bona fide news media representative~~,~~ and to provide the information sufficiently in advance that it may be verified.

(2)~~(a)~~ News media representatives consist of persons whose principal employment is gathering and reporting news for a:

(a)~~1.~~ Radio or television program whose primary purpose is news reporting for a licensee of the Federal Communications Commission;

(b)~~2.~~ Newspaper reporting general interest information news and circulated to the public in the community where it is published;

(c)~~3.~~ News magazine that has a national circulation, is sold by mail subscriptions, or on newsstands to the general public; and

(d)~~4.~~ National or international news service.

(3)~~(b)~~ News media visits to correctional facilities shall be pre-arranged with the Office of Public Affairs ~~public affairs office~~. There are two (2) types of media visits allowed under this Rule: Inmate Interviews and Program Visits. The following conditions apply to both types of visits ~~News media representatives shall request access to the facility in writing and shall provide the following information~~:

(a) News media representatives shall be required to provide news station ID and two verifiable contacts for the media group they represent. Phone numbers for these contacts and for each member of a media crew must also be provided. If the contacts provided do not confirm the representative's association with the respective media group, the representative shall be required to provide two additional contacts. If such contacts do not confirm the representative's association with the respective media group, the interview shall be cancelled and the media representative shall not be permitted future interviews.

~~1. Full name, date of birth, race and gender for all persons entering the facility;~~

~~2. Purpose of visit;~~

~~3. Identity of staff or offender to be seen, if applicable; and~~

~~4. Proposed use of camera or other recording devices. The warden must approve possession of news media cameras and recording devices before they are allowed into the facility.~~

~~(c) News media representatives must provide positive identification. Foreign media must have an "I" Visa on their passports.~~

(b)~~(d)~~ Representatives of news media visiting a facility are subject to search pursuant to ~~per~~ Rule 33-601.726, F.A.C.

(c)~~(e)~~ News media representatives must be escorted by staff. Random access not specific to the purpose of the visit is prohibited.

(d)~~(f)~~ During an emergency, news media representatives will be restricted to a designated media center.

(e) Media crews are limited to three (3) members.

(f) Attorneys, doctors, inmate family members, and victims or victim family members may not accompany media representatives on their visits.

(g) Each member of a media crew must fill out Form DC1-406, Media Access Background Form, and pass an NCIC/FCIC background check. Form DC1-406 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is . Form DC1-406 remains valid for six months from the date of signature.

(h) Media representatives must provide identification upon entry into the prison facility.

(i) Foreign media representatives must have an I Visa on their passports.

(j) Media will be given 30 minutes for equipment setup.

(k)~~(g)~~ Interviews and photographs of on-duty staff may be permitted only with prior authorization of the Office of Public Affairs ~~public affairs office~~ and the staff member.

1. Department employees are not permitted to accept compensation for on-duty news media interviews.

2. Photographing on-duty staff without their permission is prohibited.

3. Inmate are not allowed to accept compensation for media interviews.

~~(2) The warden of an institution or his designee may authorize members of the news media to visit that institution for the purpose of observing institutional programs. Such visits~~

~~may be authorized between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays, provided the warden, or his designee, determines that such visits would not impair or disrupt the normal operations or security of the facility, and would not endanger the safety of the visitor.~~

~~The warden, or his designee, also may restrict the use of photographic or recording equipment, and may restrict areas of the facility which may be toured. Casual contact with inmates during tours shall not be of such duration that they are disruptive of program operations or institutional functions.~~

(l) Privacy rights of inmates shall be observed by the media. No photographs, movie films, television tapes, or recordings may be made without the consent of the inmate involved ~~and the prior approval of the warden or his designee~~.

~~(3) A request from a news media representative for an interview with a specific inmate shall include the name of the inmate and such other identification as the media representative might possess. The request for an interview shall be made to the Department of Corrections Public Affairs Office in Tallahassee. Interviews may be granted, subject to prior approval of such interview by the inmate. The time and duration of the interview shall be determined by the public affairs office. Such interviews may be refused if:~~

~~(a) The inmate is in disciplinary confinement;~~

~~(b) The inmate is classified as close management;~~

~~(c) The inmate has serious psychological problems;~~

~~(d) The warden, or the assistant warden or the next senior officer present in the chain of command in the absence of the warden, has reason to believe that such interview will impair the security or normal operation of the facility;~~

~~(e) The inmate is a hospital or infirmary patient.~~

~~Interviews shall be approved at a time mutually agreeable to the facility warden, or the assistant warden or the next senior officer present in the chain of command in the absence of the warden, to the inmate and to the interviewer.~~

~~(4) News media representatives desiring to visit must be fully clothed, which includes shoes. Visitors shall not be admitted to the visiting area if they are not appropriately clothed or are dressed in revealing attire. Examples of inappropriate attire are: miniskirts, see through blouses, bra less attire, tank tops, swimsuits, shorts, undershirts, and other like attire.~~

(4) Inmate Interviews. Media representatives wishing to conduct in-person inmate interviews must:

(a) Write the inmate in accordance with the provisions of Rule 33-210.101, F.A.C., and request a handwritten, signed, and dated letter of consent from the inmate.

(b) Fax the inmate's consent as well as the contact information required by paragraph (3)(a) of this Rule to the Office of Public Affairs. Media representatives should allow at least two weeks for the interview clearance process. In addition to the provisions of subsection (3) of this Rule, the following conditions apply to all inmate interviews:

1. Phone interviews. Phone interviews are not coordinated through the Office of Public Affairs. To obtain a phone interview, news media representatives must write the inmate and request to be added to his phone list. The inmate will call you collect at his discretion once you have been added. This process can take several months.

2. The following will result in cancellation of an inmate interview and may result in refusal of future interviews for both the individual media representative and the media group:

a. Submitting false or incomplete information on a background form.

b. Failure to comply with security procedures, including dress code and interview setup procedures.

c. Failure to comply with instructions of on-site security staff.

d. A request by the inmate at any time and for any reason to cancel the interview.

3. Media representatives shall not be given access to inmates in special housing, such as disciplinary or administrative confinement, protective management, close or maximum management, mental health housing or infirmaries or to inmates receiving hospital care.

4. Inmates are allowed only one hour-long interview per month.

5. Only bona fide news media representatives are permitted on-site, on-camera interviews with inmates.

6. All inmate interviews must be conducted for the purpose of gathering information for a media event. The Office of Public Affairs strives to accommodate as broad a definition of media as possible.

7. The Florida Department of Corrections does not sign film crew or media location releases.

8. Visits may be authorized between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, except holidays, provided the warden or designee determines that such visits would not impair or disrupt the normal operations or security of the facility and would not endanger the safety of the visitor.

9. Interviews shall not be allowed during inmate visitation.

10. No part of the institution may be filmed except the interior of the interview room.

11. Filming may only begin after the inmate has arrived and been seated. Close up shots of the prison sign at the institution's entrance are permitted. No exterior shots of the institution will be permitted. Failure to comply constitutes a serious threat to security. Violators shall have their interview cancelled and shall not be permitted future interviews.

12. Foreign Press. In addition to all of the above, foreign press members must provide criminal history clearance from the official criminal history registry of their native country. Contact information for a representative from the agency that

maintains that registry must also be provided. A legible copy of the foreign media representative's passport must be submitted to the Office of Public Affairs.

13. Media representatives wanting to interview inmates housed at private facilities must contact the Florida Department of Management Services to arrange the interview.

(5) Program Visits – In addition to the provisions of subsection (3) of this Rule, the following conditions apply to all program visits, which are visits to a volunteer or staff led inmate betterment program:

(a) News media visits to inmate programs must be pre-arranged with the Office of Public Affairs.

(b) Programs qualifying for media visits can have one (1) visit per month for up to four (4) hours. Media representatives will have no more than 30 minutes to set up equipment.

(c) Programs involving inmate mental and physical health information do not qualify for media visits.

(d) The volunteer or staff program leader must pre-approve a program visit.

(e) Inmates who do not want to appear on film must be able to attend a program that is the subject of a program visit, and such inmates may not be filmed during the visit. Inmates shall be asked in advance of each program visit to sign Form DC6-236, Inmate Request, indicating consent to be videotaped. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C. Inmates who decline to provide written consent to be filmed shall be grouped together in a section during the program visit, and media representatives shall be advised not to film this group during the visit. Department personnel shall immediately stop any interview or program visit if it is discovered that a media representative is disregarding the wishes of an inmate who has not consented to being on camera.

(f) Department personnel shall immediately stop any interview or program visit if the media are refusing to cooperate with staff.

(g) Filming is allowed only in the program area and not on the open compound.

Rulemaking ~~Specific~~ Authority 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History–New 10-16-83, Amended 6-20-85, Formerly 33-5.14, 33-5.014, Amended 10-30-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Alex Thompson, Information Specialist

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 20, 2009

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-208.002	Rules of Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the search procedures to which employees are subject prior to entering a Department facility or institution.

SUMMARY: The proposed rule clarifies the search procedures employees must follow when entering a Department facility or institution.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-208.002 Rules of Conduct.

The Department of Corrections requires all employees to familiarize themselves with all rules and regulations pertaining to their positions and duties~~,~~ and requires that employees abide by these rules and regulations. The following rules of conduct and performance standards are applicable both on and off the job to all Department of Corrections employees. Some of these rules of conduct are found again in abbreviated form in the next section titled "Range of Disciplinary Actions~~;~~," however, all rules of conduct are enforceable by appropriate disciplinary action regardless of whether they are listed in the range of disciplinary actions.

(1) Each warden, officer-in-charge, and circuit administrator~~,~~ or supervisor, as well as designated Central Office staff ~~Officer Staff~~, shall be responsible for insuring that each employee under his supervision, before assuming the duties of his employment, is familiar with all rules and regulations of the Department and institution that ~~which~~ pertain to such employee and to the protection, custody, control, care and treatment of persons under his supervision or control. Each employee shall keep himself completely familiar

and comply with all such rules and regulations during his employment. Copies of the rules and regulations shall be made available for inspection by employees.

(2)(a) Each employee shall make a full written report of any of the following within 24 hours or upon reporting to work for his next assigned shift, whichever is sooner:

1. Criminal charge filed against him~~,~~ or

2. Arrest or receipt of a Notice to Appear for violation of any criminal law involving a misdemeanor, ~~or~~ felony, or ordinance except minor violations for which the fine or bond forfeiture is $200 or less.

3. through (5) No change.

(6) No employee shall refuse to truthfully answer questions specifically relating to the performance of his ~~or her~~ official duties.

(7)(a) No employee shall refuse to submit to a search or inspection by an authorized employee~~,~~ of his person, personal property or vehicle while entering, departing or otherwise being upon the premises of an institution. Refusal of an employee to submit to such search or inspection is considered as a serious form of insubordination. Upon proper notice to an employee occupying state-owned housing, such housing is subject to reasonable inspections for maintenance and sanitation purposes at least annually.

(b) All employees and contract staff shall be subject to some form of metal detection system search, and items in their possession or on their person shall be inspected prior to gaining entry to an institution or facility of the Department. Employees and contract staff may also be subject to a clothed pat search as a part of this routine search process. Outer wear such as jackets or coats and footwear shall be removed and inspected upon request during the metal detection process and during clothed pat searches. Routine searches conducted prior to entry to a Department institution or facility shall be performed by an employee of the rank of correctional officer or above.

(b) through (e) renumbered (c) through (f) No change.

~~(f) Any search of an employee's person which involves the touching of the employee's clothed body or visual inspection of the employee's unclothed body shall be conducted in private and out of the sight and hearing of other employees and inmates. The warden or officer-in-charge is authorized to make exceptions to the provisions regarding individual private clothed body searches when the physical plant makes individual clothed searches impractical. In such cases, small groups of employees of the same sex can be subjected to clothed searches in a private area out of the sight and hearing of inmates and other employees. Such searches shall only be conducted, observed and supervised by officials of the same sex as the employee. Body cavity searches shall not be conducted.~~

~~(g) Clothed body searches shall be conducted by not less than two employees, one of which will serve as the observer. At least one of the officers shall be of the rank of sergeant or higher.~~

(g)~~(h)~~ Any search of an employee's person that ~~which~~ involves the visual inspection of the employee's unclothed body shall be conducted in private and out of the sight and hearing of other employees and inmates. Such searches shall only be conducted, observed and supervised by officials of the same sex as the employee being searched. Such searches shall be conducted by not less than two employees, one of whom ~~which~~ will be at least the rank of correctional officer lieutenant. The correctional officer inspector shall assist in such searches unless he is unavailable and the delay associated with awaiting the inspector's arrival would jeopardize the effectiveness of the search. No more than three staff members shall be involved in the actual search. Group strip searches of employees shall not be permitted.

~~(i) An intensive search of an employee's person, property or vehicle shall be conducted by not less than two officials, at least one of whom shall be of a sergeant rank or higher to assume official responsibility for the search.~~

(h)~~(j)~~ Property that is introduced into the secure perimeter such as purses, briefcases, ~~or~~ lunch boxes, or bags is subject to search at any time by an employee of the rank of a correctional officer or above ~~higher~~.

(8) No employee shall willfully or negligently treat an inmate in a cruel or inhuman manner, nor shall profane or abusive language be used in dealing with an inmate or person under the employee's ~~his~~ supervision.

(9) No employee shall report for duty or exercise supervision or control over any person while under the influence of a narcotic, barbiturate, hallucinogenic drug, central nervous system stimulant or an intoxicant. However, in the event any of the foregoing drugs is prescribed and administered to an employee, the employee shall report this to the circuit administrator, supervisor or officer-in-charge and provide him ~~or her~~ with a prescription receipt detailing the type of medication, dosage, and possible side effects. The circuit administrator, supervisor or officer-in-charge shall then make a determination whether the employee can perform his duties without detrimental effect. No employee shall refuse to submit to a scientific test to measure his alcohol blood level when reporting for duty or while on duty if the circuit administrator, supervisor or officer-in-charge has reason to believe that the employee is under the influence of alcohol.

(10) through (13) No change.

(14) No employee shall apply physical force to the person of an inmate except as provided in Rule 33-602.210, F.A.C., or to any other person under his supervision except and only to the degree that it reasonably appears to be necessary in self-defense, to prevent escape, to prevent injury to a person or damage to property, to quell a disturbance, or when an ~~the~~

inmate exhibits physical resistance to a lawful command. When force becomes necessary, a detailed written report shall be made by the employee to the warden who shall have an investigation made and shall approve or disapprove the force used. The employee's report, together with the warden's written approval or disapproval of the force used and his reasons therefore, shall be forwarded and distributed in accordance with Rule 33-602.210, F.A.C.~~, Use of Force~~.

(15) No employee shall recommend or furnish any advice concerning the retention of a legal or bonding firm or a specific lawyer or bondsman to ~~for~~ an inmate, ~~either to such inmate,~~ a person under the employee's ~~his~~ supervision, or to anyone else on such individual's ~~in his~~ behalf.

(16) through (20) No change.

(21) No employee shall solicit funds or services, sell tickets, or distribute petitions or literature for any purpose other than official business on Department of Corrections property or at any other place while on duty, except that an employee may engage in such activities on Department of Corrections property when off-duty (before or after work, while on lunch hour or during breaks) provided advance permission is obtained from the employee's supervisor. Such permission shall be given by the supervisor, if such solicitation is legal, if no employee is approached with a solicitation while on duty~~,~~ and if such solicitations are conducted courteously without pressuring employees to participate.

(22) through (24) No change.

(25) Unauthorized possession or use of firearms or other weapons on Department of Corrections property, or at any other place while on duty, is prohibited.

(26) Employees shall maintain a professional relationship with all persons in the custody or under supervision of the Department~~,~~ and their immediate family or visitors. No personal or business relationships are permitted. Marriage between employees and inmates is not permitted.

Rulemaking ~~Specific~~ Authority 944.09 FS. Law Implemented 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History–New 10-8-76, Amended 10-11-77, 4-19-79, 6-18-83, Formerly 33-4.02, Amended 8-15-89, 10-20-90, 3-20-91, 1-30-96, 3-24-97, 4-19-98, Formerly 33-4.002, Amended 7-17-02, 4-5-04, 4-17-06, 11-6-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wendel Whitehurst, Deputy Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 20, 2009

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NOS.:	RULE TITLES:
40D-1.659	Forms and Instructions
40D-1.1021	Emergency Authorizations for Activities Regulated Under Part IV of Chapter 373, F.S.

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to revise the requirements for obtaining emergency authorizations to conduct activities regulated under Part IV, Chapter 373, Florida Statutes (F.S.), and to adopt an emergency field authorization form in conjunction with concurrent amendment to Rule 40D-1.1021, F.A.C. The form is adopted by reference in Rule 40D-1.1021, F.A.C., and listed with the other forms the District has adopted by rule in 40D-1.659, F.A.C. These amendments are proposed to provide a more effective and efficient process for obtaining emergency authorizations.

SUMMARY: Current rule language requires that in order to receive emergency authorization, the District must receive in writing a request to commence construction for a pending permit application. In many cases a pending ERP application has not been submitted, making current rule language awkward to effectively use in an emergency scenario. The proposed rule changes more clearly define an emergency and introduces a new form to the District's list of forms entitled "Emergency Field Authorization." The new form will enable District staff to authorize emergency actions associated with ERP related activities in the field on-site. Use of the new form neither requires an ERP application to be pending or a written request. If a requestor for emergency action wishes to use an emergency field authorization, the proposed rule requires them to either apply for an ERP or restore back to pre-emergency conditions upon termination of the emergency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 120.54(5), 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 120.54(5), 120.569(2)(n), 373.0831(3), 373.116, 373.119, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.426, 373.439, 668.50 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: Barbara Martinez, Sr. Administrative Assistant, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660 (OGC #2009056)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter or into a specific District rule as indicated. Copies of these forms may be obtained from the District offices or the District's website at www.watermatters.org.

(1) GROUND WATER

(a) through (hh) No change.

(2) SURFACE WATER

(a) through (m) No change.

(n) EMERGENCY AUTHORIZATION FORM, FORM NO. LEG-R.049.00 (11/09), incorporated by reference in paragraph 40D-1.1021(2), F.A.C.

(3) OTHER

(a) through (d) No change.

Rulemaking Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.0831(3), 373.116, 373.196(1), 373.1961(3), 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 668.50 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, 1-8-08, 4-7-08, 5-12-08, 5-20-08, 8-19-08, 12-30-08, 3-26-09, 7-1-09, 8-30-09, 9-1-09, 10-26-09, _____.

40D-1.1021 Emergency Authorizations ~~Authorization of Permits~~ for Activities Regulated Under Part IV of Chapter 373, F.S.

The District shall authorize activities regulated under Part IV of Chapter 373, F.S. when emergency conditions exist. Emergency conditions are defined as those conditions which pose a present or imminent danger and require immediate action to protect the public health, safety or welfare; the health of animals, birds, fish or aquatic life; a public water supply; or recreational, commercial, industrial, agricultural or other reasonable uses. Mere carelessness or the lack of planning on the part of an applicant for an emergency authorization shall not be sufficient grounds to warrant the granting of an emergency authorization.

(1) Authorization ~~Permission~~ to begin construction that ~~which~~ requires a permit under Chapters 40D-4, 40D-40 and 40D-400, F.A.C., prior to the issuance of a permit currently under consideration by the District may be applied for in writing, when emergency conditions exist. The Executive Director or his or her designee is authorized to issue emergency authorizations pursuant to this paragraph ~~threaten the safety of life or property, or passing or imminent floods threaten the safety of any stormwater management system, dam, impoundment, reservoir, appurtenant work or works. However, no such permission shall be granted unless the construction is already under consideration for a permit under Part IV of Chapter 373, F.S.~~

(2) Emergency field authorizations may be requested when emergency conditions exist and no environmental resource permit application is currently under consideration by the District. The entity requesting the emergency field authorization shall complete District Form No. LEG-R.049.00 (11/09), incorporated herein by reference. The activity authorized by the emergency field authorization may commence upon approval by the District's field representative. The recipient of an emergency field authorization is responsible for compliance with all the terms and conditions of the authorization. Within ninety (90) days of issuance of an emergency field authorization the recipient shall either restore the site to the conditions existing before the emergency or apply for an environmental resource permit. ~~The Executive Director may grant the emergency authorization. The emergency authorization shall be presented to the Board for concurrence at its next meeting. The failure to receive the Board's concurrence shall invalidate the emergency authorization.~~

Rulemaking ~~Specific~~ Authority 120.54(5), 373.044, 373.113, 373.149 FS. Law Implemented 120.54(5), 120.569(2)(n), 373.119, 373.413, 373.416, 373.426, 373.439 FS. History–Readopted 10-5-74, Amended 10-24-76, Formerly 16J-4.16, Amended 10-1-84, Formerly 40D-4.451, Amended 7-2-98, 6-17-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul O'Neil., Strategic Program Office Director, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211 or 1(800)423-1476. Email paul.o'neil@swfwmd.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

LAND AND WATER ADJUDICATORY COMMISSION

Tolomato Community Development District

RULE NO.: RULE TITLE:

42SS-1.002 Boundary

PURPOSE AND EFFECT: The Split Pine Community Development District ("Split Pine CDD"), which is located in Duval County, Florida, and the Tolomato Community Development District ("Tolomato CDD"), which is located in

St. Johns County, Florida, have submitted a joint petition requesting the merger of the two districts. As a result of the merger, Split Pine CDD would cease to exist, and Tolomato CDD would continue as the surviving entity, with amended boundaries that would encompass only the land presently in the existing boundaries of both Split Pine CDD and Tolomato CDD. At the time of establishment of both districts, Section 190.003 of the Florida Statutes prohibited the establishment of community development districts across county boundaries. Effective July 1, 2007, that prohibition no longer exists. Split Pine CDD and Tolomato CDD have written consent to merge the boundaries of the two districts from the owners of one hundred percent of the land within the existing districts.

The proposed rule would effect the merger in part by amending Florida Administrative Code Rule 42SS-1.002, Boundary to expand the boundaries of Tolomato CDD to include the existing Split Pine CDD lands. Another proposed rule, which is separately noticed for simultaneous consideration, would further effect the merger by repealing the existing rules governing Split Pine CDD – specifically, Rules 42TT-1.001, Establishment, 42TT-1.002, Boundary, and 42TT-1.003, Supervisors, F.A.C.

SUMMARY: Both Split Pine CDD and Tolomato CDD have authorized the merger of the two districts. Pursuant to Resolutions 2009-01 and 2009-04 adopted by the Board of Supervisors of Tolomato CDD, and on October 2, 2008 and April 16, 2009, respectively, Tolomato CDD authorized the merger of Tolomato CDD and Split Pine CDD, and approved a merger agreement ("Merger Agreement"). Pursuant to Resolutions 2009-01 and 2009-05 adopted by the Board of Supervisors of Split Pine CDD, and on October 2, 2008 and April 16, 2009, respectively, Split Pine CDD authorized the merger of Tolomato CDD and Split Pine CDD, and approved the Merger Agreement. Among other things, the Merger Agreement makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The Merger Agreements, as approved by Tolomato CDD and Split Pine CDD, are contained at Exhibits 1A and 1B to the petition, as supplemented. Split Pine CDD currently covers approximately 2,014.98 acres of land located entirely within Duval County, Florida, and the City of Jacksonville limits. Split Pine CDD is generally located in the southeastern corner of Duval County, east of US Highway 1. Tolomato CDD currently covers approximately 11,355.06 acres of land located entirely within St. Johns County, Florida. Tolomato CDD is generally located in northeastern St. John's County between Jacksonville and St. Augustine, east of US Highway 1. General location maps, and metes and bounds descriptions, are contained as Exhibits 3 and 4 to the petition, as supplemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to merge the Split Pine CDD and the Tolomato CDD. The complete text of the SERC is contained as Exhibit 12 to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the merged District, the State of Florida and its residents, Duval County/City of Jacksonville, and St. Johns County, current property owners of lands within the boundaries of the proposed merged District and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. Duval County/City of Jacksonville and St. Johns County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a filing fee paid to St. Johns County and the City of Jacksonville to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Split Pine CDD and the Tolomato CDD will not have any negative impact on State and local revenues. Addressing section (c), the operation and maintenance responsibilities assumed by the City of Jacksonville and St. Johns County will not vary from the original arrangements between the respective jurisdiction and the existing Districts. The same public infrastructure previously planned for the existing Districts will also support the development of the land within the proposed merged District. All properties within the proposed merged district will be encumbered with obligations to pay for public infrastructure and operations and maintenance expenses incurred by the proposed merged District. However, no new costs are expected to arise as a result of the merger that would not have arisen under the existing Districts. The capital improvement program (CIP) for the proposed merged District will likely be very similar to the combined CIPs adopted by each of the Split Pine and Tolomato CDDs. Assessments securing repayment of previously issued bond issuances will not be affected by the merger of the Districts. The proposed merged District will assume assessment collection and enforcement responsibilities

from the existing Districts. The proposed merged District may issue future special assessments or other revenue bonds in order to raise funds for completion of infrastructure improvements. Under section (d), approval of the petition to merge the Split Pine CDD and the Tolomato CDD will have no impact or a positive impact on small businesses. The petition to merge the Districts will not have an impact on small counties as neither Duval or St. Johns County are small counties as defined by Section 120.52, F.S. Under Section (e), the merger is expected to lead to the reduction or elimination of redundant meetings, paperwork, and expenses and is expected to produce direct cost savings to the proposed merged District. The proposed merged District will likely be able to reduce its non-ad valorem assessment collections and still achieve its goal of providing appropriate public infrastructure facilities and services.

RULEMAKING AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, January 13, 2010, 10:00 a.m.

PLACE: Room 2107, The Capitol, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

TOLOMATO COMMUNITY DEVELOPMENT DISTRICT

42SS-1.002 Boundary.

The boundaries of the District are as follows:

TRACT "A"

All of Sections 36, 46, and 53 and portions of Sections 25, 34, 35, 47, 48, 49, and 55, Township 4 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the point of intersection of the Southerly boundary of Section 34, Township 4 South, Range 28 East, with the Northeasterly right of way line of U.S. Highway 1, State Road No. 5, and run North 41°50'26" West along said right of way line, a distance of 925.00 feet to a point; run thence North 76°59'37" East, a distance of 4,715.0 feet to a point; run thence North 00°37'22" West, a distance of 3625.0 feet to a point; run thence North 89°34'10" East, a distance of 1,965.0 feet; run thence North 34°06'08" East, a distance of 3,495.66 feet to a point on the Northerly boundary of Section 49; run thence North 75°13'42" East along the Northerly boundary of Section 49 and 53, the same being Southerly boundary of Section 45 and along the Southerly boundary of Section 52, Township and Range aforementioned, and it's Northeasterly projection, a distance of 6,620.70 feet to a point on the East line of Section 25, said Township and Range, run thence South 00°54'07" East along last said Section line and along the East line of Section 36, a distance of 9,798.05 feet to its point of intersection with the Northwesterly right of way line of Palm Valley Road, County Road No. 210; run thence South 55°21'50" West along said right of way line, a distance of 146.60 feet to a point on the South line of said Section 36; run thence South 89°37'49" West along the South line of Sections 34, 35 and 36, a distance of 14,298.23 feet to the Point of Beginning.

Containing 2014.98 acres, more or less.

ALSO

TRACT "B"

A portion of Sections 19, 20, 28, 29, 30, 31, 32, 49, 50, 51, 55, 65, 66, and 67, Township 4 South, Range 29 East, together with a portion of Section 6, Township 5 South, Range 29 East, all lying in St. Johns County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the Northwest corner of said Section 30, thence North 88°46'16" East, along the Northerly line of said Section 30, a distance of 1650.00 feet; thence North 62°04'32" East, departing said Northerly line, 6963.21 feet; thence South 66°57'47" East, 3127.56 feet; thence South 16°45'46" East, 4961.31 feet to a corner on the Southerly line of Parcel Four as described and recorded in Official Records Book 1084, Page 676 of the Public Records of said county, said corner bears North 05°43'46" West, 554.57 feet from a point of intersection of the Northwesterly right of way line of Palm Valley Road, County Road No. 210, a 100 foot right of way as now established, and the Easterly line of those lands described and recorded in Official Records Book 97, Page 151 of said Public Records; thence South 76°00'20" West, along said Southerly line of Parcel Four, 477.19 feet to the Northeasterly corner of that certain tract of land described recorded in Official Records Book 673, Page 636, of said Public Records; thence South 88°24'38" West, along the Northerly line of said tract, 536.97 feet to the Northwest corner of said tract; thence South 05°39'29" East, along the Westerly line of said tract and along the Westerly line of those lands described and recorded in Official Records Book 368, page 550, of said Public Records, 531.82 feet to a point on the line dividing said Sections 28 and 55, of said Township and Range; thence South 84°58'55" West, along said dividing line, 1735.13 feet to the Northeast corner of that parcel identified as

Parcel Six and described in documentation recorded in Official Records Book 1084, Page 676, of said Public Records, thence South 10°39'53" East, along the Easterly line of said Parcel Six, 669.50 feet to a point lying on said Northwesterly right of way line of Palm Valley Road; thence South 34°40’35" East, 100.00 feet to a point lying on the Southeasterly right of way line of said Palm Valley Road; thence South 55°19’25" West, along said Southeasterly right of way line, a distance of 11,445.71 feet to its point of intersection with the Westerly line of said Section 6, Township 5 South, Range 29 East; thence North 01°10'10" West, departing said Southeasterly right of way line and along said Westerly section line, 38.64 feet to the Northwest corner of said Section 6; thence North 01°06’12" West, along the Westerly line of said Section 31, Township 4 South, Range 29 East, 81.33 feet to a point lying on said Northwesterly right of way line of Palm Valley Road; thence North 01°06’12" West, continuing along said Westerly line, 5276.65 feet to the Northwest corner of said Section 31; thence North 01°03’55" West, along the Westerly line of said Section 30, a distance of 5346.79 feet to the Point of Beginning.

LESS AND EXCEPT from the above described lands, the Northeast 1/4 of the Southeast 1/4 of Section 30, said Township and Range.

~~FURTHER EXCEPTING from the above described lands, the lands described in Official Records Book 1164, Page 759.~~

Containing ~~2177.39~~ 2,184.26 acres, more or less.

ALSO

TRACT “C”

All of Sections 58 and 64 and portions of Sections 29, 31, 32, 55, 57, 59, 60, 61 and 63, Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the Southeast corner of said Section 31, thence South 89° 17' 16" West, along the Southerly line of said Section 31, also being the Southerly line of said Township 4 South, a distance of 5266.08 feet to its point of intersection with the Southeasterly right of way line of Palm Valley Road, County Road No. 210, a 100 foot right of way as now established; thence Northeasterly, along said Southeasterly right of way line the following three courses: course one, North 55° 19' 25" East, a distance of 11,557.34 feet to a point of curvature of a curve concave Southeasterly, having a radius of 943.73 feet; course two, Northeasterly along the arc of said curve, through a central angle of 23°49’06", an arc length of 392.32 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 67° 13’ 58" East, 389.50 feet; course three, North 79° 08' 31" East, 1466.20 feet; thence South 18° 23' 07" East, departing said Southeasterly right of way line, 2599.93 feet; thence South 83°04’51" East, 711.15 feet; thence South 08°52’10" East, 4360.19 feet to a point lying on said Southerly line of Township 4 South, Range 29 East; thence South 89° 28' 18" West, along said Township line, 8236.57 feet to the Point of Beginning.

LESS AND EXCEPT: Those lands described and recorded in Official Records Book 1097, Page 1072 and Official Records Book 1443, Page 1680, of the Public Records of said County.

Containing 851.84 acres, more or less.

ALSO

TRACT “D”

Portions of Sections 57 and unsurveyed Section 34, Township 4 South, Range 29 East, St. Johns County, Florida being more particularly described as follows:

For Point of Reference, commence at the Southwest corner of Section 32, Township 4 South, Range 29 East, and run North 89° 27' 34" East, along the Southerly line of said Township, a distance of 14,134.03 feet to its point of intersection with the Westerly right of way line of Florida East Coast Canal (Intracoastal Waterway) as recorded in Map Book 4, Pages 68 through 78, Public Records of St. Johns County, Florida and the Point of Beginning.

From the Point of Beginning thus described, run North 25° 46' 44" West along said Westerly right of way line, a distance of 2,500.00 feet; run thence South 49° 50' 45" West, departing said line, a distance of 3,546.61 feet to a point on aforesaid Southerly Township line; run thence North 89° 27' 34" East, along said Township line, a distance of 3,798.13 feet to the Point of Beginning.

LESS AND EXCEPT any portion of the above described lands lying below the mean high water line of the Tolomato River.

Containing 98.59 acres, more or less.

ALSO

TRACT “E”

Parcel 1

A part of Sections 1, 2, 3 and l1, all in Township 5 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Beginning, commence at the Northeast corner of said Section 2; thence South 89° 37' 49" West, along the North line of said Section 2 (the same being the North line of Township 5 South and being the line dividing Duval County from St. Johns County), a distance of 5349.29 feet to the Northeast corner of said Section 3; thence South 89° 37' 49" West, along the North line of said Section 3, and along said line dividing Duval County from St. Johns County, a distance of 225.00 feet the Northeast corner of the lands described in Official Records 919, Page 0475 of the Public Records of said County; thence along the boundary line of said lands the following six courses: 1) South 29° 37' 49" West, a distance of 795.13 feet; 2) South 89° 37' 49" West, a distance of 235.03 feet; 3) North 30° 22' 11" West, a distance of 760.49 feet; 4) South 89° 37' 49" West, 30 feet Southerly of and parallel with the aforementioned North line of Section 3, a distance of 1,833.24 feet; 5) South 75° 36' 44" West, a distance of 309.21

feet; 6) South 89° 37' 49" West, a distance of 107.20 feet to a point on the Northeasterly right of way line of U.S. Highway No. 1 (State Road No. 5); thence South 41° 52' 01" East, along said right of way line, a distance of 2,505.37 feet to an angle point in said right of way line; thence South 41° 01' 01" East continuing along said Northeasterly right of way line, a distance of 911.85 feet; thence North 89° 16' 00" East, along the Southerly line of the lands described in Deed Book 204, Page 330 of the aforementioned Public Records, a distance of 1,557.93 feet to a point on the Northeasterly right of way line of a 50 foot right of way known as "Old Dixie Highway"; thence South 23° 06' 04" East, along said Northeasterly right of way line, a distance of 409.90 feet to an angle point in said right of way line; thence South 23° 53' 04" East, continuing along said Northeasterly right of way line, a distance of 1,470.07 feet to an angle point in said right of way line; thence South 39° 52' 04" East, continuing along said Northeasterly right of way line, a distance of 1,680.82 feet to an intersection with the Northwesterly right of way line of Palm Valley Road, County Road No. 210, as now established as a 100 foot right of way; thence Northeasterly along said right of way line the following six courses: 1) North 41° 36' 00" East, a distance of 1,021.40 feet to the point of curvature of a curve concave Southeasterly, having a radius of 416.47 feet; 2) Northeasterly along the arc of said curve, a chord bearing of North 56° 39' 27" East, a chord distance of 216.39 feet, an arc distance of 218.90 feet to the point of tangency of said curve; 3) North 71° 42' 54" East, a distance of 746.02 feet to the point of curvature of a curve concave Northwesterly, having a radius of 809.92 feet; 4) Northeasterly along the arc of said curve, a chord bearing of North 63° 32' 22" East, a chord distance of 230.35 feet and an arc distance of 231.14 feet to the point of tangency of said curve; 5) North 55° 21' 50" East, a distance of 1,769.51 feet to an intersection with the East line of aforementioned Section 2; 6) continue North 55° 21' 50" East, a distance of 6,269.03 feet to an intersection with the North line of aforementioned Section 1; thence South 89° 06' 30" West, along said North line of Section 1 (the same being the North line of Township 5 South and being the line dividing Duval County from St. Johns County), a distance of 5,223.14 feet to the Northwest corner of said Section 1 and the Point of Beginning.

Containing 881.20 acres, more or less.

ALSO

TRACT "E"

Parcel 2

A part of Section 2, Township 5 South, Range 28 East, St. Johns County, Florida more particularly described as follows:

For a Point of Beginning, commence at the intersection of the Northeasterly right of way line of U.S. Highway No. 1 (State road No. 5) with the West line of said Section 2; thence North 00° 59' 33" West, along said West line of Section 2, a distance of 125.93 feet; thence North 89° 16' 57" East, along the North line of Tract 11 of an unrecorded subdivision known as Durbin Subdivision, a distance of 836.38 feet to the point on the Southwesterly right of way line of a 50 foot right of way known as "Old Dixie Highway"; thence South 23° 53' 04" East, along said Southwesterly right of way line, a distance of 388.35 feet to an angle point in said right of way line; thence South 39° 52' 04" East, continuing along said Southwesterly right of way line, a distance of 403.00 feet; thence South 89° 17' 26" West, along the South line of aforementioned Tract 11, a distance of 782.06 feet to a point on the aforementioned Northeasterly right of way line of U.S. Highway No. 1; thence North 41° 01' 01" West, along said Northeasterly right of way line, a distance of 712.66 feet to the Point of Beginning.

Containing 12.60 acres, more or less.

ALSO

TRACT "F"

A tract of land comprised of the East 1/2 of Section 12 and the Northeast 1/4 of Section 13, Township 5 South, Range 28 East, St. Johns County, Florida, less and except that portion lying within the boundary of Subdivision of Hilden recorded in Map Book 3, Page 59, of the Public Records of said County, said tract being more particularly described as follows:

For Point of Beginning, commence at the Northeast corner of said Section 12, and run South 02° 32' 48" East, along the Easterly boundary of said Section, a distance of 5,331.05 feet to the Southeast corner of said Section; run thence South 01° 38' 27" East, along the Easterly boundary of said Section 13, a distance of 2,487.50 feet to the Southeast corner of the Northeast 1/4 of said Section; run thence South 87° 23' 00" West, along the Southerly line of said Northeast 1/4, a distance of 1,733.13 feet; run thence North 43° 10' 20" West, a distance of 1,268.24 feet; run thence North 50° 05' 18" East, a distance of 498.34 feet; run thence North 40° 25' 16" West, a distance of 766.09 feet to a point on aforesaid Westerly line of the Northeast 1/4 of Section 13; run thence North 00° 46' 57" West, along said Westerly line and along the Westerly line of the East ½ of Section 12, a distance of 6,046.27 feet to the Northwest corner of the said East ½ of Section 12; run thence North 89° 35' 26" East, along the Northerly boundary of said Section 12, a distance of 2,488.06 feet to the Point of Beginning.

Containing 452.84 acres, more or less.

ALSO

TRACT "G"

A portion of Section 37, Township 5 South, Range 28 East, St. Johns County, Florida described in deed recorded in Official Records Book 675, Page 350, Public Records of said County and being more particularly described as follows:

For Point of Beginning, commence at the extreme Northerly corner of said Section 37 and run South 40° 55' 04" West, along the Northwesterly boundary of said Section, a distance of 269.22 feet; run thence South 37° 41' 20" East, a distance of 148.80 feet; run thence South 52° 27' 18" West, a distance of

240.00 feet to a point on the Northeasterly right of way line of U.S. Highway No.1, State Road No. 5; run thence South 37° 47' 17" East, along said right of way line, a distance of 200.00 feet; run thence North 52° 12' 43" East, a distance of 240.00 feet; run thence South 37° 47' 17" East, a distance of 100.00 feet; thence South 52° 12' 43" West, a distance of 240.00 feet to said Northeasterly right of way line; run thence South 37° 47' 17" East, along said right of way line, a distance of 300.00 feet; run thence North 52° 12' 43" East, a distance of 240.00 feet; run thence South 37° 47' 17" East, a distance of 50.00 feet; run thence South 52° 12' 43" West, a distance of 240.00 feet to aforesaid Northeasterly right of way line; run thence South 39° 04' 14" East, along said right of way line, a distance of 2,011.89 feet to its point of intersection with the Southwesterly line of said Section 37; run thence South 83° 10' 07" East, along said Section line, a distance of 383.30 feet to the extreme Southerly corner of said Section; run thence North 00° 14' 24" East, along said Section line, a distance of 1,126.79 feet; run thence North 56° 19' 41" West, continuing along said Section line, a distance of 1,301.59 feet; run thence North 43° 06' 02" West, along said Section line, a distance of 1,014.06 feet to the Point of Beginning.

Containing 44.88 acres, more or less.

ALSO

TRACT "H"

A tract of land comprised of all or portions of surveyed and unsurveyed Sections 3, 10 and 15; all of Sections 4, 5, 7, 8, 9, 16, 17, 18, 20, 21, 39, 62, 63, 64, 65, 66, and portions of Sections 6, 19 and 61, Township 5 South, Range 29 East, St. Johns County, Florida, said tract being more particularly described as follows:

For Point of Beginning, commence at the Northeast corner of Section 6, Township 5 South, Range 29 East, and run South 89° 27' 34" West, along the Northerly line of said Section, a distance of 5245.88 feet to its point of intersection with the Southeasterly right of way of Palm Valley Road, County Road No. 210; run thence South 55° 21' 50" West, along said right of way line, a distance of 68.75 feet to a point on the Westerly boundary of said Section; run thence South 00° 56' 57" West, along said Section line, a distance of 5407.34 feet to the Southwest corner of said Section; run thence South 02° 32' 48" East, along the Westerly boundary of Section 7, said Township and Range, a distance of 5331.05 feet to the Southwest corner thereof; run thence South 01° 38' 27" East, along the Westerly line of Section 18, said Township and Range, a distance of 4909.80 feet to the Northwesterly corner of Section 40; run thence along the boundary of said Section 40 as follows: first course, South 55° 40' 59" East, a distance of 1887.09 feet; second course, South 79° 34' 02" East, a distance of 639.79 feet; third course, South 07° 57' 59" East, a distance of 1679.42 feet; fourth course, North 59° 54' 33" West, a distance of 2797.08 feet to the Southwesterly corner of said Section; run thence South 01° 29' 54" East, along the Westerly line of Section 19, aforesaid Township and Range, a distance of 395.62 feet to the Northeast right of way line U.S. Highway 1, State Road No. 5; run thence South 37° 55' 34" East, along said right of way line, a distance of 3131.90 feet to its point of intersection with the Northerly line of Section 41, said Township and Range and the Northerly boundary of Woodland Heights according to the plat recorded in Map Book 3, Page 78, Public Records of St. Johns County, Florida; run thence South 74° 56' 37" East, along said Section line and subdivision line, a distance of 1096.67 feet; run thence North 13° 29' 52" West, along said subdivision line, a distance of 183.21 feet; run thence North 02° 39' 45" East, along said subdivision line, a distance of 265.41 feet; run thence South 89° 01' 13" East, along said subdivision line and its Easterly projection, a distance of 574.74 feet to the Easterly right of way line of Old Dixie Highway lying on the Westerly line of Official Records Book 1353, Page 1476, Public Records of said County; run thence South 15° 19' 35" East, along said line, a distance of 1354.50 feet to a point on the Southerly boundary of aforementioned Section 19; run thence North 88° 50' 30" East, along said Southerly boundary, a distance of 1401.68 feet to the Southeast corner of said Section; run thence North 89° 10' 44" East along the Southerly line of Sections 20 and 21, and its Easterly projection, a distance of 8762.95 feet, more or less to the center of the run of an unnamed creek (Sweetwater Creek); run thence Northeasterly along the center of said run following the meanderings of same, to its point of intersection with the line dividing unsurveyed Sections 15 and 22, said point of intersection bearing North 28° 40' 40" East and a distance 5998.15 feet from last said point; run thence North 89° 17' 02" East, along said Section line, a distance of 2378.54 feet to a point on the Westerly right of way line of the Intracoastal Waterway, per Deed Book 193, Page 387, Public Records of said County; run thence in a Northerly direction along the West edge of the waters of the Tolomato River to a point on the North boundary of said Township 5 South, Range 29 East, said waters edge being traversed as follows: first course, North 07° 25' 34" West, along said Westerly right of way line of the Intracoastal Waterway, a distance of 1870.17 feet; second course, North 36° 44' 53" East continuing along said right of way line, a distance of 202.90 feet; third course, North 14° 22' 06" East, a distance of 8564.35 feet to a point on said Westerly right of way line of the Intracoastal Waterway; fourth course, North 07° 59' 12" West along said right of way line, a distance of 740.00 feet; fifth course, North 21° 43' 09" West along said right of way line, a distance of 3362.70 feet; sixth course, North 25° 49' 03" West, along said right of way line, a distance of 1899.59 feet to the point of termination of said traverse on the Northerly boundary of said Township; run thence South 89° 27' 34" West, along said Township line, a distance of 14134.03 feet to the Point of Beginning.

LESS AND EXCEPT any portion of the above described lands lying below the mean high water line of the Tolomato River, owned by the State.

Containing 8465.72 acres, more or less.

ALL OF THE FOREGOING TRACTS, LESS AND EXCEPT THE FOLLOWING NOCATEE PRESERVE PARCEL

Legal Description for Nocatee Preserve Parcel

A parcel of land lying in a portion of unsurveyed Section 34 and a portion of Section 57, the William Travers Grant all lying within Township 4 South, Range 29 East, St. Johns County, Florida, together with all of fractional Sections 3 and 10, and all of Section 66, the William Travers or Smith Grant, together with a portion of fractional Sections 4, 9, 15, and 16, unsurveyed Sections 3, 10 and 15, a portion of Section 39, the Hannah Smith Grant, a portion of Section 62, the William Travers Grant, a portion of Section 65, the William Travers Grant, all lying within Township 5 South, Range 29 East, St. Johns County, Florida and being more particularly described as follows:

For a Point of Reference, commence at the corner common to Sections 19, 20, 29 and 30 of said Township 5 South, Range 29 East; thence North 89° 09' 44" East, along the dividing line of said Sections 20 and 29, a distance of 200.00 feet to a point; thence North 00° 53' 59" West, departing said dividing line, a distance of 21,013.50 feet; thence North 89° 28' 18" East, 7845.55 feet to the Point of Beginning.

From the Point of Beginning, continue thence North 89° 28' 18" East, 2002.82 feet to a point; thence North 49° 45' 40" East, 2486.26 feet more or less to a point lying on the Westerly Mean High Water Line of the Tolomato River; thence Northeasterly along the meanderings of said Westerly Mean High Water Line, 1,536 feet, more or less to a point which bears North 49° 45' 40" East and lies 891.44 feet distant from last said point; thence continue North 49° 45' 40" East, 558.42 feet more or less to a point lying on the Westerly line of the Florida East Coast Canal (Intracoastal Waterway) as depicted on plat thereof, recorded in Map Book 4, Pages 68 through 78 of the Public Records of said County; thence South 25° 27' 19" East, along said Westerly line, 658.77 feet more or less to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence, departing said Westerly canal line, Southwesterly, Southerly and Northeasterly, along meanderings of said Westerly Mean High Water Line, 4890 feet, more or less to an intersection with said Westerly line of said canal which bears South 25° 27' 19" East and lies 882.67 feet distant from last said point; thence South 25° 27' 19" East, along said Westerly canal line, 475.74 feet more or less to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence Southerly along the meanderings of said Westerly Mean High Water Line, 33,500 feet more or less, to its convergence with the Northerly Mean High Water Line of the Northerly prong of Smith Creek which bears South 12° 08' 19" West and lies 6736.68 feet distant from last said point; thence Northwesterly, along the meanderings of said Northerly Mean High Water Line of Smith Creek, 6340 feet more or less to its convergence with the Southerly Mean High Water Line of said Northerly prong of Smith Creek which bears North 50° 08' 35" West and lies 2947.90 feet distant from last said point; thence Southeasterly, along the meanderings of said Southerly Mean High Water Line, 4590 feet more or less to its convergence with the Northerly Mean High Water Line of the Southerly prong of said Smith Creek which bears South 44° 01' 31" East and lies 2750.85 feet distant from last said point; thence Southwesterly, along said Northerly Mean High Water Line, 3210 feet more or less to its convergence with the Southerly Mean High Water Line of said Southerly prong of Smith Creek which bears South 59° 59' 47" West and lies 1535.26 feet distant from last said point; thence Northeasterly, along the meanderings of said Southerly Mean High Water Line, 4,950 feet more or less to its convergence with said Westerly Mean High Water Line of said Tolomato River which bears North 78° 09' 08" East and lies 2092.17 feet distant from last said point; thence Southerly along the meanderings of said Westerly mean high water line, 50,020 feet, more or less, to its intersection with the Northeasterly line of that portion of the Intracoastal Waterway described and recorded in Deed Book 193, Page 387 (Parcel RWN 231-B) of the Public Records of St. Johns County, Florida which bears South 11° 08' 21" East and lies 7496.56 feet distant from last said point; thence North 53° 26' 01" West, along said Northeasterly line, 128.75 feet, more or less, to an intersection with said Westerly mean high water line; thence Northerly, Northwesterly and Southwesterly departing said Northwesterly line of Parcel RWN 231-B, and along said Westerly Mean High Water Line of the Tolomato River, 190 feet, more or less, to an intersection with the Northwesterly line of said parcel which bears South 56° 09' 33" West and lies 132.37 feet distant from last said point; thence South 36° 33' 59" West, along said Northwesterly line of Parcel RWN 231-B, 78.19 feet, more or less, to the Northwesterly corner thereof; thence South 07° 36' 28" East, along the West line of said parcel, 72.81 feet, more or less, to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence Northwesterly, Southwesterly, Southerly and Easterly along the meanderings of said Westerly mean high water line, 2025 feet, more or less, to an intersection with said West line of Parcel RWN 231-B which bears South 07° 36' 28" East and lies 228.65 feet distant from last said point; thence continue South 07° 36' 28" East, departing said Westerly Mean High Water Line of the Tolomato River, along said West line of Parcel RWN 231-B, a distance of 1558.54 feet, more or less, to the Southwest corner of said parcel, said point also lying on the Easterly prolongation of the line dividing said Section 15 and Section 22 of said Township 5 South, Range 29 East; thence South 88° 59' 50" West, along said Easterly prolongation and along said line dividing Sections 15 and 22, a distance of 2392.50 feet more or less to its intersection with the Northerly Mean High Water Line of Deep Creek; thence Northwesterly, along the meanderings of said Northerly Mean High Water Line, 969 feet, more or less to a point which bears North 40° 12' 46" West and lies 661.31 feet

distant from last said point; thence North 03° 47' 40" East, departing said Northerly Mean High Water Line of Deep Creek, 163.23 feet more or less; thence sequentially, along the following ninety-five (95) line courses to the Point of Beginning:

LINE TABLE		
LINE	BEARING	LENGTH
L1	N07°12'26"E	176.12
L2	N41°27'20"W	353.93
L3	N09°17'15"E	138.89
L4	N44°47'01"W	262.77
L5	N20°04'36"E	91.20
L6	N46°35'36"W	65.27
L7	N73°58'12"W	460.71
L8	S88°23'32"W	186.99
L9	N12°41'19"E	583.25
L10	N38°40'26"W	425.76
L11	N13°13'44"E	168.80
L12	N08°17'36"W	207.63
L13	S84°21'30"W	42.63
L14	N39°38'46"W	88.90
L15	N09°32'28"W	504.23
L16	N17°50'38"W	277.95
L17	N01°52'17"E	208.02
L18	N10°56'17"E	65.52
L19	N86°40'52"W	86.35
L20	N01°33'03"E	72.16
L21	N05°07'43"W	227.92
L22	N61°54'04"W	128.63
L23	N06°38'37"W	531.32
L24	N14°56'55"E	221.67
L25	N34°26'51"W	268.06
L26	N01°39'42"E	176.28
L27	N52°28'54"W	267.72
L28	N00°24'46"E	417.49
L29	N22°27'02"E	88.49
L30	N13°55'58"W	980.21
L31	N09°37'32"W	50.36
L32	N05°01'33"E	64.80
L33	N05°23'42"W	141.39

LINE TABLE		
LINE	BEARING	LENGTH
L34	N05°19'40"W	675.85
L35	N05°16'15"W	120.59
L36	N53°01'04"E	94.74
L37	N27°35'22"W	128.62
L38	N02°43'26"W	113.80
L39	N18°54'00"W	192.26
L40	S74°43'35"W	245.26
L41	N28°58'13"W	170.14
L42	S57°28'13"W	226.08
L44	S62°26'12"W	98.07
L45	S45°53'19"W	71.58
L46	N77°33'54"W	309.23
L47	N07°42'42"W	255.98
L48	N07°36'53"W	155.90
L49	N41°36'31"E	142.09
L50	N55°17'37"W	356.27
L51	N34°26'54"W	72.29
L52	N28°31'37"E	183.36
L53	S89°25'49"E	385.09
L54	N88°14'47"E	318.46
L55	N82°45'56"E	90.65
L56	N28°23'33"E	135.91
L58	N88°15'06"W	215.89
L59	N47°56'00"W	108.98
L60	N14°36'02"W	181.52
L61	N37°32'59"E	207.83
L62	N67°04'16"W	88.99
L63	N32°21'17"W	371.08
L64	S82°46'13"W	115.25
L65	S82°37'42"W	157.42
L66	N42°39'50"W	169.04
L67	S79°45'15"W	259.82
L68	N68°14'59"W	288.16

LINE TABLE		
LINE	BEARING	LENGTH
L69	N66°30'26"W	763.54
L70	N27°49'18"E	318.64
L71	S61°18'54"E	474.32
L72	N15°25'44"E	558.14
L73	N74°34'16"E	264.64
L74	S89°31'33"E	447.34
L75	N52°37'35"E	373.46
L76	N71°25'20"E	235.13
L77	N28°13'07"E	183.33
L78	N52°37'35"E	81.88
L79	N04°04'59"W	351.09
L80	N37°44'34"W	82.83
L81	N37°33'06"W	326.82
L82	N29°30'52"W	88.59
L83	N89°04'46"W	286.36
L84	S65°52'58"W	356.10
L86	N01°27'15"W	704.94
L87	N31°11'22"E	69.55
L88	N67°19'49"E	265.21
L89	N04°54'52"W	233.03
L90	N04°42'49"W	155.02
L91	N20°39'16"E	228.79
L92	N23°40'22"W	643.89
L93	N09°46'35"W	88.85
L94	N41°22'00"E	129.60
L95	N26°51'41"W	139.08
L96	N18°40'47"W	87.35
L97	N06°45'41"W	279.90
L98	N45°06'38"E	227.49

Less and except any portions thereof lying within the lands described and recorded in Deed Book 193, Page 387 (Parcel RWN 231-B) , and the lands depicted in Map Book 4, Pages 68 through 78 of the Public Records of said county.

Containing 1,630 acres, more or less.

Containing 13,376.91 ~~11,355.06~~ TOTAL acres, more or less.

Rulemaking ~~Specific~~ Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.046, 190.005 FS. History–New 7-29-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Saliba, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

LAND AND WATER ADJUDICATORY COMMISSION

Split Pine Community Development District

RULE NOS.:	RULE TITLES:
42TT-1.001	Establishment
42TT-1.002	Boundary
42TT-1.003	Supervisors

PURPOSE AND EFFECT: The Split Pine Community Development District ("Split Pine CDD"), which is located in Duval County, Florida, and the Tolomato Community Development District ("Tolomato CDD"), which is located in St. Johns County, Florida, have submitted a joint petition requesting the merger of the two districts. As a result of the merger, Split Pine CDD would cease to exist, and Tolomato CDD would continue as the surviving entity, with amended boundaries that would encompass only the land presently in the existing boundaries of both Split Pine CDD and Tolomato CDD. At the time of establishment of both districts, Section 190.003 of the Florida Statutes prohibited the establishment of community development districts across county boundaries. Effective July 1, 2007, that prohibition no longer exists. Split Pine CDD and Tolomato CDD have written consent to merge the boundaries of the two districts from the owners of one hundred percent of the land within the existing districts.

The proposed rule would effect the merger in part by repealing the existing rules governing Split Pine CDD – specifically, Florida Administrative Code Rules 42TT-1.001, Establishment, 42TT-1.002, Boundary, and 42TT-1.003, Supervisors, F.A.C. Another proposed rule, which is separately noticed for simultaneous consideration, would further effect the merger by amending Rule 42SS-1.002, , F.A.C., Boundary to expand the boundaries of Tolomato CDD to include the existing Split Pine CDD lands.

SUMMARY: Both Split Pine CDD and Tolomato CDD have authorized the merger of the two districts. Pursuant to Resolutions 2009-01 and 2009-04 adopted by the Board of Supervisors of Tolomato CDD, and on October 2, 2008 and April 16, 2009, respectively, Tolomato CDD authorized the merger of Tolomato CDD and Split Pine CDD, and approved a merger agreement ("Merger Agreement"). Pursuant to Resolutions 2009-01 and 2009-05 adopted by the Board of Supervisors of Split Pine CDD, and on October 2, 2008 and April 16, 2009, respectively, Split Pine CDD authorized the merger of Tolomato CDD and Split Pine CDD, and approved the Merger Agreement. Among other things, the Merger Agreement makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The Merger Agreements, as approved by Tolomato CDD and Split Pine CDD, are contained at Exhibits 1A and 1B to the petition, as supplemented. Split Pine CDD currently covers approximately 2,014.98 acres of land located entirely within Duval County, Florida, and the City of Jacksonville limits. Split Pine CDD is generally located in the southeastern corner of Duval County, east of US Highway 1. Tolomato CDD currently covers approximately 11,355.06 acres of land located entirely within St. Johns County, Florida. Tolomato CDD is generally located in northeastern St. John's County between Jacksonville and St. Augustine, east of US Highway 1. General location maps, and metes and bounds descriptions, are contained as Exhibits 3 and 4 to the petition, as supplemented.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to merge Split Pine CDD and Tolomato CDD. The complete text of the SERC is contained as Exhibit 12 to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a

statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the merged District, the State of Florida and its residents, Duval County/City of Jacksonville, and St. Johns County, current property owners of lands within the boundaries of the proposed merged District and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. Duval County/City of Jacksonville and St. Johns County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a filing fee paid to St. Johns County and the City of Jacksonville to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Split Pine CDD and the Tolomato CDD will not have any negative impact on State and local revenues. Addressing section (c), the operation and maintenance responsibilities assumed by the City of Jacksonville and St. Johns County will not vary from the original arrangements between the respective jurisdiction and the existing Districts. The same public infrastructure previously planned for the existing Districts will also support the development of the land within the proposed merged District. All properties within the proposed merged district will be encumbered with obligations to pay for public infrastructure and operations and maintenance expenses incurred by the proposed merged District. However, no new costs are expected to arise as a result of the merger that would not have arisen under the existing Districts. The capital improvement program (CIP) for the proposed merged District will likely be very similar to the combined CIPs adopted by each of the Split Pine and Tolomato CDDs. Assessments securing repayment of previously issued bond issuances will not be affected by the merger of the Districts. The proposed merged District will assume assessment collection and enforcement responsibilities from the existing Districts. The proposed merged District may issue future special assessments or other revenue bonds in order to raise funds for completion of infrastructure improvements. Under section (d), approval of the petition to merge the Split Pine CDD and the Tolomato CDD will have no impact or a positive impact on small businesses. The petition to merge the Districts will not have an impact on small counties as neither Duval or St. Johns County are small counties as defined by Section 120.52, F.S. Under Section (e), the merger is expected to lead to the reduction or elimination of redundant meetings, paperwork, and expenses and is expected to produce direct cost savings to the proposed merged District. The proposed merged District will likely be able to reduce its non-ad valorem assessment collections and still achieve its goal of providing appropriate public infrastructure facilities and services.

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

RULEMAKING AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, January 13, 2010, 10:00 a.m.

PLACE: Room 2107, The Capitol, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

42TT-1.001 Establishment.

Rulemaking ~~Specific~~ Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History–New 7-29-04, Repealed_____.

42TT-1.002 Boundary.

Rulemaking ~~Specific~~ Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History–New 7-29-04, Repealed_____.

42TT-1.003 Supervisors.

Rulemaking ~~Specific~~ Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History–New 7-29-04, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Saliba, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001; telephone (850)487-1884

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

LAND AND WATER ADJUDICATORY COMMISSION

Seven Oaks Community Development District

RULE NOS.:	RULE TITLES:
42NNN-1.001	Establishment
42NNN-1.002	Boundary
42NNN-1.003	Supervisors

PURPOSE AND EFFECT: The petition, as supplemented, filed by the Seven Oaks Community Development District I ("Seven Oaks CDD I") and the Seven Oaks Community Development District II ("Seven Oaks CDD II") (together, "Petitioners"), requests the merger of the Seven Oaks CDD I and the Seven Oaks CDD II. On January 14, 2009, the Seven Oaks CDD I and the Seven Oaks CDD II adopted resolutions approving a an amended merger agreement. The amended merger agreement, among other things, makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The amended merger agreements are contained as Second Supplemental Exhibit K-1 to the petition, as supplemented. The proposed merged District is located entirely within the unincorporated area of Pasco County, Florida and contains approximately 1,759 acres. Petitioners represent the resolutions approving the merger agreement, as amended, and the approved merger agreement for merger of the Districts by the Petitioners' board of supervisors elected by the electors of the district constitutes consent to merge the boundaries of the Seven Oaks CDD I and the Seven Oaks CDD II. Both Seven Oaks CDD I and Seven Oaks CDD II are completely built out and there is no additional construction planned for either of the districts.

SUMMARY: The petition, as supplemented, filed by the Seven Oaks Community Development District I ("Seven Oaks CDD I") and the Seven Oaks Community Development District II ("Seven Oaks CDD II") (together, "Petitioners"), requests the merger of the Seven Oaks CDD I and the Seven Oaks CDD II. On January 14, 2009, the Seven Oaks CDD I and the Seven Oaks CDD II adopted resolutions approving a an amended merger agreement. The amended merger agreement, among other things, makes provision for the filing of a petition, the proper allocation of the indebtedness, and the manner in which debt is to be retired. The amended merger agreements are contained as Second Supplemental Exhibit K-1 to the petition, as supplemented. The proposed merged District is located entirely within the unincorporated area of Pasco County, Florida and contains approximately 1,759 acres. Petitioners represent the resolutions approving the merger agreement, as amended, and the approved merger agreement for merger of the Districts by the Petitioners' board of supervisors elected by the electors of the district constitutes consent to merge the boundaries of the Seven Oaks CDD I and the Seven Oaks CDD II. Both Seven Oaks CDD I and Seven Oaks CDD II are completely built out and there is no additional construction planned for either of the districts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition, as supplemented, to merge the Seven Oaks CDD I and the Seven Oaks CDD II. The complete text of the SERC is contained as Exhibit H to the petition, as supplemented. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses as defined by Section 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by Section 120.52, F.S.; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the proposed merged District, the State of Florida and its residents, Pasco County, current property owners of lands within the boundaries of the proposed merged District and future property owners are the principal entities that are likely to be required to comply with the rule. Under section (b), FLWAC and the State of Florida will incur administrative costs. Pasco County may incur costs resulting from the initial review and on-going costs resulting from the on-going administration of the proposed merged District. There is a filing fee paid to Pasco County to offset any costs it may incur. Adoption of the proposed rule to merge the boundaries of the Seven Oaks CDD I and the Seven Oaks CDD II will not have any negative impact on State and local revenues. Addressing section (c), to fund the cost of maintaining improvements owned by the District, operation and maintenance assessments may be imposed on the proposed merged District owners. As with special assessments for improvements acquisition and construction, the property owner will be responsible for payment of assessments on the basis of the amount of benefited property owned. Under section (d), approval of the petition to merge the Seven Oaks CDD I and the Seven Oaks CDD II will have no impact or a positive impact on small businesses. The petition to merge the Districts will not have an impact on small counties a Pasco County is not a small county as defined by Section 120.52, F.S. Under section (e), the data utilized in the SERC was provided by the developer/petitioner and represents the best information available at this time.

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

RULEMAKING AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, January 14, 2010, 10:00 a.m.

PLACE: Room 2107, The Capitol, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least two days before the workshop/meeting by contacting: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

SEVEN OAKS COMMUNITY DEVELOPMENT DISTRICT

42NNN-1.001 Establishment.

Seven Oaks Community Development District I and Seven Oaks Community Development District II are hereby merged, with the surviving district being the Seven Oaks Community Development District I, which shall hereinafter be known as the Seven Oaks Community Development District.

Rulemaking Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History–New_____.

42NNN-1.002 Boundary.

The boundary of the district is as follows:

A parcel of land lying in Sections 13, 23, 24, 25 and 26, Township 26 South, Range 19 East, Pasco County, Florida, said parcel also containing ALL of SEVEN OAKS PARCELS S-16 AND S-17A, according to the plat thereof as recorded in Plat Book 42, Pages 37 through 51, inclusive, SEVEN OAKS PARCELS S-11 AND S-15, according to the plat thereof as recorded in Plat Book 42, Pages 62 through 74, inclusive, SEVEN OAKS PARCELS S-13A AND S-13B, according to the plat thereof as recorded in Plat Book 44, Pages 54 through 67, inclusive, SEVEN OAKS PARCEL S-17D, according to the plat thereof as recorded in Plat Book 44, Pages 79 through 82, inclusive, SEVEN OAKS PARCEL S-9, according to the plat thereof as recorded in Plat Book 46, Pages 128 through 139, inclusive, SEVEN OAKS PARCEL S-7B, according to the plat thereof as recorded in Plat Book 47, Pages 74 through 85, inclusive, SEVEN OAKS PARCEL S-8A, according to the plat thereof as recorded in Plat Book 47, Pages 86 through 93, inclusive, SEVEN OAKS PARCEL S-8B1, according to the plat thereof as recorded in Plat Book 47, Pages 94 through 106, inclusive, SEVEN OAKS PARCEL S-6B, according to the plat thereof as recorded in Plat Book 47, Pages 107 through 115, inclusive, SEVEN OAKS PARCEL S-7A, according to the plat thereof as recorded in Plat Book 47, Pages 121 through 132, inclusive, SEVEN OAKS PARCEL S-8B2, according to the plat thereof as recorded in Plat Book 47, Pages 141 through 146, inclusive, SEVEN OAKS PARCEL S-4A/S-4B/S-5B, according to the plat thereof as recorded in Plat Book 51, Pages 100 through 114, inclusive, SEVEN OAKS PARCEL S-5A, according to the plat thereof as recorded in Plat Book 51, Pages 143 through 149, inclusive, SEVEN OAKS PARCEL S-4C, according to the plat thereof as recorded in Plat Book 56, Pages 116 through 123, inclusive, SEVEN OAKS PARCEL C-1C/C-1D, according to the plat thereof as recorded in Plat Book 57, Pages 42 through 54, inclusive, SEVEN OAKS PARCEL S-6A, according to the plat thereof as recorded in Plat Book 57, Pages 55 through 72, inclusive, SEVEN OAKS PARCEL S-14A, according to the plat thereof as recorded in Plat Book 59, Pages 1 through 8, inclusive, SEVEN OAKS PARCEL C-4A, according to the plat thereof as recorded in Plat Book 63, Pages 126 through 131, inclusive, and SEVEN OAKS PARCEL S-2, according to the plat thereof as recorded in Plat Book 64, Pages 1 through 18, inclusive, ALL of the Public Records of Pasco County, Florida, and being more particularly described as follows:

Commence at the Northeast corner of said Section 24, run thence along the North boundary of said Section 24, N.89°48’25”W., 107.97 feet to a point on the Westerly right-of-way line of STATE ROAD No. 581, as recorded in Official Records Book 123, Page 662 of the Public Records of Pasco County, Florida, said point also being the POINT OF BEGINNING; thence along said Westerly right-of-way line, a portion of which also being the East boundary of the aforesaid SEVEN OAKS PARCEL S-2 and SEVEN OAKS PARCEL S-14A, the following six, (6) courses: 1) S.00°29'09"W., 9036.57 feet; 2) N.89°30'51"W., 10.00 feet; 3) S.00°34'22"W., 500.97 feet; 4) S.00°30'06"W., 520.00 feet; 5) S.07°37'27"W., 80.62 feet; 6) S.00°30'06"W., 312.13 feet to a point on the Northerly boundary of the Additional Right-of-Way for STATE ROAD No. 56; thence along said Northerly boundary, the following ten, (10) courses: 1) S.88°37'35"W., 193.55 feet; 2) N.84°14'55"W., 201.56 feet; 3) S.88°37'35"W., 500.00 feet; 4) S.86°28'43"W., 400.28 feet; 5) S.88°37'35"W., 1200.00 feet; 6) N.84°14'55"W., 201.56 feet; 7) S.88°37'35"W., 700.00 feet; 8) S.82°54'57"W., 100.50 feet; 9) S.88°37'35"W., 1505.66 feet to a point of curvature; 10) Westerly, 194.35 feet along the arc of a curve to the right having a radius of 2141.83 feet and a central angle of 05°11'56" (chord bearing N.88°46'27"W., 194.28 feet) to a point on the West boundary of the Southwest

1/4 of the aforesaid Section 25; thence along said West boundary of the Southwest 1/4 of Section 25, N.00°28'16"E., 2532.40 feet to the Southwest corner of the Northwest 1/4 of said Section 25; thence along the West boundary of said Northwest 1/4 of Section 25, a portion of which also being the West boundary of the aforesaid SEVEN OAKS PARCELS S-11 AND S-15, N.00°28'31"E., 1762.89 feet; thence N.89°07'39"W., 1406.16 feet; thence N.89°08'17"W., 2283.79 feet to a point on a curve on the Easterly Limited Access right-of-way line of INTERSTATE HIGHWAY No. 75, per Florida Department of Transportation Right-of-way Map Section 14140-2401; thence along said Easterly Limited Access right-of-way line, a portion of which being the Westerly boundaries of the aforesaid SEVEN OAKS PARCEL S-7A, SEVEN OAKS PARCEL S-7B, SEVEN OAKS PARCEL S-6B and SSEVEN OAKS PARCEL S-6A, the following seven (7) courses: 1) Northeasterly, 355.09 feet along the arc of a curve to the right having a radius of 2620.45 feet and a central angle of 07°45'51" (chord bearing N.23°20'22"E., 354.82 feet); 2) N.20°27'12"E., 50.36 feet; 3) N.27°17'46"E., 750.00 feet; 4) N.62°42'14"W., 30.00 feet; 5) N.27°17'46"E., 1696.32 feet to a point of curvature; 6) Northeasterly, 1965.20 feet along the arc of a curve to the right having a radius of 17038.73 feet and a central angle of 06°36'30" (chord bearing N.30°36'01"E., 1964.11 feet) to a point of tangency; 7) N.33°54'16"E., 2265.44 feet to a point on the South boundary of Limited Access Right-of-way (Fee Simple) Parcel 101, as recorded in Official Records Book 1047, Page 802, of the Public Records of Pasco County, Florida; thence along said South boundary, and the East and Northerly boundaries of said Limited Access Right-of-way (Fee Simple) Parcel 101, in their respective order, a portion of which being the North boundary of the aforesaid SEVEN OAKS PARCEL S-6A and SEVEN OAKS PARCEL S-5A, the following four (4) courses: 1) S.88°10'41"E., 224.06 feet to a point on the West boundary of the aforesaid Section 24; 2) continue, S.88°10'41"E., 1400.28 feet; thence N.00°20'08"E., 1132.21 feet; thence N.56°05'10"W., 750.23 feet to a point on the aforesaid Easterly Limited Access right-of-way line of INTERSTATE HIGHWAY No. 75; thence along said Easterly Limited Access right-of-way line, N.33°54'16"E., 2347.87 feet; thence S.56°05'44"E., 619.36 feet; thence N.67°19'19"E., 378.25 feet to a point on a curve; thence Southeasterly, 212.51 feet along the arc of a curve to the left having a radius of 440.00 feet and a central angle of 27°40'19" (chord bearing S.36°30'51"E., 210.45 feet) to a point of tangency; thence S.50°21'01"E., 75.23 feet to a point on the Westerly boundary of the aforesaid SEVEN OAKS PARCEL C-1A/C-1D; thence along the Southerly right-of-way line of EAGLESTON BOULEVARD, as shown on said plat of SEVEN OAKS PARCEL C-1A/C-1D, and the Westerly prolongation thereof, the following eleven (11) courses: 1) continue S.50°21'01"E., 197.33 feet to a point of curvature; 2) Southeasterly, 171.35 feet along the arc of a curve to the right having a radius of 380.00 feet and a central angle of 25°50'10" (chord bearing S.37°25'56"E., 169.90 feet) to a point of tangency; 3) S.24°30'51"E., 139.98 feet to a point of curvature; 4) Southeasterly, 589.92 feet along the arc of a curve to the left having a radius of 520.00 feet and a central angle of 65°00'00" (chord bearing S.57°00'51"E., 558.79 feet) to a point of tangency; 5) S.89°30'51"E., 708.32 feet to a point of curvature; 6) Southeasterly, 39.27 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.44°30'51"E., 35.36 feet) to a point of tangency; 7) S.00°29'09"W., 3.00 feet; 8) S.89°30'51"E., 50.00 feet to a point on a curve; 9) Northeasterly, 39.27 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing N.45°29'09"E., 35.36 feet) to a point of tangency; 10) S.89°30'51"E., 480.00 feet to a point of curvature; 11) Southeasterly, 39.27 feet along the arc of a curve to the right having a radius of 25.00 feet and a central angle of 90°00'00" (chord bearing S.44°30'51"E., 35.36 feet) to a point of tangency on the aforesaid Westerly right-of-way line of STATE ROAD No. 581; thence along said Westerly right-of-way line, S.00°29'09"W., 2242.11 feet to the POINT OF BEGINNING.

Containing 1794.969 acres, more or less.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

WEST COAST REGIONAL WATER SUPPLY AUTHORITY PARCEL

DESCRIPTION: A parcel of land lying in Section 25, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Section 25, run thence along the North boundary of said Section 25, S.89°42'03"W., 1349.80 feet; thence S.00°20'16"E., 100.00 feet to a point on the South boundary of a 100 foot wide Florida Power Easement, as recorded in Official Records Book 169, Page 120, of the Public Records of Pasco County, Florida, said point also lying on the Northerly boundary of the aforesaid SEVEN OAKS PARCELS S-13A AND S-13B, said point also being the POINT OF BEGINNING; thence along said Northerly boundary of SEVEN OAKS PARCELS S-13A AND S-13B, the following three (3) courses: 1) S.00°17'57"E., 208.71 feet; 2) S.89°42'03"W., 208.71 feet; 3) N.00°17'57"W., 208.71 feet to a point on the aforesaid South boundary of a 100 foot wide Florida Power Easement; thence along said South boundary, N.89°42'03"E., 208.71 feet to the POINT OF BEGINNING;

Containing 1.000 acre, more or less.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

WITHLACOOCHEE RIVER ELECTRIC COOPERATIVE PARCEL 1:

DESCRIPTION: A parcel of land lying in Section 24, Township 26 South, Range 19 East, Pasco County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 24, run thence along the South boundary of said Section 24, the following two (2) courses: 1) S.89°42'03"W., 490.54 feet to the Southeast corner of Withlacoochee River Electric Cooperative Parcel 1, as recorded in official records Book 1767, page 1156, of the Public Records of Pasco County, Florida, said point also being the POINT OF BEGINNING; 2) along the South boundary of said Withlacoochee River Electric Cooperative Parcel 1, continue S.89°42'03"W., 345.00 feet to the Southwest corner thereof; thence along the West boundary of said Withlacoochee River Electric Cooperative Parcel 1, N.00°17'57"W., 295.32 feet to the Northwest corner thereof; thence along the North boundary of said Withlacoochee River Electric Cooperative Parcel 1, N.89°42'03"E., 345.00 feet to the Northeast corner thereof; thence along the East boundary of said Withlacoochee River Electric Cooperative Parcel 1, S.00°17'57"E., 295.32 feet to the POINT OF BEGINNING.

Containing 2.339 acres, more or less.

ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

SEVEN OAKS ELEMENTARY SCHOOL SITE:

DESCRIPTION: A parcel of land lying in Section 24, Township 26 South, Range 19 East, Pasco County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of said Section 24, run thence along the South boundary of said Section 24, S.89°42'03"W., 97.68 feet to a point on the Westerly right-of-way line of STATE ROAD No. 581, as recorded in Official Record Book 123, Page 662, of the Public Records of Pasco County, Florida; thence along said Westerly right-of-way line, N.00°29'09"E., 3257.71 feet; thence N.89°30'51"W., 42.69 feet to a point of curvature; thence Northwesterly, 216.05 feet along the arc of a curve to the right having a radius of 250.00 feet and a central angle of 49°30'51" (chord bearing N.64°45'25"W., 209.39 feet) to a point of reverse curvature; thence Northwesterly, 349.07 feet along the arc of a curve to the left having a radius of 400.00 feet and a central angle of 50°00'00" (chord bearing N.65°00'00"W., 338.09 feet) to a point of tangency; thence WEST, 120.00 feet to a point of curvature; thence Westerly, 314.16 feet along the arc of a curve to the left having a radius of 400.00 feet and a central angle of 45°00'00" (chord bearing S.67°30'00"W., 306.15 feet) to a point of tangency; thence S.45°00'00"W., 435.57 feet; thence S.54°00'00"W., 14.50 feet to a point of curvature; thence Southerly, 37.68 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 86°20'53" (chord bearing S.10°49'33"W., 34.21 feet) to a point of cusp; thence Northwesterly, 43.60 feet along the arc of a curve to the left having a radius of 760.00 feet and a central angle of 03°17'13" (chord bearing N.45°00'00"W., 60.00 feet to a point on a curve; thence Westerly, 429.15 feet along the arc of a curve to the right having a radius of 490.00 feet and a central angle of 50°10'52" (chord bearing S.70°05'26"W., 415.57 feet) to the POINT OF BEGINNING; thence continue, Westerly, 105.84 feet along said arc of a curve to the right having the same radius of 490.00 feet and a central angle of 12°22'33" (chord bearing N.78°37'51"W., 105.63 feet) to a point of cusp; thence Northeasterly, 40.96 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 93°52'45" (chord bearing N.60°37'03"E., 36.53 feet) to a point of reverse curvature; thence Northeasterly, 93.04 feet along the arc of a curve to the right having a radius of 125.00 feet and a central angle of 42°38'48" (chord bearing N.35°00'04"E., 90.91 feet) to a point of reverse curvature; thence Northeasterly, 95.67 feet along the arc of a curve to the left having a radius of 175.00 feet and a central angle of 31°19'28" (chord bearing N.40°39'44"E., 94.49 feet) to a point of tangency; thence N.25°00'00"E., 218.03 feet; thence N.52°54'00"W., 505.83 feet; thence S.38°03'17"W., 136.97 feet to a point of curvature; thence Southwesterly, 146.11 feet along the arc of a curve to the right having a radius of 525.00 feet and a central angle of 15°56'43" (chord bearing S.46°01'39"W., 145.63 feet) to a point of tangency; thence N.33°59'30"W., 43.59 feet); thence N.38°03'17"E., 362.29 feet; thence N.52°54'00"W., 564.83 feet; thence N.31°43'51"E., 9.48 feet; thence N.07°07'14"E., 21.41 feet; thence N.14°52'18"W., 26.53 feet; thence N.22°07'13"E., 34.09 feet; thence N.20°33'02"W., 12.86 feet; thence N.41°58'02"W., 31.69 feet; thence N.24°12'45"W., 27.78 feet; thence N.06°58'06"W., 36.21 feet; thence N.27°17'12"E., 38.55 feet; thence N.01°36'09"E., 32.45 feet; thence N.16°01'21"E., 41.38 feet; thence N.37°00'55"E., 35.08 feet; thence N.69°01'33"E., 20.00 feet; thence S.87°17'12"E., 46.80 feet; thence S.28°56'08"E., 35.24 feet; thence S.49°59'51"E., 19.40 feet; thence S.36°22'31"E., 36.20 feet; thence S.54°05'38"E., 36.06 feet; thence S.65°56'24"E., 136.59 feet; thence S.86°45'51"E., 67.32 feet; thence S.64°07'17"E., 50.61 feet; thence S.87°13'01"E., 98.95 feet; thence N.79°28'00"E., 41.27 feet; thence S.86°08'57"E., 41.65 feet; thence S.38°13'28"E., 29.88 feet; thence S.71°06'02"E., 56.54 feet; thence S.51°33'01"E., 23.35 feet; thence S.29°49'53"E., 40.35 feet; thence S.60°05'18"E., 57.19 feet; thence S.80°59'19"E., 68.04 feet; thence S.71°24'30"E., 137.74 feet; thence S.62°05'19"E., 80.27 feet; thence S.50°48'49"E., 41.90 feet; thence S.33°12'25"E., 67.95 feet; thence S.16°03'28"W., 98.04 feet; thence S.02°12'30"W., 312.24 feet; thence S.16°54'02"W., 41.77 feet; thence S.36°58'29"W., 105.52 feet; thence S.24°39'24"W., 99.52 feet; thence N.52°54'00"W., 35.83 feet; thence S.25°00'00"W., 207.31 feet to a point of curvature; thence Southwesterly, 123.01 feet along the arc of a curve to the right having a radius of 225.00 feet and a central angle of 31°19'28" (chord bearing S.40°39'44"W., 121.48 feet) to a point of reverse curvature; thence Southwesterly, 49.76 feet along the arc of a curve to the left having a radius of 75.00 feet and a central angle of

38°00'51" (chord bearing S.37°19'02"W., 48.85 feet) to a point of compound curvature; thence Southeasterly, 45.00 feet along the arc of a curve to the left having a radius of 25.00 feet and a central angle of 103°07'45" (chord bearing S.33°15'16"E., 39.17 feet) to the POINT OF BEGINNING.

Containing 14.011 acres, more or less.

AND ALSO LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

SEVEN OAKS LIBRARY SITE:

DESCRIPTION: A parcel of land lying in Section 24, Township 26 South, Range 19 East, Pasco County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of said Section 24, run thence along the South boundary of said Section 24, S.89°42'03"W., 97.68 feet to a point on the Westerly right-of-way line of STATE ROAD No. 581, as recorded in Official Record Book 123, Page 662, of the Public Records of Pasco County, Florida; thence along said Westerly right-of-way line, N.00°29'09"E., 3257.71 feet; thence N.89°30'51"W., 42.69 feet to a point of curvature; thence Northwesterly, 216.05 feet along the arc of a curve to the right having a radius of 250.00 feet and a central angle of 49°30'51" (chord bearing N.64°45'25"W., 209.39 feet) to a point of reverse curvature; thence Northwesterly, 349.07 feet along the arc of a curve to the left having a radius of 400.00 feet and a central angle of 50°00'00" (chord bearing N.65°00'00"W., 338.09 feet) to a point of tangency; thence WEST, 120.00 feet to a point of curvature; thence Westerly, 314.16 feet along the arc of a curve to the left having a radius of 400.00 feet and a central angle of 45°00'00" (chord bearing S.67°30'00"W., 306.15 feet) to a point of tangency; thence S.45°00'00"W., 435.57 feet to a point of curvature; thence Westerly, 1089.52 feet along the arc of a curve to the right having a radius of 550.00 feet and a central angle of 113°30'00" (chord bearing N.78°15'00"W., 919.91 feet); thence N.68°30'00"E., 60.00 feet to a point on a curve; thence Northwesterly, 187.50 feet along the arc of said curve to the left having a radius of 760.00 feet and a central angle of 14°08'06" (chord bearing N.28°34'03"W., 187.02 feet) to the POINT OF BEGINNING; thence continue Northwesterly, 615.84 feet along the arc of said curve to the left having the same radius of 760.00 feet and a central angle of 46°25'41" (chord bearing N.58°50'57"W., 599.13 feet); thence N.07°56'13"E., 54.03 feet; thence S.88°12'31"E., 140.16 feet; thence N.74°06'08"E., 51.85 feet; thence N.38°28'30"E., 59.94 feet; thence N.26°32'58"E., 39.17 feet; thence N.07°09'21"E., 38.87 feet; thence N.02°22'29"W., 61.44 feet; thence N.15°45'39"W., 25.61 feet; thence N.47°37'17"E., 29.43 feet; thence N.31°43'51"E., 30.94 feet; thence S.52°54'00"E., 564.83 feet; thence S.38°03'17"W., 362.29 feet to the POINT OF BEGINNING.

Containing 4.197 acres, more or less.

ALTOGETHER containing 1773.422 acres, more or less.

Rulemaking Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History–New .

42NNN-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Jeffrey Rosenberg, William Parsons, Susan Jurik, Stephen Wheeler, and John Cristenson.

Rulemaking Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History–New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Saliba, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-7.020	Definitions

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines laboratory terms to remove definitions that are currently in statute, correct a federal agency name, update the rule to reference current regulations and terminology, and add definitions for andrology and molecular pathology.

SUMMARY: Revisions to update the rule to reference current regulations, correct federal agency names, delete definitions in statute and define andrology and molecular pathology.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.041(7), 483.181, 483.245 FS.

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

DATE AND TIME: January 13, 2010, 1:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.020 Definitions.

~~In addition to definitions set forth in Section 483.041, F.S., as used in this chapter the following terms shall mean:~~

(1) Andrology – a Florida clinical laboratory personnel licensure specialty for personnel qualified to perform clinical laboratory testing for fertility and reproductive technologies. Tests include but not are limited to hormone assays, semen analysis, and sperm antibodies.

(2)~~(1)~~ Approved Accreditation Program – a non profit organization granted deemed status or a state licensure program granted exempt status by the Centers for Medicare and Medicaid Services ~~Health Care Financing Administration~~ under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.

(3)~~(2)~~ Approved Proficiency Testing Program – a proficiency testing program that meets the requirements specified in Rule 59A-7.026, F.A.C.

(4)~~(3)~~ Accredited – refers to a laboratory accredited or licensed, as applicable, by an approved accreditation program.

(5)~~(4)~~ Authorized Person – a person authorized by the laws of this State to order tests or receive test results or both.

(6)~~(5)~~ Biomedical Waste – any solid or liquid waste which presents a threat of infection to humans as defined under subsection 64E-16.002(2) ~~10D-104.002(2)~~, F.A.C.

(7)~~(6)~~ Clinical and Laboratory Standards Institute or CLSI – the voluntary consensus organization that develops and disseminates standards, guidelines and best practices for clinical laboratories and the healthcare community. This organization was formerly known as the National Committee for Clinical Laboratory Standards (NCCLS).

(8)~~(7)~~ Clinical Laboratory Improvement Amendments of 1988 and Federal Rules Adopted Thereunder – Section 353 of the Public Health Service Act known as the Clinical Laboratory Improvement Amendments of 1988 and Title 42-Public Health, Chapter IV, Part 493, Laboratory Standards, each incorporated by reference and referred to as CLIA, herein.

~~(8) Clinical Laboratory or Laboratory – a laboratory where examinations are performed on materials or specimens taken from the human body to provide information or materials for use in the diagnosis, prevention, or treatment of a disease or the assessment of a medical condition.~~

~~(9) Collection Station – a facility where materials or specimens are withdrawn or collected from patients or are assembled after being collected elsewhere, for subsequent delivery to a clinical laboratory for examination.~~

(9)~~(10)~~ Director – a person qualified under Rules promulgated pursuant to Chapter 483, Part III ~~IV~~, F.S., who is responsible for and assures the overall administration of the technical and scientific operations of a laboratory.

(10)~~(11)~~ Direct Supervision – supervision by a director, supervisor, or technologist who is on the premises, and is available to the laboratory when test procedures are being performed.

(11)~~(12)~~ Exclusive Use Laboratory – a clinical laboratory operated by one or more of the following exclusively in connection with the diagnosis and treatment of their own patients:

(a) through (e) No change.

(12)~~(13)~~ Free-standing Histology, Oral Pathology, or ~~and~~ Cytology Center – any location outside a clinical laboratory licensed under Chapter 483, Part I, F.S., which is engaged in and limits its activities to the preparation of human cellular material for microscopic interpretation by laboratories licensed in the specialty of pathology or ~~and~~ subspecialties of histopathology, oral pathology~~,~~ and cytology.

(13)~~(14)~~ General Supervision – supervision by a director or supervisor who is responsible for the overall performance of laboratory testing.

(15) Kickback – a remuneration, payment back, or other inducement, direct or indirect, in cash or in kind, pursuant to an investment interest, compensation arrangement, or otherwise, made by any person as defined in Section 483.041(7), F.S., including any clinical laboratory as defined in Section 483.041(2), F.S., to any physician, surgeon, organization, agency, or person as an incentive or inducement to refer any individual or specimen to a laboratory licensed under Chapter 483, Part I, F.S., such as the following:

(a) Provision of an actual payment or investment interest;

(b) Rental of real estate or equipment where the lease agreement does not comply with the criteria set forth in Section 456.053 455.236, F.S.;

(c) through (f) No change.

(g) Provision of personnel or assistance of any kind to perform any duties for the collection or processing of specimens. Such personnel or assistance is authorized to be provided on a temporary basis for the collection of specimens at a patient's residence. These collections must meet the requirements of Chapter 59A-7, F.A.C.

(14)~~(16)~~ Kit – all components of a test that are packaged together.

(15)~~(17)~~ License – shall refer to a licensure certificate ~~or licensure certificate of exemption~~ issued under Chapter 483, Part I, F.S.

(16)~~(18)~~ Licensure Certificate – evidence of current licensure issued to a clinical laboratory upon application and qualification as required in this Rule and Chapter 483, Part I, F.S. Such license shall be issued for testing for one or more of the following specialties or subspecialties:

(a) Histocompatibility.

(b) Microbiology composed of the subspecialties of Bacteriology, Mycobacteriology, Mycology, Parasitology, or Virology~~, or Microbiology (Other~~).

(c) Diagnostic Immunology composed of the subspecialties of Syphilis Serology or General Immunology.

(d) Chemistry composed of the subspecialties of Routine Chemistry, Urinalysis, Endocrinology, or Toxicology ~~or Chemistry (Other)~~.

(e) Hematology.

(f) Immunohematology composed of the subspecialties of ABO Group & Rh Group, Antibody Detection (Transfusion), Antibody Detection (Non-Transfusion), Antibody Identification, or Compatibility Testing ~~or Immunohematology (Other)~~.

(g) Pathology composed of the subspecialties of Histopathology, Oral Pathology or Cytology.

(h) Clinical Cytogenetics.

(i) Radiobioassay

(j) Free-standing histology or cytology center limited to those activities described in subsection 59A-7.020(11)~~(12),~~ F.A.C.

(k) Provider-performed microscopy tests limited to the CLIA category of Provider-Performed Microscopy tests found in 42 CFR 493.19(c)(1-9).

~~(19) Licensure Certificate of Exemption or Certificate of Exemption – evidence of current licensure issued to a laboratory upon application and qualification as stipulated in Section 483.106, F.S., when such facility performs only waived tests. Such license shall be issued authorizing testing only for specialties or subspecialties for a certificate of exemption.~~

(17)~~(20)~~ Moderate Complexity ~~Moderately Complex~~ Test – procedures defined as moderate complexity ~~moderately complex~~ by the federal Centers for Medicare and Medicaid Services ~~Health Care Financing Administration~~ under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.

(18) Molecular Pathology – a Florida clinical laboratory personnel licensure specialty for personnel qualified to perform clinical laboratory testing using molecular techniques. Techniques include but are not limited to immunohistochemistry, in situ hybridization, single nucleotide polymorphism and other mutational analysis sequencing, protein analysis, target signal amplification methods, cell culture and isolation, expression profiling, blotting and microarrays.

(19)~~(21)~~ Performance Characteristic – a property of a test that is used to describe its quality including accuracy, precision, analytical sensitivity, analytical specificity, reportable range, and reference range.

(20)~~(22)~~ Performance Specification – a value or range of values for a performance characteristic, established or verified by the laboratory, that is used to describe the quality of patient test results.

(21)~~(23)~~ Referee Laboratory – means a laboratory that has a record of satisfactory proficiency testing performance for all testing events for at least one year for a specific test, analyte, subspecialty, or specialty and has been designated by an approved proficiency testing program that meets the requirements of Rule 59A-7.026, F.A.C., as a referee laboratory analyzing proficiency testing specimens for the purpose of determining the correct response for the specimens in a testing event for that specific test, analyte, subspecialty, or specialty.

(22)~~(24)~~ Reference Range – means the range of test values expected for a designated population of individuals.

(23)~~(25)~~ Supervisor – a person licensed under Chapter 483, Part III ~~IV~~, F.S., who is responsible for the day-to-day supervision or oversight of the technical and scientific operations in a laboratory specialty or who, under the general supervision of a director, supervises and evaluates the performance of technical personnel, performs tests requiring special scientific skill, performs functions delegated by the director, and who, in the absence of the director, is held responsible for proper performance of testing procedures, testing personnel, reporting of results and compliance with applicable regulations.

(24)~~(26)~~ Sample – in proficiency testing means the material contained in a vial, on a slide, or other unit that contains material to be tested by proficiency testing program participants. When possible, samples are of human origin.

(25)~~(27)~~ Separate Premises – buildings that are not located on the same or adjoining grounds.

(26)~~(28)~~ Technologist – a person licensed under Chapter 483, Part III ~~IV,~~ F.S., who under the general supervision of the director or supervisor, processes specimens, performs and interprets tests that require the exercise of independent judgment and responsibility, and reports results in those specialties or subspecialties in which the technologist is licensed. A technologist is authorized to oversee the work of technicians in the absence of a supervisor in the specialty(ies) in which the technologist is licensed.

(27)~~(29)~~ Technician – a person licensed under Chapter 483, Part III ~~IV~~, F.S., who functions under the direct supervision of a director, supervisor, or technologist and performs routine clinical laboratory procedures which require limited responsibility and minimal exercise of independent judgment. A technician is authorized to function under general supervision in exclusive use laboratories.

(28)~~(30)~~ Transfusion Service – for purposes of this part, a blood bank transfusion service shall include the collection of blood and blood components, performance of therapeutic collection or pheresis, preparation of red blood cells and the recovery of human plasma.

(29)~~(31)~~ Target Value – for quantitative tests refers to the mean established by the approved proficiency testing program.

(30)~~(32)~~ Unsatisfactory Proficiency Testing Performance – failure to attain the minimum satisfactory score for an analyte, test, subspecialty, or specialty for a testing event.

(31)~~(33)~~ Unsuccessful Proficiency Testing Performance – a failure to attain the minimum satisfactory score for an analyte, test, subspecialty, or specialty for two consecutive or two of three consecutive testing events.

~~(34) Waived Test – a test that the federal Health Care Financing Administration has determined qualifies for a certificate of waiver under the federal Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.~~

Rulemaking ~~Specific~~ Authority 483.051 FS. Law Implemented 483.035, 483.041, 483.051~~, 483.106~~, 483.191 FS. History–New 11-20-94, Amended 8-13-95, 12-27-95, 6-22-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Rivera

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-11.003	Agency Certification Process and Requirements

PURPOSE AND EFFECT: To repeal a rule that is obsolete.

SUMMARY: The proposed repeal eliminates a certain obsolete rule. The rule reflects an obsolete program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 409.918 FS.

LAW IMPLEMENTED: 409.918 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: Stephen Bradley, Medicaid Quality Management Bureau, 2727 Mahan Drive, Mail Stop 48, Tallahassee, Florida 32308-5407, (850)414-6606

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-11.003 Agency Certification Process and Requirements.

Rulemaking ~~Specific~~ Authority 409.918 FS. Law Implemented 409.918 FS. History–New 4-24-03, Amended 6-24-09, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Stephen Bradley

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-1.003	Licenses, Permits; Requirement, Procedure and Period, Fee
61K1-1.0031	Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing and Kickboxing
61K1-1.004	Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee

PURPOSE AND EFFECT: The proposed amendments to Rule 61K1-1.003, F.A.C., are intended to increase license fees to various participants and to delete the requirement for permit fees for boxing and kickboxing based upon seating capacity. The proposed amendments to Rule 61K1-1.0031, F.A.C., are intended to include health and safety standards for mixed martial arts, and to clarify training and certification for referees for the martial arts. The proposed amendment to Rule 61K1-1.004, F.A.C., is intended to require participants to provide the Commission with HIV test results.

SUMMARY: The proposed amendments to Rule 61K1-1.003, F.A.C., increases license fees to various participants and also deletes the requirement for permit fees for boxing and kickboxing based upon seating capacity. The proposed amendments to Rule 61K1-1.0031, F.A.C., include health and safety standards for mixed martial arts by incorporating ISKA standards, and clarify training and certification for referees for the martial arts. The proposed amendment to Rule 61K1-1.004, F.A.C., requires a participant to provide the Commission with

HIV test results. The negative test results shall be accepted for a period of one year, after which the participant shall be re-tested.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Commission prepared three Statements of Estimated Regulatory Costs for the above rules. The costs associated with compliance of Rule 61K1-1.003, F.A.C., will be incurred by announcers, booking agents, judges, managers, participants, referees, seconds, timekeepers, trainers and concessionaires when making application for a license. The current costs are estimated to be $45,055 and the projected costs associated with the increased fees are estimated to be $74,780. The costs associated with Rule 61K1-1.0031, F.A.C., are likely to be incurred by amateur sanctioning organizations, referees, judges, participants, doctors, promoters, event chief officials, coordinators and timekeepers. Based upon similar ISKA events held in other states, the Commission estimates costs for all these entities to be approximately $8,585. There will be a positive impact on small business as these events are held in the State of Florida. The costs associated with compliance of Rule 61K1-1.004, F.A.C., will be incurred by participants who compete in professional pugilistic competitions. The rapid HIV test is $10.00. The estimated number of participants in one year is 1500, making the total estimated cost of compliance with this rule $15,000. There will be minimal positive impact on small businesses who administer the rapid HIV test.

Copies of the statements of estimated regulatory cost are is available by contacting: Thomas Molloy, Executive Director, at the address listed below.

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

RULEMAKING AUTHORITY: 548.003 FS.

LAW IMPLEMENTED: 548.003, 548.006, 548.0065, 548.008, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.043, 548.046, 548.057, 548.066, 548.071, 548.075 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: Thomas Molloy, Executive Director, Florida State Boxing Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULES IS:

61K1-1.003 Licenses, Permits; Requirement, Procedure and Period, Fee.

(1) License; Requirement, Procedure and Period, Fee.

(a) through (b) No change.

(c) License Fees. The following non-refundable fee shall accompany each application for a license:

1. Announcer	$50.00 ~~$25.00~~
2. Booking Agent	$75.00 ~~$50.00~~
3. Judge	$100.00 ~~$25.00~~
4. Manager	$100.00 ~~$50.00~~
5. Matchmaker	$100.00
6. Participant	$25.00 ~~$15.00~~
7. Promoter/Foreign Copromoter	
~~Copormoter~~	$250.00
8. Referee	$100.00 ~~$25.00~~
9. Representative of a Booking Agent	$25.00
10. Second	$20.00 ~~$15.00~~
11. Timekeeper	$50.00 ~~$25.00~~
12. Trainer	$20.00 ~~$15.00~~
13. Concessionaire	$100.00

(2) Permit; Requirement, Procedure and Period, Fee.

(a) No change.

(b) Permit Applications – Live Events Held in This State.

1. No change.

2. Upon receipt of the application for permit for a live event held in this state, the executive director shall review the application and, if the application is in compliance with the requirements of Chapter 548, F.S., and the rules set forth herein, the executive director shall give tentative approval to the promoter for the proposed date of the program. The approval shall be considered to be a tentative approval. If the executive director determines that the application for permit is not in compliance with Chapter 548, F.S., or the rules as set forth herein, the executive director shall immediately advise the promoter that the application for permit has been disapproved and shall state the reasons that the application is not in compliance. The executive director may ~~shall~~ deny an application for permit if another program of matches has previously been scheduled for the same date, and the executive director has determined that adequate staff would not be available to properly supervise both program of matches or if the executive director determines adequate staff would not be available to properly supervise a single program of matches even if another program of matches is not scheduled for the same day.

3. through 7. No change.

(b) No change.

~~(c) A permit fee shall be submitted with the application for permit for a live event held in this state and, if boxing or kickboxing, shall be based on the seating capacity of the premises to be utilized to present the program of matches under the following fee structure:~~

~~1. Seating capacity is less than 2,000 – Fee = $50.00~~

~~2. Seating capacity is 2,000 or more but no greater than 5,000 – Fee = $100.00~~

~~3. Seating capacity exceeds 5,000 – Fee = $250.00~~

~~For mixed martial arts matches, a permit fee of $5,000 per event shall be submitted with the application for permit for a live event held in this state.~~

Rulemaking ~~Specific~~ Authority 548.003 FS. Law Implemented 548.006, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.046, 548.057, 548.066 FS. History–New 2-7-85, Amended 11-24-85, Formerly 7F-1.03, Amended 4-6-89, 8-28-89, 5-13-90, Formerly 7F-1.003, Amended 9-10-95, 4-3-00, 6-21-04, _____.

61K1-1.0031 Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing and Kickboxing.

(1) Criteria for Approval. An amateur sanctioning organization seeking approval from the Florida State Boxing Commission to sanction and supervise matches involving amateur boxers or kickboxers shall meet the following criteria:

(a) through (b) No change.

(c) For amateur mixed martial arts, a statement o agreement to adopt and enforce the health and safety Standards of the International Sport Kickboxing Association (ISKA) as provided in the ISKA Amateur Rules Overview, incorporated herein by reference, effective July 2008,

(d)~~(c)~~ A statement of agreement to adopt and enforce a requirement that in matches sanctioned and supervised by the amateur sanctioning organization all participating amateurs must undergo a pre-match physical examination by a physician approved by the amateur sanctioning organization according to the criteria provided under subparagraph (1)(g)~~(f)~~2., below.

(e)~~(d)~~ A statement of agreement that the organization will not hold, promote, or sponsor a match prohibited under Chapter 548, F.S., including, but not limited to, an amateur mixed martial arts match in Florida.

(f)~~(e)~~ A statement of agreement to secure, at a minimum, ambulance service with a minimum of two qualified attendants (either paramedics or emergency medical technicians) by notifying the service of the date and time of the amateur event for "on-call" ambulance service availability, acknowledged by the service, or assignment of ambulance service to the premises of the matches, whereupon the following requirements shall be enforced:

1. through 4. No change.

(g)~~(f)~~ A statement of agreement to abide by the following requirements:

1. through 7. No change.

8. For amateur mixed martial arts, any referee assigned to perform official duties during a match shall be trained and certified to perform such duties by the International Sport Kickboxing Association (ISKA) or any other training and certificate process for referees approved by the commission or its executive director.

(2) through (4) No change.

Rulemaking ~~Specific~~ Authority 548.003(2) FS. Law Implemented 548.003, 548.006, 548.0065, 548.008 FS., CS for SB 538. History–New 7-3-05, Amended _____.

61K1-1.004 Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee.

(1) through (2) No change.

(3) Pre-Match Physical of Participant and Referee.

(a) through (c) No change.

(d) Each participant shall be required to submit to any medical examination or test ordered by the executive director or the commission. Any medical examination or test submitted to the executive director or the commission must be an original or certified copy of the results which were performed by an M.D., D.O., or laboratory no earlier than 30 days before the date on which the results are provided to the commission or its executive director.

1. No change.

2. Each participant shall provide the commission with rapid HIV test results indicating no infection with the human immunodeficiency virus/AIDS. Negative results will be acceptable for a period of up to 1 year. After 1 year, the participant will need to be re-tested and provide the commission with current lab results.

3.~~2.~~ Lab results filed with other commissions or jurisdictions in the United States may be verified in writing by them to the executive director in lieu of requiring a subsequent blood test for this purpose.

(e) through (f) No change.

Rulemaking ~~Specific~~ Authority 548.003 FS. Law Implemented 548.006, 548.043, 548.046, 548.071, 548.075 FS. History–New 2-7-85, Amended 11-24-85, Formerly 7F-1.04, Amended 4-6-89, 8-28-89, 1-1-90, 5-13-90, 1-9-91, Formerly 7F-1.004, Amended 9-10-95, 4-3-00, 6-21-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida State Boxing Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida State Boxing Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROCTECTION

RULE NOS.:	RULE TITLES:
62-625.100	Scope/Intent/Purpose
62-625.110	Applicability
62-625.200	Definitions
62-625.400	Pretreatment Standards: Prohibited Discharges
62-625.410	Pretreatment Standards: Categorical Standards
62-625.420	Removal Credits
62-625.500	Pretreatment Program Development and Submission Requirements
62-625.510	Pretreatment Program Review and Approval Procedures
62-625.540	Modification of Pretreatment Programs
62-625.600	Reporting Requirements for Control Authorities and Industrial Users
62-625.700	Fundamentally Different Factors Variance
62-625.820	Net/Gross Calculation
62-625.880	Tables

PURPOSE AND EFFECT: In 1995, EPA authorized the Department to implement the National Pretreatment program to control pollutants from industrial dischargers which have the potential to pass-through or interfere with the operation of domestic wastewater treatment facilities. The Department currently regulates 63 approved programs and those programs regulate a total of 744 industrial users through permitting. To implement the program, the Department originally adopted Chapter 62-625, F.A.C., in November 1994. Chapter 62-625, F.A.C., was last amended January 8, 1997. The Department is now amending Chapter 62-625, F.A.C., to incorporate the October 2005 revisions of 40 CFR Part 403 and to clean up and clarify existing language.

SUMMARY: The Department is amending Chapter 62-625, F.A.C., to incorporate changes that EPA made to 40 CFR Part 403 to streamline procedures for approval and implementation of the pretreatment program. The amendments to Chapter 62-625, F.A.C., are as follows: (1) allow Control Authorities to authorize an industrial user (IU) subject to categorical Pretreatment Standards to reduce sampling of a pollutant if the IU demonstrates that a given pollutant is neither present nor expected to be present in the discharge; (2) allow Control Authorities to authorize the use of equivalent concentration limits in lieu of mass limits for Categorical Industrial Users (CIUs) in certain industrial categories; (3) allow Control Authorities to issue general control mechanisms to groups of Significant Industrial Users (SIUs) that are substantially similar; (4) allow Control Authorities to reduce oversight of certain CIUs based on percentage of contribution to the wastewater facility; (5) allow Control Authorities to reduce oversight of certain Industrial Users that may be reclassified as Non-Significant Categorical Industrial Users (NCSIUs); (6) provide greater flexibility in the use of certain sampling techniques; (7) allow, in certain circumstances, Control Authorities to express CIUs' concentration-based categorical Pretreatment Standards as equivalent mass limits; (8) clarify that wastewater facilities may use Best Management Practices as alternatives to numeric limits that are developed to protect the wastewater treatment facility, water quality, and sewage sludge; (9) clarify the definition of significant noncompliance as it applies to violations of instantaneous and narrative requirements, and late reports; and (10) changes to the evaluation of local limits and evaluation of the need for a pretreatment program for certain discharges to UIC wells.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 403.061(7), 403.061(31), 403.0885 FS.

LAW IMPLEMENTTED: 403.0885 FS.

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

DATE AND TIME: Thursday, January 14, 2010, 9:00 a.m. – 11:30 p.m.

PLACE: Room 609, Bob Martinez Center, 2600 Blair Stone Road, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop by contacting: Dawn Templin at (850)245-8601 or the below information. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dawn Templin, P.E., Florida Department of Environmental Protection, Domestic Wastewater Section, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400; telephone (850)245-8601, or e-mail: dawn.templin@dep.state.fl.us. Copies of the draft rule are also available on the Department's internet site at: http://www.dep.state.fl.us/water/rules_dr.htm (OGC No. 09-0822)

THE FULL TEXT OF THE PROPOSED RULES IS:

62-625.100 Scope/Intent/Purpose.

(1) This chapter implements the pretreatment requirement of Section 403.0885 of the Florida Statutes (F.S.). Section 403.0885, F.S., empowers the Department of Environmental Protection (Department)~~, or its successor agencies,~~ to establish a State National Pollutant Discharge Elimination System (NPDES) permit program in accordance with section 402 of the Clean Water Act of 1987 (CWA), specifically including the pretreatment program under 40 CFR part 403. In implementing this pretreatment program, the Department will be in conformance with sections 204(b)(1)(B) ~~204(b)(1)(C)~~, 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(h)(5) and 301(i)(2), 304(e) and (g), 307, 308, 309, 402(b), 405, and 501(a) of the Federal Water Pollution Control Act as amended by the Water Quality ~~Clean Water~~ Act of 1987 (Public Law 100-4). This chapter establishes responsibilities of State and local government, industry, and the public to implement pretreatment standards to control pollutants which pass through or interfere with treatment processes in domestic wastewater facilities (WWFs) or which may contaminate domestic wastewater residuals as defined in Chapter 62-640 of the Florida Administrative Code (F.A.C.).

(2) By establishing the responsibilities of government and industry to implement pretreatment standards this chapter fulfills three objectives:

(a) through (b) No change.

(c) To improve opportunities to reuse reclaimed water, residuals, and industrial wastewaters and sludges ~~beneficially use domestic wastewater residuals~~.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended _____.

62-625.110 Applicability.

(1) This chapter applies:

(a) To the discharge of pollutants from nondomestic sources covered by pretreatment standards which are discharged into, transported by truck or rail, or otherwise introduced into WWFs as defined in subsection 62-625.200(29)~~(24)~~, F.A.C.;

(b) To public utilities which receive wastewater from sources subject to pretreatment standards and that discharge to surface waters of the State, or public utilities required to implement a pretreatment program in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16, as of July 1, 2009, hereby adopted and incorporated by reference; and

(c) No change.

~~(2) This chapter shall not be implemented until the date this Department receives authorization from the United States Environmental Protection Agency (EPA) to administer the NPDES program.~~

(2)~~(3)~~ No change.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended _____.

62-625.200 Definitions.

Terms used in this chapter shall have the meaning specified below. The meaning of any term not defined below shall be taken from definitions in other rules of the Department, unless the context clearly indicates otherwise.

~~(1) "Approval Authority" means the Department of Environmental Protection or its successor agencies.~~

(1)~~(2)~~ No change.

(2) "Best Management Practices" or "BMPs" mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 62-625.400(1)(a) and (2), F.A.C. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, industrial sludge or waste disposal, or drainage from raw materials storage.

(3) "Categorical Industrial User" means an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as of July 1, 2009, hereby adopted and incorporated by reference.

(4)~~(3)~~ No change.

(5)~~(4)~~ "Control Authority" means any public utility that administers a pretreatment program that has been approved by the Department ~~approval authority~~ in accordance with the requirements of Rule 62-625.510, F.A.C. In cases where categorical industrial users discharge to domestic WWFs that are not included in an approved pretreatment program, the Department shall function as the control authority until an approved pretreatment program has been established by the public utility.

(6)~~(5)~~ No change.

(7) "Grab Sample" means an individual, discrete sample collected at a specific time. A grab sample includes all sub samples or aliquots (e.g. individual containers for specific analytes or analyte groups), sample fractions (e.g. total and filtered samples), and all applicable field quality control samples (e.g. field sample duplicates or split samples) collected at the same locations within a time not exceeding 15 minutes.

(6) through (7) renumbered (8) through (9) No change.

(10) "Instantaneous limit" means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

(11) "Maximum Allowable Industrial Loading" means the total mass of a pollutant that all industrial users and other controlled sources may discharge without causing pass through or interference.

(12)~~(8)~~ "Method Detection Limit" or "MDL" means an estimate of the minimum amount of a substance that an analyte process can reliably detect. A MDL is analyte- and matrix-specific and is laboratory dependent. ~~"Measurement" refers to the ability of the analytical method or protocol to quantify, as well as identify, the presence of the substance in question.~~

(13)~~(9)~~ No change.

(14) "Non-significant categorical industrial user" means an industrial user that discharges 100 gallons per day (gpd) or less of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and:

(a) Has consistently complied with all applicable categorical pretreatment standards and requirements;

(b) Annually submits the certification statement required in subsection 62-625.600(17), F.A.C., together with any additional information necessary to support the certification statement; and

(c) Never discharges any untreated categorical process wastewater.

(15)~~(10)~~ "Pass Through" means a discharge which exits the WWF into waters of the State ~~or of the United States~~ in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WWF's permit (including an increase in the magnitude or duration of a violation).

(16)~~(11)~~ "Permit" means a permit~~, including a No Discharge (ND) permit,~~ issued to a WWF in accordance with Chapter 62-620, F.A.C.

(17)~~(12)~~ "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a WWF. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by subsection 62-625.410(5), F.A.C. ~~Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug discharges that might interfere with or otherwise be incompatible with the WWF. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with subsection 62-625.410(6), F.A.C.~~

(13) through (14) renumbered (18) through (19) No change.

(20)~~(15)~~ "Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA under Sections 307(b) and (c) of the CWA or by the Department under Chapter 403, F.S., which applies to industrial users. This term includes prohibitive discharge limits established in Rule 62-625.400, F.A.C.

(16) through (17) renumbered (21) through (22) No change.

(23)~~(18)~~ "Responsible Corporate Officer" means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager;

1. Is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations;

2. Is authorized to initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;

3. Can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements;

4. Has been assigned or delegated the ~~operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if~~ authority to sign documents ~~has been assigned or delegated to the manager~~ in accordance with corporate procedures.

(24)~~(19)~~ No change.

(25)~~(20)~~ "Significant Industrial User" means, except as provided in paragraph (c) and (d) below, the following:

(a) Categorical Industrial Users ~~All industrial users subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., and 40 CFR Chapter I, Subchapter N, which has been adopted by reference in Chapter 62-660, F.A.C.;~~ and

(b) No change.

(c) The control authority may determine that an industrial user subject to categorical pretreatment standards under Rule 62-625.410, F.A.C., including 40 CFR Chapter I, Subchapter N, Parts 405 through 471, is a non-significant categorical industrial user.

(d)~~(c)~~ No change.

(26)~~(21)~~ "Slug Discharge" means any discharge of a nonroutine, episodic nature, which has a reasonable potential to cause interference or pass through, or in any other way violate the WWF's regulations, local limits or permit conditions.

(22) through (23) renumbered (27) through (28) No change.

(29)~~(24)~~ "Wastewater Facility" or "WWF" means any facility which discharges wastes into waters of the State or which can reasonably be expected to be a source of water pollution and includes any or all of the following: the collection and ~~/~~transmission system, the wastewater treatment works ~~plant~~, ~~and~~ the reuse or disposal system, and the residuals management facility.

(30)~~(25)~~ No change.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended _____.

62-625.400 Pretreatment Standards: Prohibited Discharges.

(1) through (2) No change.

(3) Specific limits developed by the control authority.

(a) through (c) No change.

(d) The control authority may develop best management practices (BMPs) to implement paragraphs (a) and (b) above. Such BMPs shall be considered local limits and pretreatment standards for the purposes of this chapter.

(4) through (5) No change.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended _____.

62-625.410 Pretreatment Standards: Categorical Standards.

(1) Pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties which have the potential to be ~~are~~ discharged in accordance with 40 CFR Part 403.6, as of July 1, 2009, hereby adopted and incorporated by reference, to a WWF by existing or new industrial users, in specific industrial subcategories, are established as separate Federal regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N, parts 405 through 471 ~~and adopted by reference in Chapter 62-660, F.A.C~~. These pretreatment standards, unless specifically noted otherwise, shall be in addition to all applicable pretreatment standards and requirements set forth in this chapter.

(2) No change.

(3) Deadline for compliance with categorical standards. Compliance by existing sources with categorical pretreatment standards shall be within 3 years of the date the standard is effective in the appropriate subpart of 40 CFR Chapter I, Subchapter N, parts 405 through 471 ~~which are adopted by reference in Chapter 62-660, F.A.C.~~, unless a shorter compliance time is specified as part of the categorical standard. Existing sources which become industrial users subsequent to promulgation of an applicable categorical pretreatment standard shall be considered existing industrial users except where such sources meet the definition of a new source as defined in subsection 62-625.200(13)~~(9)~~, F.A.C. New sources shall install and have in operating condition, and shall "start-up", all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge. Within 90 days of initiating discharge, new sources must meet all applicable pretreatment standards.

(4) Concentration and mass limits.

(a) through (d) No change.

(e) When the limits in a categorical pretreatment standard are expressed only in terms of pollutant concentrations, an industrial user may request that the control authority convert the limits to equivalent mass limits. The control authority may convert to equivalent mass limits only if the industrial user meets all the following conditions:

1. Employs, or demonstrates that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

2. Currently uses control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

3. Provides sufficient information to establish the industrial user's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, and the industrial user's long-term average production rate, if applicable. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

4. Does not have daily flow rates, production rates, or pollutant levels that vary more than 20 percent so that equivalent mass limits are not appropriate to control the discharge; and

5. Has consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(f) An industrial user subject to equivalent mass limits based on paragraph (e) above must:

1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

2. Record the facility's flow rates through the use of a continuous effluent flow monitoring device;

3. Record the facility's production rates and notify the control authority when the production rates are expected to vary more than 20 percent from its baseline production rates determined in subparagraph (e)3. above; and

4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subparagraph (e)1. above.

(g) A control authority which chooses to establish equivalent mass limits:

1. Must calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

2. Must reassess the equivalent mass limit and recalculate the limit, as necessary, to reflect changed conditions at the facility upon notification from the industrial user of a revised production rate; and

3. May retain the same equivalent mass limit in subsequent control mechanism terms if:

a. The industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies,

b. The actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to subsection (5) below, and

c. The industrial user is in compliance with Rule 62-625.860, F.A.C.

(h) The control authority may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

(i) The control authority may convert the mass limits of the categorical pretreatment standards in 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users under the following conditions:

1. When converting such limits to concentration limits, the control authority must use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455, and

2. Document that dilution is not being substituted for treatment as prohibited by subsection (5) below.

(j)~~(e)~~ Equivalent limitations calculated in accordance with paragraphs (c), (d), (e) and (i) above, are ~~shall be~~ deemed pretreatment standards for the purposes of section 307(d) of CWA and this chapter. The control authority must document how the equivalent limits were derived and make this information available in the industrial user's file for public review. Once incorporated into its control mechanism, the industrial user must ~~Industrial users shall be required to~~ comply with the equivalent limitations in lieu of the categorical pretreatment standards from which the equivalent limitations were derived.

(k)~~(f)~~ Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or 4-day average limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations ~~types of equivalent limitations~~.

(l)~~(g)~~ Any industrial user operating under a control mechanism, as described in subparagraph 62-625.500(2)(a)2., F.A.C., incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within 2 business days after the industrial user has a reasonable basis to know that the production level will change more than 20 percent ~~significantly~~ within the next calendar month. Any industrial user not notifying the control authority of such anticipated change will be required to meet the mass or concentration limits in its control mechanism that were based on the original estimate of the long-term average production rate.

(5) No change.

(6) Combined waste stream formula. Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived by the control authority or by the industrial user with the written concurrence of the control authority. When the Department is acting as the control authority, the Department shall allow the development of fixed alternative discharge limits when direct sampling of the regulated waste stream is not technically feasible. These alternative limits shall be applied to the mixed effluent. When deriving alternative categorical limits, the control authority or industrial user shall calculate both an alternative daily maximum value using the daily maximum values specified in the appropriate categorical pretreatment standards and an alternative consecutive sampling day average value using the monthly average values specified in the appropriate categorical pretreatment standards. The industrial user shall comply with the alternative daily maximum and monthly average limits fixed by the control authority until the control authority modifies the limits or approves an industrial user modification request. Modification is authorized whenever there is a material or significant change in the values used in the calculation to fix alternative limits for the regulated pollutant. An industrial user must immediately report any such material or significant change to the control authority. Where appropriate, new alternative categorical limits shall be calculated within 30 days.

(a) Alternative limit calculation. For purposes of these formulas, the "average daily flow" means a reasonable measure of average daily flow for a 30-day period of production during a representative year. For new sources, flows shall be estimated using projected values. The alternative limit for a specified pollutant shall be derived by the use of either of the following formulas:

1. through 2. No change.

3. The terms used in the equations in subparagraphs 1. and 2. above are defined as follows:

C_T = The alternative concentration limit for the combined waste stream.

C_i = The categorical pretreatment standard concentration limit for a pollutant in the regulated stream i.

M_T = The alternative mass limit for a pollutant in the combined waste stream.

M_i = The categorical pretreatment standard mass limit for a pollutant in the regulated stream i (the categorical pretreatment mass limit multiplied by the appropriate measure of production).

F_i = The average daily flow (at least a 30-day average) of stream i to the extent that it is regulated for such pollutant.

F_D = The average daily flow (at least a 30-day average) from waste streams identified in (7), below.~~:~~

~~a. boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralizer backwash streams; provided, however, that where such streams contain a significant amount of a pollutant, and the combination of such streams, prior to treatment, with an industrial user's regulated process waste streams will result in a substantial reduction of that pollutant, the control authority, upon application of the industrial user, shall determine whether such streams should be classified as diluted or unregulated. In its application to the control authority, the industrial user must provide engineering, production, sampling and analysis, and such other information so that the control authority can make its determination;~~

~~b. Sanitary waste streams where such streams are not regulated by a categorical pretreatment standard; or~~

~~c. From any process waste streams which were or could have been entirely exempted from categorical pretreatment standards for one or more of the following reasons:~~

~~(i) the pollutants of concern are not detectable in the effluent from the industrial user;~~

~~(ii) the pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;~~

~~(iii) the pollutants of concern are present in amounts too small to be effectively reduced by known technologies; or~~

~~(iv) the waste stream contains only pollutants which are compatible with the WWF.~~

~~subsection 62-625.880(1), F.A.C., contains a list of industrial subcategories considered to have dilute waste streams for purposes of the combined waste stream formula.~~

F_t = The average daily flow (at least a 30-day average) through the combined treatment facility (includes F_i, F_D and unregulated streams).

N = The total number of regulated streams.

(b) No change.

(c) Self-monitoring. Self-monitoring required to ensure ~~insure~~ compliance with the alternative categorical limit shall be conducted in accordance with the requirements of Rule 62-625.600, F.A.C.

(d) No change.

(7) For the purposes of the combined waste stream formula, dilute waste streams include:

(a) Boiler blowdown streams, noncontact cooling streams, stormwater streams, and demineralizer backwash streams; unless such streams contain a significant amount of a pollutant and are combined with the regulated process waste stream prior to treatment, and the treatment will result in a substantial reduction of that pollutant. The control authority shall determine whether such streams are classified as diluted or unregulated. The industrial user shall provide engineering, production, sampling and analysis, and such other information so that the control authority can make its determination;

(b) Sanitary waste streams where such streams are not regulated by a categorical pretreatment standard;

(c) Any process waste streams which were or could have been entirely exempted from categorical pretreatment standards for one or more of the following reasons:

1. The pollutants of concern are not detectable in the effluent from the industrial user;

2. The pollutants of concern are present only in trace amounts and are neither causing nor likely to cause toxic effects;

3. The pollutants of concern are present in amounts too small to be effectively reduced by known technologies; or

4. The waste stream contains only pollutants which are compatible with the WWF.

(d) Waste streams from the list of industrial user subcategories identified in subsection 62-625.880(1), F.A.C.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended _____.

62-625.420 Removal Credits.

(1) Introduction. Rule 62-625.420, F.A.C., does not apply where the Department is acting as the control authority.

(a) Any public utility receiving wastewater from a categorical ~~an~~ industrial user ~~to which a categorical pretreatment standard applies~~ may, at the control authority's discretion and subject to the conditions of this section, grant removal credits to reflect removal by the WWF of pollutants specified in the categorical pretreatment standard. The control authority may grant a removal credit equal to or, at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected industrial user shall calculate its revised discharge limits in accordance with paragraph (c) below. Removal credits shall only be given for indicator or surrogate pollutants regulated in a categorical pretreatment standard if the categorical pretreatment standard so specifies.

(b) Conditions for authorization to give removal credits. A control authority is authorized to give removal credits only if all of the following conditions are met:

1. ~~Application.~~ The control authority requests ~~applies for~~, and receives authorization from the Department to give, a removal credit in accordance with the requirements and procedures specified in subsection (4)~~(5)~~ below.

2. No change.

3. Pretreatment program. The public utility has a ~~an approved~~ pretreatment program approved by the Department ~~in accordance with and to the extent required by this chapter; provided, however, a public utility which does not have an approved pretreatment program may, pending approval of such a program, conditionally give credits as provided in subsection (4) below~~.

4. Domestic wastewater residuals requirements. The granting of removal credits will not cause the WWF to violate the local, State, and Federal requirements which apply to the domestic wastewater residuals management method chosen by the WWF. Alternatively, the WWF can demonstrate to the Department that (even though it is not presently in compliance with applicable domestic wastewater residual requirements), it will be in compliance when the industrial user (to whom the removal credit would apply), is required to meet its categorical pretreatment standard, as modified by the removal credit. Removal credits may be made available for the following:

a. Any ~~For any~~ pollutant listed in subsections 62-625.880(2) and (3), F.A.C., for the use or disposal practice employed by the WWF, when the requirements in Chapter 62-640, F.A.C., for that practice are met;

b. ~~For~~ Arsenic, Beryllium, Cadmium, Chromium, Lead, Mercury and Nickel, when incinerated, when the concentration for these pollutants does not exceed the requirements of 40 CFR part 503.43, as of July 1, 2009, hereby adopted and incorporated by reference;

c. Any ~~For any~~ pollutant listed in subsection 62-625.880(4), F.A.C., for the use or disposal practice employed by the WWF, when the concentration for the pollutant listed in subsection 62-625.880(4), F.A.C., does not exceed the specified concentration; or

d. No change.

5. Permit limitations. The granting of removal credits shall not cause a violation of the WWF's permit limitations or conditions. Alternatively, the WWF can demonstrate to the Department that (even though it is not presently in compliance with applicable limitations and conditions in its permit), it will be in compliance when the industrial user (to whom the removal credit would apply), is required to meet its categorical pretreatment standard, as modified by the removal credit ~~provision~~.

(c) No change.

(2) Establishment of removal credits; demonstration of consistent removal. Influent and effluent operational data demonstrating consistent removal, or other information as provided for in paragraph (g) below which demonstrates consistent removal of the pollutants for which discharge limit revisions are proposed, shall be provided to the Department. These data shall meet the following requirements:

(a) through (b) No change.

(c) Sampling procedures: composite.

1. The influent and effluent operational data shall be obtained through 24-hour flow-proportional composite samples. Sampling shall be done manually or automatically, and discretely or continuously. For discrete sampling, at least 12 aliquots shall be composited. Discrete sampling shall be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. All composites must be flow-proportional to each stream flow at the time of collection of the influent aliquot or to the total influent flow since the previous influent aliquot. Volatile pollutant aliquots must be combined in the laboratory immediately before analysis.

2. Sampling frequency and historical data.

a. Twelve samples shall be taken at approximately equal intervals throughout one full year. Sampling must be evenly distributed over the days of the week so as to include non-workdays as well as workdays. If the Department determines that this sampling is not ~~schedule will not be most~~ representative of the actual operation of the WWF, the Department shall notify the WWF with an explanation of why it has come to this determination. The control authority shall submit, within 30 days of receipt of the Department notice, an alternative sampling schedule. The Department shall approve the alternative sampling schedule if it is ~~mostly~~ representative of the operation of the WWF. The alternative sampling schedule shall not be implemented until written Department approval is obtained.

b. No change.

3. ~~Effluent sample collection need not be delayed to compensate for hydraulic detention unless the control authority elects to include detention time compensation or unless the Department requires detention time compensation.~~ The Department shall require that each effluent sample be taken approximately one detention time later than the corresponding influent sample when failure to do so would result in an unrepresentative portrayal of actual WWF operation. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used will be based upon the average of the daily flows during the same month of the previous year.

(d) Sampling procedures: Grab. Where composite sampling is not an appropriate sampling technique, grab samples shall be taken to obtain influent and effluent operational data. Collection of influent grab samples should precede collection of effluent samples by approximately one detention period. The detention period is to be based on a 24-hour average daily flow value. The average daily flow used shall be based upon the average of the daily flows during the

same month of the previous year. Grab samples shall be required, for example, where the parameters being evaluated are those, such as cyanide and phenol, which may not be held for any extended period because of biological, chemical, or physical interactions which take place after sample collection and affect the results. ~~A grab sample is an individual sample collected over a period of time not exceeding 15 minutes.~~

(e) Analytical methods. The sampling referred to in paragraphs (c) and (d) above, and an analysis of these samples, shall be performed in accordance with Chapter 62-160 ~~subparagraph 62-625.600(1)(e)6.~~, F.A.C.

(f) No change.

(g) All sample data obtained for the measured pollutant during the time period prescribed in this section, must be reported and used in computing consistent removal. If a substance is detectable ~~measurable~~ in the influent but not in the effluent, the effluent level shall be assumed to be the method detection limit ~~of measurement~~, and those data may be used by the WWF at its discretion if the method detection limit ~~of measurement~~ meets the requirements of Rule 62-4.246, F.A.C. If the substance is not detectable ~~measurable~~ in the influent, the data shall not be used to calculate consistent removal. Where the number of samples with concentrations equal to or above the method detection limit ~~of measurement~~ is between 8 and 12, the average of the lowest 6 removals shall be used. If there are less than 8 samples with concentration equal to or above the method detection limit ~~of measurement~~, the Department shall require alternate means for demonstrating consistent removal.

(3) Provisional credits. For pollutants which are not being discharged currently (i.e., new or modified facilities, or production changes), the control authority may apply for authorization to give removal credits prior to the initial discharge of the pollutant. Consistent removal shall be based provisionally on data from treatability studies or demonstrated removal at other comparable treatment facilities where the quality and quantity of influent are similar. Within 18 months after the commencement of discharge of pollutants in question, consistent removal must be demonstrated in accordance with subsection (2) above. If, within 18 months after the commencement of the discharge of the pollutant in question, the WWF cannot demonstrate consistent removal in accordance with subsection (2) above, the authority to grant provisional removal credits shall be terminated by the Department in accordance with paragraph (5)~~(6)~~(d) below.

~~(4) Exception to pretreatment program requirement. A public utility required to develop a pretreatment program in accordance with Rule 62-625.500, F.A.C., may conditionally give removal credits, pending Department approval of such a pretreatment program, in accordance with the following terms and conditions:~~

~~(a) All industrial users, who are currently subject to a categorical pretreatment standard and wish to conditionally receive a removal credit, must submit to the public utility the information required in paragraphs 62-625.600(1)(a) through (g), F.A.C., (except new or modified industrial users must only submit the information required by paragraphs 62-625.600(1)(a) through (f), F.A.C.), pertaining to the categorical pretreatment standard as modified by the removal credit. The industrial users shall indicate what additional technology, if any, will be needed to comply with the categorical pretreatment standard as modified by the removal credit;~~

~~(b) The public utility must have submitted to the Department an application for pretreatment program approval meeting the requirements of Rules 62-625.500 and 62-625.510, F.A.C., in a timely manner, not to exceed the time limitation set forth in a compliance schedule for development of a pretreatment program included in the WWF's permit;~~

~~(c) The public utility must~~

~~1. Compile and submit data demonstrating consistent removal at the WWF in accordance with (2) above,~~

~~2. Comply with the conditions specified in paragraph (1)(b) above, and~~

~~3. Submit a complete application for removal credit authority in accordance with subsection (5) below;~~

~~(d) If a public utility receives authority to grant conditional removal credits and the Department subsequently makes a final determination, after appropriate notice, that the public utility failed to comply with the conditions in paragraphs (b) and (c) above, the authority to grant conditional removal credits shall be terminated by the Department in accordance with paragraph (6)(d) below;~~

~~(e) If a public utility grants conditional removal credits and the public utility or the Department subsequently makes a final determination, after appropriate notice, that the industrial users failed to comply with the conditions in paragraph (a) above, the conditional credit shall be terminated by the public utility or the Department for the noncomplying industrial users in accordance with the requirements of paragraph (6)(d) below. The conditional credit shall not be terminated where a violation of the provisions of this rule results from causes entirely outside the control of the industrial users or the industrial users have demonstrated substantial compliance; and~~

~~(f) If the Department does not review an application for conditional removal credit authority upon receipt of such application, the conditionally revised discharge limits shall remain in effect until the application is reviewed by the Department. This review may occur at any time in accordance with the procedures of Rule 62-625.510, F.A.C., but in no event later than the time of any pretreatment program approval or any permit reissuance thereunder.~~

(4)~~(5)~~ Control authority request ~~application~~ for authorization to give removal credits and Department review.

(a) ~~Who must apply.~~ Any control authority that wants to give a removal credit must request ~~apply for~~ authorization from the Department.

(b) ~~To whom application is made.~~ The request ~~An application~~ for authorization to give removal credits (or modify existing ones) shall be submitted in writing by the control authority to the Department.

(c) ~~When to apply.~~ A control authority may request ~~apply for~~ authorization to give or modify removal credits at any time.

(d) ~~Contents of the application.~~ The request ~~An application~~ for authorization to give removal credits must be supported by the following information:

1. through 3. No change.

~~4. Pretreatment program certification. A certification that the public utility has an approved pretreatment program or qualifies for the exception in subsection (4) above.~~

5. through 6. renumbered 4. through 5. No change.

(e) Department review. The Department shall review the control authority's request ~~application~~ for authorization to give or modify removal credits in accordance with the procedures of Rule 62-625.510, F.A.C., and shall, in no event, have more than 180 days from public notice of the request ~~an application~~ to complete review.

(f) EPA review of State removal credit approvals. The EPA Regional Administrator will review and approve submissions for authority to grant removal credits.

(g) Nothing in these regulations precludes an industrial user or other interested party from assisting the control authority in preparing and presenting the information necessary to request ~~apply for~~ authorization.

(h) Upon Department~~,~~ and EPA~~,~~ approval of a control authority's request ~~application~~ to grant removal credits, the WWF's permit shall be revised in accordance with Rule 62-620.325~~330~~, F.A.C., to include the revised discharge limits and any additional monitoring and reporting requirements.

(5)~~(6)~~ Continuation and withdrawal of authorization.

(a) through (c) No change.

(d) Modification or withdrawal of removal credits.

1. through 2. No change.

3. Public notice of withdrawal or modification. The Department shall not withdraw or modify revised discharge limits unless it first notifies, in writing, the control authority and all industrial users to whom revised discharge limits have been applied, of the reasons for such withdrawal or modification. The Department shall publish a notice of withdrawal or modification of revised discharge limits in a ~~daily~~ newspaper(s) of general circulation ~~with the largest circulation~~ within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.013, F.S., and shall provide an opportunity for an administrative hearing. Following such notice and withdrawal or modification, all industrial users to whom revised discharge limits had been applied~~,~~ shall be subject to the modified discharge limits or the discharge limits prescribed in the applicable categorical pretreatment standards, as appropriate, and shall achieve compliance with such limits in accordance with subsection 62-625.410(3), F.A.C.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended 1-8-97, _____.

62-625.500 Pretreatment Program Development and Submission Requirements.

(1) Public utilities required to develop a pretreatment program.

(a) Except as provide in paragraph (1)(b) below, public utilities shall establish a pretreatment program under the following conditions:

1. The public utility receives pollutants from industrial users which pass through or interfere with the operation of the WWF or are otherwise subject to pretreatment standards;

2. The public utility discharges to surface waters of the State or is required to implement a pretreatment program in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16; and

3. The public utility owns or operates one or more WWFs. ~~Any WWF (or combination of WWFs operated by the same public utility)~~ with a total design flow greater than 5 million gallons per day (mgd) ~~and receiving pollutants from industrial users which pass through or interfere with the operation of the WWF or are otherwise subject to pretreatment standards shall be required to establish a pretreatment program.~~

~~(b)~~ The Department shall also require that a public utility that owns or operates one or more WWFs ~~WWF, owned or operated by a public utility,~~ with a design flow of 5 mgd or less to establish ~~have~~ a pretreatment program if it finds that the nature or volume of the industrial influent, treatment process upsets, violations of WWF effluent limitations, contamination of domestic wastewater residuals, or other circumstances require a pretreatment program in order to prevent interference with the WWF or pass through.

(b)~~(c)~~ Public utilities that own or operate one or more WWFs that are required to implement a pretreatment program. ~~Any WWF providing reclaimed water to public access facilities~~ in accordance with Chapter 62-610, F.A.C., or 40 CFR parts 146.15 and 146.16 shall develop a pretreatment program that meets the requirements of subsections (2) and (3) below, unless the public utility can provide an affirmative demonstration in accordance with subsection 62-610.330(2), F.A.C., or 40 CFR part 146.15(e)(1) that the WWF has no significant industrial users.

(c)~~(d)~~ If a WWF identified as needing a pretreatment program does not have an approved pretreatment program, the Department shall revise, or revoke and reissue, the existing WWF permit. The revised or reissued permit shall contain a

compliance schedule, with a final compliance date not to exceed one year from the effective date of the revised or reissued permit, for the development of a pretreatment program meeting the requirements of subsections (2) and (3) below.

~~(e) All pretreatment programs approved by the EPA prior to the effective date of this chapter, and active on the effective date of this chapter, will be considered to be approved by the Department.~~

(2) Pretreatment program requirements. A pretreatment program shall be based on the following legal authority and include the following procedures. These authorities and procedures shall at all times be fully and effectively exercised and implemented.

(a) Legal authority. The public utility shall operate under legal authority enforceable in Federal, State, or local courts~~,~~ which authorizes or enables the public utility to apply and to enforce the requirements of this chapter. Such authority shall be contained in a statute, ordinance, or series of contracts or joint powers agreements which the public utility is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the public utility to:

1. No change.

2. Control through permit, order, or similar means~~,~~ the contribution to the WWF by each industrial user to ensure compliance with applicable pretreatment standards and requirements. In the case of industrial users identified as significant under subsection 62-625.200(25)~~(20)~~, F.A.C., this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such industrial user except as provided in subparagraphs 7. and 8. below. Both individual and general control mechanisms ~~Such control mechanisms~~ must be enforceable and contain, at a minimum, the following conditions:

a. No change.

b. Statement of non-transferability without~~, at a minimum,~~ prior notification to the control authority and without providing ~~provision of~~ a copy of the existing control mechanism to the new owner or operator;

c. Effluent limits, including best management practices, based on applicable general pretreatment standards in this chapter, categorical pretreatment standards, local limits, and State and local law;

d. No change.

e. Process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C., or a specific waived pollutant in the case of an individual control mechanism;

f.~~e.~~ No change.

g. Requirements to control slug discharges, if determined by the control authority to be necessary.

3. through 6. No change.

7. Use general control mechanisms, at the discretion of the control authority, if all facilities to be covered:

a. Involve the same or substantially similar types of operations;

b. Discharge the same types of wastes;

c. Require the same effluent limitations;

d. Require the same or similar monitoring; and

e. In the opinion of the control authority, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

8. To be covered by the general control mechanism, the significant industrial user must file a written request for coverage that provides:

a. The industrial user's contact information;

b. The industrial user's production processes;

c. The industrial user's types of wastes generated;

d. The industrial user's locations for monitoring all wastes covered by the general control mechanism;

e. Requests for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge in accordance with paragraph 62-625.600(4)(b), F.A.C.; and

f. Any other industrial user information the control authority deems appropriate.

A monitoring waiver pursuant to paragraph 62-625.600(4)(b), F.A.C., is not effective in the general control mechanism until after the control authority has provided written notice to the significant industrial user that such a waiver request has been granted. The control authority must retain a copy of the general control mechanism, documentation to support the control authority's determination that a specific significant industrial user meets the criteria in sub-subparagraphs (2)(a)7.a. through e. above, and a copy of the industrial user's written request for coverage for three (3) years after the expiration of the general control mechanism. A control authority may not control a significant industrial user through a general control mechanism where the facility is subject to production-based categorical pretreatment standards or categorical pretreatment standards expressed as mass of pollutant discharged per day or for industrial users whose limits are based on the combined wastestream formula or net/gross calculations as outlined in subsection 62-625.410(6) and Rule 62-625.820, F.A.C., respectively.

(b) Pretreatment program implementation procedures. The public utility shall develop and implement procedures to ensure compliance with the requirements of a pretreatment program. At a minimum, these procedures shall enable the control authority to:

1. through 4. No change.

5. Randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with

pretreatment standards. Inspect and sample the effluent from each significant industrial user at least once a year except as specified in sub-subparagraphs a. through c. below ~~every twelve months~~;

a. Where the control authority has authorized a categorical industrial user to waive sampling of a pollutant regulated by a categorical pretreatment standard in accordance with paragraph 62-625.600(4)(b), F.A.C., the control authority must sample for the waived pollutant(s) at least once during the term of the categorical industrial user's control mechanism. In the event that the control authority subsequently determines that a waived pollutant is present or is expected to be present in the industrial user's wastewater based on changes that occur in the user's operations, the control authority must immediately begin at least annual inspection and effluent monitoring of the user's discharge;

b. Where the control authority has determined that an industrial user meets the criteria for classification as a non-significant categorical industrial user, the control authority must evaluate, at least once per year, whether an industrial user continues to meet the criteria in paragraph 62-625.200(25)(c), F.A.C.; or

c. In the case of industrial users subject to reduced reporting requirements under paragraph 62-625.600(4)(d), F.A.C., the control authority must randomly sample and analyze the effluent from industrial users and conduct inspections at least once every two years. If the industrial user no longer meets the conditions for reduced reporting in paragraph 62-625.600(4)(d), F.A.C., the control authority must immediately begin sampling and inspecting the industrial user at least once a year;

6. Evaluate, at least once every two years, whether each significant industrial user needs a plan to control slug discharges. New significant industrial users must be evaluated within 1 year of being designated a significant industrial user. The results of such evaluations shall be made available to the Department upon request. Significant industrial users are required to notify the control authority immediately of any changes at its facility affecting the potential for a slug discharge. If the control authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

a. through d. No change.

7. No change.

8. Comply with the public participation requirements of Chapter 120, F.S., in enforcement of pretreatment standards. In addition, these ~~These~~ procedures shall include provision for at least annual public notification~~, in the daily newspaper with the largest circulation within the jurisdiction served by the WWF,~~ of industrial users which~~, at any time during the previous 12 months,~~ were in significant noncompliance with applicable pretreatment requirements at any time during the previous 12 months. Public notification shall be included in a newspaper(s) of general circulation within the jurisdiction served by the WWF that meets the requirements of Sections 50.011 and 50.013, F.S. For the purpose of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

a. Chronic violations of wastewater discharge limits~~,~~ defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude), a numeric pretreatment standard or requirement, including instantaneous limits; ~~the daily maximum limit or the average limit for the same pollutant parameter,~~

b. Technical Review Criteria (TRC) violations~~,~~ defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, ~~daily maximum limit or the average limit~~ multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, total oil ~~Total Oil~~ and grease ~~Grease~~, and 1.2 for all other pollutants except pH);~~,~~

c. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) ~~effluent limit (daily maximum or longer-term average)~~ that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of WWF personnel or the general public);~~,~~

d. Any discharge that has resulted in the control authority's exercise of its emergency authority under sub-subparagraph (a)5.b. above, to halt or prevent such a discharge;~~,~~

e. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;~~,~~

f. Failure to provide, within 45 ~~30~~ days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;~~,~~

g. Failure to accurately report noncompliance;~~,~~ and

h. Any other violation or group of violations, including a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the pretreatment program, except when the Department is acting as the control authority.

(c) Local limits. The public utility shall develop local limits as required in paragraph 62-625.400(3)(a), F.A.C., or submit to the Department documentation that demonstrates that they are not necessary to prevent pass through, interference, protection of WWF employees, or adversely

affect residuals disposal. A plan of study shall be submitted to the Department prior to initiating the sampling required to develop local limits.

(d) Enforcement response plan. The public utility shall develop and implement an enforcement response plan. This plan shall contain detailed procedures that~~, at a minimum~~:

1. Describe how the control authority will investigate instances of noncompliance, including, at a minimum, sampling, data review, site visits and inspections;

2. Describe the types of escalating enforcement responses the control authority will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place. The enforcement response plan shall address, at a minimum, effluent limits violations, self-monitoring and reporting violations, compliance schedule violations, and violations found during inspections;

3. through 4. No change.

(e) Significant industrial users. The public utility shall prepare and maintain a list of its industrial users meeting the criteria ~~of significant industrial user~~ in paragraphs 62-625.200(25)~~(20)~~(a) and (b), F.A.C. The list shall identify the criteria in paragraphs 62-625.200(25)~~(20)~~(a) and (b), F.A.C., applicable to each industrial user and, ~~for industrial users meeting the criteria in Rule 62-625.200(20)(b), F.A.C.,~~ shall also indicate whether the public utility has made a determination in accordance with paragraphs 62-625.200(25)~~(20)~~(c) and (d), F.A.C., that such industrial user should not be considered a significant industrial user. The list shall be submitted to the Department in accordance with Rule 62-625.510, F.A.C., or as a non-substantial program modification in accordance with paragraph 62-625.540(2)(b), F.A.C. Modifications to the list shall be submitted to the Department in accordance with paragraph 62-625.600(8)(a), F.A.C. ~~Any subsequent modifications thereto, shall be submitted to the Department as a nonsubstantial program modification in accordance with paragraph 62-625.540(2)(b), F.A.C. Determinations by the public utility as to whether an industrial user is a significant industrial user shall be deemed to be approved by the Department 90 days after submission of the list or modifications thereto, unless the Department determines that a modification is in fact a substantial modification. If the modification is determined by the Department to be a substantial modification, it shall be processed in accordance with paragraph 62-625.540(2)(a), F.A.C.~~

(3) through (4) No change.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended 1-8-97, _____.

62-625.510 Pretreatment Program Review and Approval Procedures.

(1) No change.

(2) Public notice and opportunity for hearing. Within 20 working days after making a determination that a submission meets the requirements of paragraph 62-625.500(4)(a), F.A.C., the Department shall:

(a) Provide the public utility with a copy of a notice of request for approval of a pretreatment program. The public utility shall publish the notice in a ~~daily~~ newspaper(s) of general ~~with the largest~~ circulation within the jurisdiction served by the WWF, that meets the requirements of Sections 50.011 and 50.013, F.S., within 14 days of receipt of the request for publication. The public utility shall provide proof of publication to the Department, at the address specified in the request for publication, within 7 days of publication;

(b) Mail the notice of request for approval to all Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources, and over coastal zone management plans, unless such agencies have asked not to be sent the notices. Those agencies include U.S. Advisory Council on Historic Preservation, U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Florida Department of State Division of Historical Resources, the Florida Fish and Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission, the Florida Department of Community Affairs, the unit of local government having jurisdiction over the area where the WWF is located, and any other person or group who has requested individual notice, including those on appropriate mailing lists;

(c) Provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the submission. All written comments submitted during the 30-day comment period shall be retained by the Department and considered in the decision on whether or not to approve the submission to the Department. The period for comment may be extended by the Department;

(d) Provide an opportunity for the public utility, any affected State, any interested State or Federal agency, person or group of persons to request a public hearing with respect to the submission. This request for public hearing shall be filed within the 30-day (or extended) comment period described in paragraph (c) above and shall indicate the interest of the person filing such request and the reasons why a hearing is warranted;

(e) Hold a ~~A~~ hearing ~~will be held~~ in accordance with paragraph (d) above, if there is significant public interest in issues relating to whether or not the submission should be approved. Instances of doubt shall be resolved in favor of holding the hearing; and

(f) No change.

(3) No change.

(4) Deadline for review of submission. The Department shall have 90 days from the date of public notice of any submission complying with the requirements of paragraph 62-625.500(4)(a), F.A.C., to review the submission. The

Department shall review the submission to determine compliance with the requirements of subsections 62-625.500(2) and (3), F.A.C. The Department shall have up to an additional 90 days to complete the evaluation of the submission if the public comment period provided for in paragraph (2)(c) above is extended beyond 30 days or if a public hearing is held as provided for in paragraph (2)(e)~~(d)~~ above. In no event, however, shall the time for evaluation of the submission exceed a total of 180 days from the date of public notice of a submission meeting the requirements of paragraph 62-625.500(4)(a), F.A.C.

(5) Department decision. At the end of the 30-day (or extended) comment period and within the 90-day (or extended) period provided for in subsection (4) above, the Department shall approve or deny the submission based upon the evaluation in subsection (4) above, ~~and~~ taking into consideration comments submitted during the comment period and the record of the public hearing~~,~~ if held. Where the Department makes a determination to deny the request, the Department shall so notify the public utility and each person who has requested individual notice. The notification shall include suggested modifications and the Department shall allow the public utility additional time to bring the submission into compliance with applicable requirements.

(6) EPA review of Department's decision. No pretreatment program shall be approved by the Department if, following the 30-day (or extended) evaluation period provided for in paragraph (2)(c) above and any hearing held as provided for in paragraph (2)(e)~~(d)~~ above, the EPA Regional Administrator sets forth, in writing, objections to the approval of such submission and the reasons for such objections. A copy of the EPA Regional Administrator's objections will be provided to the public utility and each person who has requested individual notice. The EPA Regional Administrator will provide an opportunity for written comments and may convene a public hearing on his or her objections. Unless retracted, the EPA Regional Administrator's objections shall result in a final ruling to deny approval of a pretreatment program 90 days after the date the objections are issued.

(7) No change.

(8) Permit reissuance or revision. If a WWF is required to develop a pretreatment program ~~the submission is approved~~, the Department shall revise, or alternatively revoke and reissue, the ~~a~~ WWF's permit in order to incorporate requirements for pretreatment program development and implementation ~~the approved pretreatment program~~ as enforceable conditions of the permit. The revision of a WWF's permit for the purpose of incorporating these requirements ~~an approved pretreatment program~~ shall be deemed a minor permit revision subject to the procedures in Rule 62-620.325~~330~~, F.A.C.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885, 403.815 FS. Law Implemented 403.0885, ~~403.08851,~~ 403.815 FS. History–New 11-29-94, Amended 1-8-97, _____.

62-625.540 Modification of Pretreatment Programs.

(1) General. Either the Department ~~approval authority~~ or a control authority may initiate program modification at any time to reflect changing conditions at the WWF. Program modification is necessary whenever there is a significant change in the operation of a pretreatment program that differs from the information in the control authority's submission, as approved under Rule 62-625.510, F.A.C.

(2) Procedures. Pretreatment program modifications shall be accomplished as follows:

(a) For substantial modifications, as defined in subsection (3) below

1. through 2. No change.

3. If not already incorporated into the WWF's permit, the ~~The~~ modification shall be incorporated ~~into the WWF's permit~~ after approval~~. The permit will be modified to incorporate the approved modification~~ in accordance with Rule 62-620.325~~330~~, F.A.C., and

4. The modification shall become effective upon approval by the Department. Publication of the notice of approval is not required provided that no substantive comments are received by the date specified in the notice of request for approval and the request is approved without change. Otherwise, notice ~~Notice~~ of approval of the modification, prepared by the Department, shall be published by the control authority in the same newspaper as the original notice of request for approval in accordance with paragraph 62-625.510(2)(a), F.A.C.; and

(b) The control authority shall notify the Department of any non-substantial modifications to its pretreatment program at least 45 ~~30~~ days prior to when they are to be implemented by the control authority, in a statement similar to that provided for in subparagraph (a)1. above. Such non-substantial program modifications shall be deemed to be approved by the Department 45 ~~90~~ days after the submission of the control authority's statement unless the Department determines that a modification submitted is a substantial modification. Following such "approval" by the Department, if not already incorporated into the WWF's permit, such modifications shall be incorporated ~~into the WWF's permit~~ in accordance with Rule 62-620.325~~330~~, F.A.C. If the Department determines that a modification reported by a control authority in its statement is in fact a substantial modification, the Department shall notify the control authority and initiate the procedures in paragraph (a) above.

(3) Substantial modifications.

(a) The following are substantial modifications for purposes of this chapter ~~section~~:

1. No change.

2. Changes to local limits which result in less stringent local limits~~;~~, except for modifications to local limits for pH and or reallocations of the maximum allowable industrial loading of a pollutant that does not increase the total industrial loadings for that pollutant, which are reported in accordance with paragraph (2)(b) above.

3. No change.

~~4. Changes in the control authority's method for implementing categorical pretreatment standards (e.g., incorporation by reference, separate promulgation);~~

5. through 7. renumbered 4. through 6. No change.

~~8. Significant reductions in the control authority's pretreatment program resources (including personnel commitments, equipment, and funding levels); and~~

~~9. Changes in the WWF's domestic wastewater residuals disposal and management practices.~~

(b) A modification that is not included in paragraph (a) above is nonetheless a substantial modification for purposes of this chapter ~~rule~~ if the modification:

1. through 3. No change.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended _____.

62-625.600 Reporting Requirements for Control Authorities and Industrial Users.

(1) Baseline Report ~~Reporting requirements~~ for industrial users upon effective date of categorical pretreatment standard ~~baseline report~~. Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made upon a category determination request under paragraph 62-625.410(2)(d), F.A.C., whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to, or scheduled to discharge to, a WWF~~,~~ shall submit to the control authority a report which contains the information listed in paragraphs (a)-(g) below. At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard, shall submit to the control authority a report which contains the information listed in paragraphs (a)-(e) below. New sources shall include in this report information on the method of pretreatment it intends to use to meet applicable pretreatment standards. New sources shall give estimates of the information requested in paragraphs (d) and (e), below.

(a) through (d) No change.

(e) Measurement of pollutants.

1. No change.

2. In addition, the industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the pretreatment standard or control authority) of regulated pollutants in the discharge from each regulated process. ~~All laboratory analytical reports shall comply with Rule 62-160.670, F.A.C.~~ Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation as required by the control authority or the applicable standards to determine compliance with the standard;

~~3. A minimum of four (4) grab samples must be used for any of these applicable tests: pH, cyanide, total phenols, oil and grease, sulfide, volatile organics, temperature, dissolved oxygen, chlorine residual, un ionized ammonia, microbiology, specific conductance, and dissolved constituents (e.g., ortho phosphate, etc.). For all other pollutants, 24 hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The control authority shall waive flow proportional composite sampling for any industrial user that demonstrates that flow proportional sampling is technically infeasible. In such cases, samples shall be obtained through time proportional composite sampling techniques or through a minimum of four (4) grab samples where the industrial user demonstrates that this will provide a representative sample of the effluent being discharged.~~

3.~~4.~~ The industrial user shall take a minimum of one representative sample to demonstrate ~~compile that~~ data is in compliance ~~necessary to comply~~ with these requirements.

4.~~5.~~ No change.

5.~~6.~~ All activities related to sampling and analysis shall comply with paragraphs (6)(d) and (e) and Chapter 62-160, F.A.C.~~, and shall be conducted under the requirements of subsection 62-160.300(5), F.A.C., which is Category 2A.~~

a. Sampling activities ~~and laboratory analyses~~ shall be performed according to procedures specified in "The Department of Environmental Protection Standard Operating Procedures for Field Activities," DEP-SOP-001/01, March 31, 2008, hereby adopted and~~, "The Department of Environmental Regulation Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92) September 1992 herein~~ incorporated by reference. A copy of this document is available for inspection at the Department's district offices and 2600 Blair Stone Road, MS 3540, Tallahassee, Florida 32399-2400 and is also available on the Department's internet site. ~~Alternatively, an organization with the required protocols listed in their Department Approved Comprehensive Quality Assurance Plan may sample and analyze according to the protocols specified in that document.~~

b. Analytical ~~To the extent possible, analytical~~ tests shall be performed in accordance with applicable test procedures identified in 40 CFR Part 136, as of July 1, 2009, hereby adopted and incorporated by reference. If a test for a specific

component is not listed in 40 CFR Part 136, or if the test procedure has been determined to be inappropriate for the analyte in question (e.g., insufficient sensitivity) the laboratory, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rules 62-160.300 and 62-160.330, F.A.C. ~~the techniques prescribed in Chapter 62-160, F.A.C. If a test for a specific component is not available in Chapter 62-160, F.A.C., the testing laboratory shall select an alternative method from those listed in DER-QA-001/92 and propose its use to the Quality Assurance Section of the Department. The Department shall determine if the proposed method is appropriate and applicable for use by the laboratory in accordance with Rule 62-160.530, F.A.C.~~

c. If a sampling procedure is not available or none of the approved procedures are appropriate for collecting the samples, the sampling organization, with the approval of the industrial user and control authority, shall identify and propose a method for use in accordance with Rule 62-160.220, F.A.C. ~~Where sampling or analytical techniques for the pollutant in question are not available or approved, or where the Department determines that the sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the control authority or other parties, for which method validation information has been submitted and approved by the Department in accordance with Rules 62-160.430, 62-160.520 and 62-160.530, F.A.C.~~

7. through 8. renumbered 6. through 7. No change.

(f) No change.

(g) Compliance schedule. If additional pretreatment or O & M will be required to meet the pretreatment standards, the industrial user shall provide such additional pretreatment or O & M as specified in a compliance schedule. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

1. If ~~Where~~ the ~~industrial user's~~ categorical pretreatment standard has been modified by the combined waste stream formula in accordance with subsection 62-625.410(6), F.A.C., a removal credit in accordance with Rule 62-625.420, F.A.C., or a fundamentally different factor variance in accordance with Rule 62-625.700, F.A.C., at the time the industrial user submits the report required by this subsection, the information requested in paragraphs (f) and (g) of this subsection shall pertain to the modified limits.

2. No change.

(2) Compliance schedule and progress reports for meeting categorical pretreatment standards. The following conditions shall apply to the compliance schedule required by paragraph (1)(g) above:

(a) through (c) No change.

(3) Final report ~~Report~~ on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the WWF, any industrial user subject to pretreatment standards and requirements shall submit to the control authority a report containing the information described in paragraphs (1)(d)-(f), above. For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures in subsection 62-625.410(4), F.A.C., this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

(4) Periodic reports on continued compliance.

(a) Any industrial user subject to a categorical pretreatment standard, except a non-significant categorical industrial user, after the compliance date of such pretreatment standard, or, in the case of a new source, after commencement of the discharge into the WWF, shall submit to the control authority during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority in accordance with paragraphs ~~paragraph~~ (6)(c), (6)(d), and (6)(e) below, a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical pretreatment standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported in paragraph (1)(d) above, except that the control authority shall require more detailed reporting of flows if necessary to comply with the requirements of this rule. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user shall submit documentation required by the control authority or the pretreatment standard necessary to determine the compliance status of the industrial user. The industrial user may request submission of the above reports in months other than June and December if, based on such factors as local high or low flow rates, holidays, or budget cycles, the alternate dates more accurately represent actual operating conditions.

(b) The control authority may authorize the industrial user subject to a categorical pretreatment standard to waive sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user demonstrates the following through sampling and other technical factors:

1. The pollutant is neither present nor expected to be present in the discharge, or the pollutant is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user; and

2. The pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.

(c) This authorization of the monitoring waiver is subject to the following conditions and does not supersede certification processes and requirements established in categorical pretreatment standards, except as specified in the categorical pretreatment standard:

1. The monitoring waiver is valid only for the duration of the effective period of the permit or other equivalent individual control mechanism, but in no case longer than 5 years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent control mechanism.

2. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes. Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the Department approved method from Rule 62-4.246, F.A.C., with the lowest method detection limit for that pollutant was used in the analysis.

3. The request for a monitoring waiver must be signed in accordance with subsection (11) below and include the certification statement found in subparagraph 62-625.410(2)(b)2., F.A.C.

4. The authorization must be included as a condition in the industrial user's control mechanism. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the control authority for 3 years after expiration of the waiver.

5. Upon approval of the monitoring waiver and revision of the industrial user's control mechanism by the control authority, the industrial user must certify each report with the following statement: "Based on my inquiry of the person or persons directly responsible for managing compliance with the pretreatment standard for 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under paragraph 62-625.600(4)(a) F.A.C."

6. In the event that a waived pollutant is found to be present, or is expected to be present, based on changes that occur in the industrial user's operations, the industrial user must immediately notify the control authority and comply with the monitoring requirements of paragraph (4)(a) above or other more frequent monitoring requirements imposed by the control authority.

(d) The control authority may reduce the requirement in paragraph (4)(a) above to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the Department, where the industrial user meets all of the following conditions:

1. The industrial user's total categorical wastewater flow does not:

a. Exceed 0.01 percent of the design dry weather hydraulic capacity of the WWF, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

b. Exceed 0.01 percent of the design dry weather organic treatment capacity of the WWF; and

c. Exceed 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed for a WWF in accordance with subsection 62-625.400(3), F.A.C.

2. The industrial user has not been in significant noncompliance in the past two years; and

3. The industrial user does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period pursuant to paragraph (6)(c) below.

(e) The industrial user must notify the control authority immediately of any changes at its facility causing it to no longer meet conditions of subparagraphs (4)(d)1. or (4)(d)2. above. Upon notification, the industrial user must immediately begin complying with the minimum reporting in paragraph (4)(a) above.

(b) through (c) renumbered (f) through (g) No change.

(5) No change.

(6) Monitoring and analysis to demonstrate continued compliance.

(a) Except in the case of non-significant categorical industrial users, the ~~The~~ reports required in subsections (1), (3), and (4) above shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the control authority, of pollutants contained therein which are limited by the applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial user, except when the Department is acting as the control authority. Where the control authority performs the required sampling and analysis in lieu of the industrial user, the industrial user shall not be required to submit the compliance certification required under paragraph (1)(f)~~,~~ and subsection (3)~~,~~ above. In addition, where

the control authority itself collects all the information required for the report, including flow data, the industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule 62-160.340 ~~62-160.670~~, F.A.C.

(b) If sampling performed by an industrial user indicates a violation, the industrial user shall notify the control authority within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the control authority within 30 days after becoming aware of the violation.~~, except the industrial user is not required to resample if:~~ Where the control authority has performed the sampling and analysis in lieu of the industrial user, the control authority must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if:

1. No change.

2. The control authority performs sampling at the industrial user between the time when the initial sampling was conducted ~~industrial user performs its initial sampling~~ and the time when the industrial user or the control authority receives the results of the sampling.

(c) The reports required in subsections ~~subsection~~ (1), (3), (4) and (7) ~~above~~ shall be based upon data obtained through sampling and analysis performed during the period covered by the report. These data shall be representative of conditions occurring during the reporting period. The control authority shall require a frequency of monitoring necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(d) For all sampling required by this chapter, grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the control authority. Where time-proportional composite sampling or grab sampling is authorized by the control authority, the sample must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility. Using protocols (including appropriate preservation) specified in Chapter 62-160, F.A.C., and DEP-SOP-001/01, multiple grabs collected during a 24-hour period may be composited prior to analysis as follows: ~~All activities related to sampling and analysis shall be subject to the same requirements specified in (1)(e)6. above.~~

1. Samples for cyanide, total phenols, and sulfides may be composited in the laboratory or in the field;

2. Samples for volatile organics and oil and grease may be composited in the laboratory; and

3. Composite samples for other parameters unaffected by the compositing procedures as allowed in the Department's approved sampling procedures and laboratory methodologies may be authorized by the control authority, as appropriate.

(e) Oil and grease samples shall be collected in accordance with paragraph (6)(d) above unless the sampling location or point cannot be physically accessed to perform a direct collection of a grab sample. In these instances, the sample shall be pumped from the sampling location or point into the sample container using a peristaltic-type pump. All pump tubing used for sample collection must be new or pre-cleaned and must be changed between sample containers and sample points. The pump tubing shall not be pre-rinsed or flushed with sample prior to collecting the sample. The report of analysis shall indicate that a peristaltic pump was used to collect the oil and grease sample.

(f) Sampling required in support of baseline monitoring and 90-day compliance reports required in subsections (1) and (3) above shall be conducted as follows:

1. For industrial users where historical sampling data do not exist, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds.

2. For industrial users where historical sampling data are available, the control authority may authorize a lower minimum.

(g) For the reports required by subsections (4) and (7), the control authority shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(h)~~(e)~~ If an industrial user subject to the reporting requirement in subsection (4) or (7) ~~above~~ monitors any regulated pollutant at the appropriate monitoring location more frequently than required by the control authority, using the procedures required by paragraph ~~subparagraph~~ (6)(d) ~~(1)(e)6.~~ above, the results of this monitoring shall be included in the report.

(7) Reporting requirements for industrial users not subject to categorical pretreatment standards.

(a) The control authority must ~~shall~~ require appropriate reporting from those industrial users with discharges that are not subject to categorical pretreatment standards. Significant non-categorical industrial users must ~~shall~~ submit to the control authority at least once every six months (on dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. In cases where a local limit requires compliance with a best management practice or pollution prevention alternative, the industrial user must submit documentation required by the control authority to determine the compliance status of the industrial user.

(b) The reports must ~~shall~~ be based on sampling and analysis performed in the period covered by the report, and are subject to the same requirements specified in paragraphs (6)(d) and (6)(e) ~~subparagraph (1)(e)6.~~ above. The sampling and analysis may be performed by the control authority in lieu of the significant non-categorical industrial user and is subject to the same requirements specified in paragraphs (6)(d) and (6)(e) ~~subparagraph (1)(e)6.~~ above, except when the Department is acting as the control authority. Where the control authority itself collects all the information required for the report, the significant noncategorical industrial user shall not be required to submit the report. All laboratory analytical reports prepared by the industrial user or the control authority shall comply with Rule 62-160.340 ~~62-160.670~~, F.A.C.

(8) Annual control authority reports. Control authorities shall provide the Department with a report that briefly describes the control authority's program activities, including activities of all participating agencies if more than one jurisdiction is involved in the pretreatment program. The report shall be submitted no later than one year after approval of the pretreatment program, and at least annually thereafter as specified in the WWF's permit, and shall include at a minimum, the following:

(a) An updated list of the WWF's industrial users, including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The control authority shall provide a brief explanation of each deletion. This list shall identify which industrial users are subject to categorical pretreatment standards and specify which standards are applicable to each industrial user. The list shall indicate which industrial users are subject to local standards that are more stringent than the categorical pretreatment standards. The control authority shall also list the industrial users that are subject only to the local requirements. The list must also identify industrial users subject to categorical pretreatment standards that are subject to reduced reporting requirements under paragraph (4)(d) above and identify which industrial users are non-significant categorical industrial users.

(b) through (c) No change.

(d) A summary of changes to the control authority's pretreatment program that have not been previously reported to the Department;

(e)~~(d)~~ A summary of analytical results of the influent and effluent for each WWF covered by the pretreatment program for those conventional pollutants that are identified under 40 CFR Part 401.16, as of July 1, 2009, hereby adopted and incorporated by reference, and any additional parameters that are routinely reported according to each WWF wastewater permit. The analytical summary shall provide monthly averages for influent, effluent, and the percent removal for each of the conventional pollutants;

(f)~~(e)~~ A summary of all analytical results of influent and~~,~~ effluent ~~and biosolids~~ for each WWF covered by the pretreatment program for those toxic pollutants that have been identified under 40 CFR Part 122, Appendix D, Tables II and III, as of July 1, 2009, hereby adopted and incorporated by reference ~~I and II~~, with the exception of acrolein and acrylonitrile; ~~and~~

(g) A summary of all analytical results of residuals for each WWF covered by the pretreatment program for those pollutants identified under 40 CFR part 503.13, as of July 1, 2009, hereby adopted and incorporated by reference; and

(h)~~(f)~~ No change.

(9) Notification of changed discharge. All industrial users shall promptly notify the control authority, (and the public utility if the public utility is not the control authority) in advance of any change in the volume or character of pollutants in their discharge that may result in pass through or interference at the WWF, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under subsection (15) below.

(10) No change.

(11) Signatory requirements for industrial user reports. The reports required by subsections (1), (3), ~~and~~ (4), and (7) above shall include the certification statement as set forth in subparagraph 62-625.410(2)(b)2., F.A.C., and shall be signed as follows:

(a) By a responsible corporate officer, if the industrial user submitting the reports required by subsections (1), (3), ~~and~~ (4), and (7) above is a corporation;

(b) By a general partner or proprietor, if the industrial user submitting the reports required by subsections (1), (3), ~~and~~ (4), and (7) above is a partnership or sole proprietorship respectively;

(c) By a duly authorized representative of the individual designated in paragraph (a) or (b) above if:

1. No change.

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, (such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility)~~,~~ or having overall responsibility for environmental matters for the company, and

3. No change.

(d) No change.

(e) By a duly authorized municipal official, if the industrial user submitting the reports required in subsection (1), (3), ~~and~~ (4), and (7) above is a municipal department.

(12) Signatory requirements for control authority reports. Reports submitted to the Department by the control authority in accordance with subsection (8) above must be signed by a principal executive officer, ranking elected official, or other duly authorized employee ~~if such employee is responsible for~~

~~overall operation of the POTW~~. The duly authorized employee must be an individual or position having responsibility for the overall operation of the WWF or the pretreatment program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Department prior to or together with the report being submitted.

(13) No change.

(14) Record-keeping requirements.

(a) Any industrial user and control authority subject to the reporting requirements established in this chapter ~~section~~ shall maintain records of all information resulting from any monitoring activities required by this chapter, ~~section,~~ including documentation associated with best management practices. All sampling and analysis activities shall be subject to the record-keeping requirements specified in Chapter 62-160, ~~62-160.600, 62-160.610, 62-160.620 and 62-160.630,~~ F.A.C.

(b) Any industrial user or control authority subject to the reporting requirements established in this chapter ~~section~~, including documentation associated with best management practices, shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this chapter ~~section~~) and shall make such records available for inspection and copying by the Department (and control authority in the case of an industrial user). This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user or control authority.

(c) No change.

(d) The control authority must retain documentation to support the control authority's determination that a specific industrial user qualifies for reduced reporting requirements under paragraph (4)(d) above for a period of 3 years after the expiration of the term of the control mechanism.

(15) Provisions governing hazardous waste.

(a) The industrial user shall notify the control authority and the Department's hazardous waste and pretreatment authorities in writing of any discharge into the WWF of a substance~~,~~ which, if otherwise disposed of, would be hazardous waste under Chapter 62-730, F.A.C. Such notification must include the name of the hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the WWF, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user:

(1) An ~~an~~ identification of the hazardous constituents contained in the wastes,

(2) An ~~an~~ estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and

(3) An ~~an~~ estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.

Industrial users who commence discharging after the effective date of this chapter shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under subsection (9)~~,~~ above. The notification requirement in this subsection ~~section~~ does not apply to pollutants already reported under the self-monitoring requirements of subsections (1), (3), and (4)~~,~~ above.

(b) through (d) No change.

(16) All control authorities shall periodically provide to the Department a written technical evaluation regarding the need to revise local limits. At a minimum, the evaluation shall be provided within 180 days following permit issuance or reissuance. The evaluation shall verify whether existing local limits protect the WWF, and if not, shall develop new local limits as part of the evaluation. For new local limits, a plan of study shall be submitted to the Department prior to initiating sampling required to develop the new local limit.

(17) Annual certification by non-significant categorical industrial users. An industrial user determined to be a non-significant categorical industrial user in accordance with paragraph 62-625.200(25)(c), F.A.C., must annually submit the following certification statement, signed in accordance with the signatory requirements in subsection (11) above. The certification must accompany any alternative report required by the control authority: "Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR [specify applicable national pretreatment standard part(s)], I certify that, to the best of my knowledge and belief that during the period from [month, day, year] to [month, day, year]:

(a) The facility described as [industrial user name] met the definition of a non-significant categorical industrial user as described in paragraph 62-625.200(25)(c), F.A.C.;

(b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and

(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: [documentation of basis to continue exemption]."

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885, 403.161 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended 1-8-97, _____.

62-625.700 Fundamentally Different Factors Variance.

(1) through (8) No change.

(9) Public notice. Upon receipt of a complete request, the Department will provide notice of receipt, opportunity to review the submission, and opportunity to comment.

(a) The public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the request. Procedures for the circulation of public notice shall include mailing notices to:

1. through 2. No change.

3. All Federal and State agencies with jurisdiction over fish, shellfish and wildlife resources, and over coastal zone management plans. Those agencies include the U.S. Council on Historic Preservation, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the Florida Department of State, Division of Historical Resources, the Florida Fish and Wildlife Conservation Commission ~~Game and Fresh Water Fish Commission~~, the Florida Department of Community Affairs, the unit of local government having jurisdiction over the area where the WWF is located, and any other person or group who has requested individual notice, including those on appropriate mailing lists.

(b) through (c) No change.

(10) through (12) No change.

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended 1-8-97, _____.

62-625.820 Net/Gross Calculation.

~~Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this rule.~~

(1) Application. Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this chapter. Any industrial user wishing to obtain credit for intake pollutants must make application to the control authority.

(2) Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the following requirements ~~of (2) and (3) below~~ are met:~~.~~

(a)~~(2)~~ Either: ~~Criteria.~~

1.~~(a)~~ The applicable categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 specifically provide that they shall be applied on a net basis; or

2. The industrial user ~~must~~ demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) through (d) No change.

~~(3) The applicable categorical pretreatment standards contained in 40 CFR Chapter I, Subchapter N, and adopted by reference in Chapter 62-660, F.A.C., specifically provide that they shall be applied on a net basis.~~

Rulemaking ~~Specific~~ Authority 403.061(7), 403.061(31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended 1-8-97, _____.

62-625.880 Tables.

(1) No change.

(2) Regulated pollutants eligible for a removal credit.

Residuals Use or Disposal Practice

Pollutant	Land Application (mg/Kg)	Surface Disposal (mg/Kg)
Arsenic	75	73
Cadmium	–	85
Chromium	–	600
Copper	4300	–
Lead	840	–
Mercury	57	–
Molybdenum	75	–
Nickel	420	420
Selenium	100	–
Zinc	7500	–

(3) The following organic pollutants are eligible for a removal credit if the requirements for total hydrocarbons (or carbon monoxide) in Chapter 62-296, F.A.C., are met when sewage sludge is fired in a sewage sludge incinerator: Acrylonitrile, Aldrin/Dieldrin (total), Benzene, Benzidine, Benzo(a)pyrene, Bis(2-chloroethyl)ether, Bis(2-ethylhexyl) phthalate, Bromodichloromethane, Bromoethane, Bromoform, Carbon tetrachloride, Chlordane, Chloroform, Chloromethane, DDD, DDE, DDT, Dibromochloromethane, Dibutyl phthalate, 1,2-dichloroethane, 1,1-dichloroethylene, 2,4-dichlorophenol, 1,3-dichloropropene, Diethyl phthalate, 2,4-dinitrophenol, 1,2-diphenylhydrazine, Di-n-butyl phthalate, Endosulfan, Endrin, Ethylbenzene, Heptachlor, Heptachlor epoxide, Hexachlorobutadiene, Alphahexachlorocyclohexane, Betahexachlorocyclohexane, Hexachlorocyclopentadiene, Hexachloroethane, Hydrogen cyanide, Isophorone, Lindane, Methylene chloride, Nitrobenzene, N-Nitrosodimethylamine, N-Nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzo-p-dioxin, 1,1,2,2-tetrachloroethane, Tetrachloroethylene, Toluene, Toxaphene, Trichloroethylene, 1,2,4-Trichlorobenzene, 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, and 2,4,6-Trichlorophenol.

(4) Additional pollutants eligible for a removal credit.

Residuals Use or Disposal Practice
Surface Disposal

Pollutant	LA	UL	L	I
Arsenic	---	---	100(1)	---
Aldrin/Dieldrin (Total)	2.7	---	---	---
Benzene	16(1)	140	3400	---
Benzo(a)pyrene	15	100(1)	100(1)	---
Bis(2-ethylhexyl)phthalate	---	100(1)	100(1)	---
Cadmium	---	100(1)	100(1)	---
Chlordane	86	100(1)	100(1)	---
Chromium (Total)	100~~(2)~~	---	100(1)	---
Copper	---	46(1)	100(1)	1400
DDD, DDE, DDT (Total)	1.2	2000	2000	---
2,4-Dichlorophenoxy-aceti	---	7	7	---
Fluoride	730	---	---	---
Heptachlor	7.4	---	---	---
Hexachlorobenzene	29	---	---	---
Hexachlorobutadiene	600	---	---	---
Iron	78(1)	---	---	---
Lead	---	100(1)	100(1)	---
Lindane	84	28(1)	28(1)	---
Malathion	---	0.63	0.63	---
Mercury	---	100(1)	100(1)	---
Molybdenum	---	40	40	---
Nickel	---	---	100(1)	---
N-Nitrosodimethylamine	2.1	0.088	0.088	---
Pentachlorophenol	30	---	---	---
Phenol	---	82	82	---
Polychlorinated biphenyls	4.6	<50	<50	---
Selenium	---	4.8	4.8	4.8
Toxaphene	10	26(1)	26(1)	---
Trichloroethene	10(1)	9500	10(1)	---
Zinc	---	4500	4500	4500

(a) No change.

(b) Footnotes

1. No change.

~~2. The (2) in the above table indicates the value is to be established on a case-by case basis.~~

Rulemaking ~~Specific~~ Authority 403.061(7), (31), 403.0885 FS. Law Implemented 403.0885~~, 403.08851~~ FS. History–New 11-29-94, Amended 1-8-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael W. Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 27, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 19, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:
64B2-11.001 Application for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated application form.

SUMMARY: The updated application form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.001 Application for Licensure Examination.

(1) Any person desiring to be licensed as a chiropractor shall apply to the Department of Health on board approved form DH-MQA 1147, (Rev 11/09 ~~11/08~~), Application for Chiropractic Examination and Initial Licensure, which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

(2) through (4) No change.

Rulemaking Authority 460.405, 460.406 FS. Law Implemented 460.406 FS. History–New 1-10-80, Amended 3-15-81, 10-10-85, Formerly 21D-11.01, Amended 2-19-86, 10-6-86, 1-28-87, 2-1-88, 4-19-89, 12-31-89, 5-7-90, 7-8-90, 7-15-91, 2-2-93, Formerly 21D-11.001, Amended 4-18-94, Formerly 61F2-11.001, Amended 2-20-95, Formerly 59N-11.001, Amended 11-4-98, 3-23-00, 2-3-08, 6-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:
64B2-11.012 Application for Acupuncture Certification

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the updated application form.

SUMMARY: The updated application form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403, 460.406 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.012 Application for Acupuncture Certification.

(1) Any person licensed or applying for licensure by the Board who also desires to be certified in acupuncture shall apply to the Department of Health. Application shall be made on board approved form DH-MQA 1151, (Rev 11/09 ~~11/08~~), Application for Chiropractic Acupuncture Certification, which is hereby incorporated by reference, and may be obtained from the Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

(2) through (3) No change.

Rulemaking Authority 460.405 FS. Law Implemented 460.403, 460.406 FS. History–New 10-6-86, Amended 7-5-87, 2-1-88, Formerly 21D-11.012, 61F2-11.012, 59N-11.012, Amended 2-15-98, 8-9-04, 4-23-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: RULE TITLE:
64B2-17.0055 Release of Medical Records; Reasonable Costs of Reproduction

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to clarify the costs of reproducing copies of medical records.

SUMMARY: The costs of reproducing copies of medical records will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.057(4), (16) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-17.0055 Release of Medical Records; Reasonable Costs of Reproduction.

(1) No change.

(2) For patients and governmental entities, the r~~R~~easonable costs of reproducing copies of written or typed documents or reports shall not be more than the following:

(a) through (b) No change.

(3) For other entities, the reasonable costs of reproducing copies of written or typed documents or reports shall not be more than $1.00 per page.

(4)~~(3)~~ No change.

Rulemaking ~~Specific~~ Authority 460.405 FS. Law Implemented 456.057(4), (16) FS. History–New 7-15-91, Amended 5-19-93, Formerly 21D-17.0055, 61F2-17.0055, 59N-17.0055, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF HEALTH

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

RULE NO.:	RULE TITLE:
64B4-3.001	Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update an incorporated form.

SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.005, 491.006 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.001 Application for Licensure for Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling Applicants.

Every applicant for licensure as a clinical social worker, marriage and family therapist or mental health counselor shall submit to the Board a completed application on Form DH-MQA 1174, Application for Licensure (revised 10/09 ~~1/09~~), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied with the application fee and the initial licensure fee.

(1) through (2) No change.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.005, 491.006 FS. History–New 7-6-88, Amended 1-28-91, 11-3-92, Formerly 21CC-3.001, 61F4-3.001, Amended 11-13-96, Formerly 59P-3.001, Amended 6-8-09, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF HEALTH

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

RULE NO.:	RULE TITLE:
64B4-3.0085	Intern Registration

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update an incorporated form.

SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.0045 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.0085 Intern Registration.

An individual who intends to practice in Florida to satisfy the post-master's experience must register as an intern by submitting a completed application to the Board on Form DH-MQA 1175, Intern Registration Application (Revised 10/09 ~~1/09~~), hereby adopted and incorporated by reference, which can be obtained from the Board's website at

www.doh.state.fl.us/mqa/491. The application shall be accompanied by the application fee specified in Rule 64B4-4.015, F.A.C., which is non-refundable.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.0045 FS. History–New 6-8-09, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF HEALTH

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

RULE NO.:	RULE TITLE:
64B4-3.009	Limited Licenses

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update an incorporated form.

SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.015 FS.

LAW IMPLEMENTED: 456.015 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.009 Limited Licenses.

(1) No change.

(2) Any person desiring to obtain a limited license shall submit a completed application to the Board on Form DH-MQA 1178, Application for Limited Licensure (Revised 10/09 ~~1/09~~), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied by the documents required by Section 456.015(2), F.S., and a fee of $25 unless the applicant provides a notarized statement from the employer stating that the applicant will not receive monetary compensation for service involving the practice of his profession.

(3) No change.

Rulemaking Authority 456.015 FS. Law Implemented 456.015 FS. History–New 11-13-96, Formerly 59P-3.009, Amended 6-8-09, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF HEALTH

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

RULE NO.:	RULE TITLE:
64B4-3.010	Marriage and Family Therapy Dual Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update an incorporated form.

SUMMARY: An updated form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 491.004(5) FS.

LAW IMPLEMENTED: 491.0057 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.010 Marriage and Family Therapy Dual Licensure.

Any psychologist licensed under Chapter 490, F.S., or clinical social worker or mental health counselor licensed under this chapter desiring to obtain licensure as a marriage and family therapist shall submit a completed application to the Board on Form DH-MQA 1177, Marriage and Family Therapy Dual Licensure Application (Revised 10/09 ~~1/09~~), hereby adopted and incorporated by reference, which can be obtained from the Board's website at www.doh.state.fl.us/mqa/491. The application shall be accompanied with the application fee and the initial active status license fee specified in Rule 64B4-4.002, F.A.C.

Rulemaking Authority 491.004(5) FS. Law Implemented 491.0057 FS. History–New 6-8-09, Amended _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF HEALTH

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

RULE NO.: RULE TITLE

64B4-5.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update offenses and penalties.

SUMMARY: Offenses and penalties will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.079, 491.004(5) FS.

LAW IMPLEMENTED: 456.079, 491.009 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-5.001 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, registered intern, provisional licensee, or certificate holder whom it regulates under Chapter 491, F.S., has committed any of the acts set forth in Section 456.072(1) or 491.009(2), F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) Attempting to obtain, obtaining, or renewing a license under Chapter 491, F.S., by bribery or fraudulent misrepresentation or through an error of the Board or the Department.

(Sections 456.072(1)(h) & 491.009(1)(a), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	denial or $1000 fine and permanent revocation;
SECOND OFFENSE:	$1000 fine and probation	permanent denial and $1000 fine and permanent revocation;

(b) Having a license or certificate to practice a comparable profession or any regulated profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.

(Sections 456.072(1)(f), F.S. & 491.009(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	denial or $1000 fine and permanent revocation;
SECOND OFFENSE:	$1000 fine and probation	permanent denial or $1000 fine and permanent revocation;
THIRD OFFENSE:	$1000 fine, 1 year suspension followed by probation	permanent denial or $1000 fine and permanent revocation;

(c) Being convicted or found guilty, regardless of adjudication, or having entered a plea of nolo contendere to, a crime in any jurisdiction which directly relates to the practice of the licensee's profession or the licensee's ability to practice that profession.

(Section 456.072(1)(c) & 491.009(1)(c), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and probation	denial or $1000 fine and permanent revocation
SECOND OFFENSE:	$1000 fine and 1 year suspension followed by probation;	permanent denial or $1000 fine and permanent revocation;

(d) through (g) No change.

(h)1. Failing to perform any statutory or legal obligation placed upon a person licensed under Chapter 491, F.S.
(Section 456.072(1)(k) & 491.009(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	reprimand	$1000 fine and 1 year probation;
SECOND OFFENSE:	$1000 fine and reprimand	$1000 fine and 6 month suspension followed by probation;
THIRD OFFENSE:	$1000 fine and probation	$1000 fine and permanent revocation;

2. In the case of noncompliance with a continuing education requirement, the following guidelines apply:
(Rule 64B-6.003, F.A.C.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation;

(i) Willfully making or filing a false report or record; failing to file a report or record required by state or federal law; willfully impeding or obstructing the filing of a report or record; or inducing another person to make or file a false report or record or to impede or obstruct the filing of a report or record.
(Section 456.072(1)(l) & 491.009(1)(i), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation; denial or $1000 fine and permanent revocation;
THIRD OFFENSE:	$1000 fine, 1 year suspension followed by probation	$10,000 fine and permanent revocation

(j) Paying or receiving a kickback, rebate, bonus, or other remuneration for receiving a patient or client or referring a patient or client to another provider of mental health care services or to a provider of health care services or goods; referring a patient or client to oneself for services on a fee-paid basis when those services are already being paid for by some other public or private entity; or entering into a reciprocal referral agreement.
(Section 491.009(1)(j), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(k) Committing any act upon a patient or client, which would constitute sexual battery or which would constitute sexual misconduct.
(Section 456.072(1)(v)~~(u)~~ & 491.009(1)(k), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and revocation;
SECOND OFFENSE:	$1000 fine and 2 years suspension followed by probation	denial or $1000 fine and permanent revocation;

(l) No change.

(m) Soliciting patients or clients personally, or through an agent, through the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct.
(Section 491.009(1)(m), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	$1000 fine and 6 month suspension followed by probation;
SECOND OFFENSE:	$1000 and reprimand	$1000 fine and 1 year suspension followed by probation;

THIRD OFFENSE:	$1000 fine 1 year and suspension followed by probation	$1000 fine permanent revocation;

(n) No change.

(o) Failing to respond within thirty (30) days to a written communication from the Department or the Board concerning any investigation by the Department or the Board, or failing to make available any relevant records with respect to the investigation about the licensee's conduct or background.
(Section 491.009(1)(o), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(p) Being unable to practice the profession for which one is licensed under Chapter 491, F.S., with reasonable skill and competence as a result of any mental or physical condition or by reason of illness; drunkenness; or excessive use of drugs, narcotics, chemicals, or any other substance.
(Section 456.072(1)(z)~~(y)~~ & 491.009(1)(p), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and probation	$1000 fine and suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, followed by probation;
SECOND OFFENSE:	suspension until the licensee is able to appear before the Board and demonstrate that he or she is able to practice with reasonable skill and competence, followed by probation	$1000 fine and permanent revocation;

(q) Violating provisions of Chapter 491 or 456, F.S., or any rule adopted pursuant thereto.
(Section 456.072(1)(dd) & 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	$1000 fine and probation
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(r) Performing any treatment or prescribing any therapy which, by the prevailing standards of the mental health professions in the community would constitute experimentation on human subjects, without first obtaining full, informed, and written consent.
(Section 491.009(1)(q), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(s) Failing to meet the MINIMUM standards of performance in professional activities when measured against generally prevailing peer performance, including the undertaking of activities for which the licensee is not qualified by training or experience.
(Section 491.009(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$250 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation:

(t) No change.

(u) Violating a rule relating to the regulation of the profession or a lawful order of the Department or the Board previously entered in a disciplinary hearing.
(Section 491.009(1)(t), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	$1000 fine and 6 month suspension followed by probation;
SECOND OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(v) Failure of a licensee to maintain in confidence any communication made by a patient or client in the context of services, except by written permission or in the face of clear and immediate probability of bodily harm to the patient or client or to others.
(Section 491.009(1)(u), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	denial or $1000 fine and permanent revocation;

(w) Making public statements which are derived from test data, client contacts, or behavioral research and which identify or damage research subjects or clients.
(Section 491.009(1)(v), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	denial or $1000 fine and permanent revocation;

(x) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department or the agency against another licensee.
(Section 456.072(1)(g), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(y) through (z) No change.

(aa) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.
(Section 456.072(1)(r), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	$1000 fine and 6 months suspension followed by probation;
SECOND OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(bb) Intentionally violating any rule adopted by the Board or the department, as appropriate.
(Section 456.072(1)(b), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1000 fine and reprimand	$1000 fine and 6 months suspension followed by probation;
SECOND OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(cc) Failing to comply with the educational course requirements for domestic violence.
(Section 456.072(1)(s), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	reprimand	$1000 fine and 1 year probation;
SECOND OFFENSE:	$1000 fine and reprimand	$1000 fine and 6 months suspension followed by probation
THIRD OFFENSE:	$1000 fine and probation	$1000 fine and permanent revocation;

(dd) No change.

(ee) Violating any provision of this part, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.
(Section 456.072(1)(q), F.S & Section 491.009(1)(w), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	$1000 fine and probation;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(ff) Failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated

information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

(Section 456.072(1)(w)~~(v)~~, F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	$1000 fine and reprimand;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 3 month suspension followed by probation;
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(gg) Using information about people involved in motor vehicle accidents which has been derived from accident reports made by law enforcement officers for the solicitation of the people involved in the accidents.

(Section 456.072(1)(y)~~(x)~~, F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine and reprimand	$1000 fine and 6 month suspension followed by probation;
SECOND OFFENSE:	$1000 and reprimand	$1000 fine and 1 year suspension followed by probation;
THIRD OFFENSE:	$1000 fine 1 year suspension followed by probation	$1000 fine and permanent revocation;

(hh) Failing to report to the Board within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction.

(Section 456.072(1)(x)~~(w)~~, F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine	$1000 fine and reprimand;
SECOND OFFENSE:	$1000 fine and probation	$1000 fine and 6 month suspension followed by probation;
THIRD OFFENSE:	$1000 fine and 1 year suspension followed by probation	denial or $1000 fine and permanent revocation;

(ii) Testing positive for any drug on any confirmed preemployment or employer-ordered drug screening.

(Section 456.072(1)(aa), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	probation and $500 fine	suspension to be followed by probation and $750 fine;
SECOND OFFENSE:	suspension to be followed by probation; and $750 fine	permanent revocation and $1000 fine

~~(jj) Having a license or certificate to practice any regulated profession revoked, suspended, or otherwise acted against, including the denial of certification or licensure by another state, territory, or country.~~

~~(Section 456.072(1)(a), F.S.)~~

	~~MINIMUM~~	~~MAXIMUM~~
~~FIRST OFFENSE:~~	~~$1000 fine and reprimand~~	~~denial or $1000 fine and revocation;~~
~~SECOND OFFENSE:~~	~~$1000 fine and probation~~	~~permanent denial or $1000 fine and revocation;~~
~~THIRD OFFENSE:~~	~~$1000 fine, 1 year suspension followed by probation~~	~~permanent denial or $1000 fine and revocation.~~

(jj)~~(kk)~~ Failing to inform the department, within 30 days, of any change of address of either the place of practice or current mailing address of any applicant or licensee.

(Section 456.035, F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	reprimand	$1,000 fine and 1 year probation;
SECOND OFFENSE:	$1,000 fine and reprimand	$1,000 fine and 6 month suspension followed by probation;
THIRD OFFENSE:	$1,000 fine and probation	$1,000 fine and permanent revocation.

(kk)~~(ll)~~ Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

(Section 456.072(1)(hh)~~(gg)~~, F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	Suspension until compliant with contract	$1,000 fine, permanent revocation
SECOND OFFENSE:	Suspension until compliant with contract	$10,000 fine, permanent revocation
THIRD OFFENSE:	Revocation	

(mm) Being convicted of, or entering a plea of guilty or nolo contendre to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program.
(Section 456.072(1)(ii), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$10,000 fine, permanent revocation	$10,000 fine, permanent revocation
SECOND OFFENSE:	$10,000 fine, permanent revocation	$10,000 fine, permanent revocation

(nn) Failing to remit the sum owed to the state for any overpayment from the Medicaid program pursuant to a final order, judgment, or stipulation or settlement.
(Section 456.072(1)(jj), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$500 fine, Letter of concern	$5,000 fine, suspension
SECOND OFFENSE:	$10,000 fine, reprimand	$10,000 fine, permanent revocation

(oo) Being terminated from the state Medicaid program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to practicipate in the program from which the practitioner was terminated has been restored.
(Section 456.072(1)(kk), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$1,000 fine, Letter of concern	$5,000 fine, suspension
SECOND OFFENSE:	$10,000 fine, reprimand	$10,000 fine, permanent revocation

(pp) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which relates to health care fraud.
(Section 456.072(1)(ll), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE:	$10,000 fine, permanent revocation	$10,000 fine, permanent revocation
SECOND OFFENSE:	$10,000 fine, permanent revocation	$10,000 fine, permanent revocation

(2) through (4) No change.

Rulemaking ~~Specific~~ Authority 456.079, 491.004(5) FS. Law Implemented 456.079, 491.009 FS. History–New 3-5-89, Amended 1-3-91, 6-1-92, Formerly 21CC-5.001, Amended 1-9-94, Formerly 61F4-5.001, Amended 12-22-94, Formerly 59P-5.001, Amended 12-11-97, 10-1-00, 2-5-01, 10-15-02, 3-27-05, 1-16-06, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure

PURPOSE AND EFFECT: To clarify and update language in order to comply with statutes, and to change the electrology exam fee.

SUMMARY: The proposed change will reduce the Electrologist licensure examination fee from $150.00 to $135.00.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: An Estimate Regulatory Costs Statement was prepared. The Board determined that the rule amendment is not expected to have an impact on Small Businesses.

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

RULEMAKING AUTHORITY: 478.55(1) FS.

LAW IMPLEMENTED: 456.017, 456.033(5), 478.55 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: Anna King, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-51.007 Fees for Application, Examination, Examination Review and Initial Licensure.

(1) through (2) No change.

(3) Examination fee is $135 ~~150~~.

(4) through (6) No change.

Rulemaking ~~Specific~~ Authority 478.55(1) FS. Law Implemented 456.017, 456.033(5), 478.55 FS. History–New 5-31-93, Formerly 21M-76.007, 61F6-76.007, Amended 7-11-95, Formerly 59R-51.007, Amended 4-18-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-54.0022	Reactivation of Inactive or Retired Status License

PURPOSE AND EFFECT: To add language defining how applicants will demonstrate competency to reactivate.

SUMMARY: The amendments clarity the requirements for Electrologist licensees reactivating from inactive to retired status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: An Estimate Regulatory Costs Statement was prepared. The Board determined that the rule amendment is not expected to have an impact on Small Businesses.

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

RULEMAKING AUTHORITY: 456.036(1), (10), (11), (12), (15) FS.

LAW IMPLEMENTED: 456.036(10), 478.45(1)(e), 478.47 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: Anna King, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-54.0022 Reactivation of Inactive or Retired Status License ~~Applying for Active License after Period of Inactivity or Retirement~~.

(1) Any person applying for an active status license, who has been in inactive status shall, as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by:

(a) Submitting a written reactivation request to the Department;

(b) Paying the biennial renewal fee and reactivation fee set out in Rule 64B8-54.004, F.A.C., and compliance with paragraphs (1) and (2), below:

1. If the license has been inactive for less than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 30 hours of the continuing education requirements pursuant to Section 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.; or

2. If the license has been inactive for more than one year after the expiration date of the last active license, the licensee shall submit proof of completion of 10 hours of continuing education for each year the license has been inactive and the 20 hours of continuing education for the last active biennium. All continuing education must comply with the requirements of Section 478.50(4)(a), (b), F.S., and Rule Chapter 64B8-52, F.A.C.

(2) In addition, a licensee who has maintained an inactive license for more than 2 bienniums shall, in addition to complying with (1)(b)2., above, take two hours of CE in HIV and Blood Borne Disease and two hours in Medical Errors.

(3) Any person who has maintained a retired status license, or who has not been actively employed as an electrologist shall, as a condition of licensure, demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety and welfare of the public by:

(a) Submitting a written reactivation request to the Department;

(b) Paying the biennial renewal fees for an active license, set out in Rule 64B8-54.004. F.A.C., for all biennial licensure periods during which the license was in retired status;

(c) Paying the reactivation fee set out in Rule 64B8-54.004, F.A.C., and compliance with subsections (1) and (2) below:

1. If the license has been in retired status for less than 2 bienniums, the applicant shall

a. Complete two hours of CE in HIV and Blood Borne Disease and two hours in Medical Errors; and

b. Submit proof that the licensee has obtained 20 hours of continuing education for each biennial licensure period in which the license was in retired status and for the last full biennial period in which the license was in active status.

2. If the license has been in retired status for more than 2 bienniums, comply with sub-subparagraph (3)(c)1., above, and retake the examination.

Rulemaking ~~Specific~~ Authority 456.036(1), (10), (11), (12), (15) FS. Law Implemented 456.036(10), 478.45(1)(e), 478.47 FS. History–New 11-2-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrolysis Council

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 13, 2009

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-12.005 Limited Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the updated licensure application.

SUMMARY: The rule amendment will incorporate the updated licensure application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 459.005, 459.0075 FS.

LAW IMPLEMENTED: 456.0075 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 Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.005 Limited Licensure.

(1) Each applicant for limited licensure pursuant to Section 459.0075, F.S., shall file board approved application form, DH-MQA 1171 (Revised 11/09 ~~2/09~~), Application for Limited License, which is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 and submit an affidavit to the Board. For purposes of this rule, retired means previously separated or withdrawn from the practice of Osteopathic Medicine, as distinguished from a relocation of the applicant's practice to a different geographic area.

(2) through (4) No change.

Rulemaking Authority 459.005, 459.0075 FS. Law Implemented 459.0075 FS. History–New 10-28-93, Formerly 61F9-12.005, Amended 10-15-95, Formerly 59W-12.005, Amended 11-27-97, 6-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-12.009 Osteopathic Faculty Certificate

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the updated Osteopathic Medical Faculty Certificate application.

SUMMARY: The rule amendment will incorporate the updated Osteopathic Medical Faculty Certificate application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 459.005, 459.0077 FS.

LAW IMPLEMENTED: 456.0077 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 Howerton, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-12.009 Osteopathic Faculty Certificate.

(1) An Osteopathic Faculty Certificate may be issued by the Department to a faculty member of a school accredited by the American Osteopathic Association upon the request of the dean of the school if the faculty member has demonstrated to the Board that:

(a) No change.

(b) Is a graduate of a school of osteopathic medicine accredited by the American Osteopathic Association; and

(c) Files an application on board approved application form, DH-MQA 1193 (Revised 11/09 ~~2/09~~), Application for Osteopathic Medical Faculty Certificate, which is hereby incorporated by reference, and may be obtained from the Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 and otherwise meets the requirements contained in Section 459.0055, F.S.; and

(d) No change.

(2) through (3) No change.

Rulemaking Authority 459.005, 459.0077 FS. Law Implemented 459.0077 FS. History–New 2-26-02, Amended 6-28-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 8, 2009

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: RULE TITLE

64B16-27.500 Negative Drug Formulary

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove Levothyroxine Sodium from the negative drug formulary.

SUMMARY: Levothyroxine Sodium will be removed from the negative drug formulary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 465.005, 465.025(6) FS., Ch. 2001-146, Laws of Florida.

LAW IMPLEMENTED: 465.025(6) FS., Ch. 2001-146, Laws of Florida.

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: Rebecca R. Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-27.500 Negative Drug Formulary.

The negative drug formulary is composed of medicinal drugs which have been specifically determined by the Board of Pharmacy and the Board of Medicine to demonstrate clinically significant biological or therapeutic inequivalence and which, if substituted, could produce adverse clinical effects, or could otherwise pose a threat to the health and safety of patients receiving such prescription medications. Except where certain dosage forms are included on the negative drug formulary as a class, all medicinal drugs are listed by their official United States Pharmacopoeia Non-Proprietary (generic) name. The generic name of a drug shall be applicable to and include all brand-name equivalents of such drug for which a prescriber may write a prescription. Substitution by a dispensing pharmacist on a prescription written for any brand name equivalent of a generic named drug product listed on the negative formulary or for a drug within the class of certain dosage forms as listed, is strictly prohibited. In cases where the prescription is written for a drug listed on the negative drug formulary but a brand name equivalent is not specified by the prescriber, the drug dispensed must be one obtained from a manufacturer or distributor holding an approved new drug application or abbreviated new drug application issued by the Food and Drug Administration, United States Department of Health and Welfare permitting that manufacturer or distributor to market those medicinal drugs or when the former is non-applicable, those manufacturers or distributors supplying such medicinal drugs must show compliance with other

applicable Federal Food and Drug Administration marketing requirements. The following are included on the negative drug formulary:

(1) through (5) No change.

~~(6) Levothyroxine Sodium.~~

(6)~~(7)~~ Pancrelipase (Oral Dosage Forms).

Rulemaking ~~Specific~~ Authority 465.005, 465.025(6) FS., Ch. 2001-146, Laws of Florida. Law Implemented 465.025(6) FS., Ch. 2001-146, Laws of Florida. History–New 12-14-76, Amended 3-17-77, 7-2-79, 4-9-81, 9-14-82, 9-26-84, Formerly 21S-5.01, Amended 3-30-89, 7-1-90, Formerly 21S-5.001, Amended 12-25-90, 10-1-92, Formerly 21S-27.500, Amended 2-21-94, Formerly 61F10-27.500, 59X-27.500, Amended 12-4-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 2009

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-3.001	Licensure as a Physical Therapist by Examination

PURPOSE AND EFFECT: To delete outdated English requirement, to make the rule consistent with Section 486.031(3)(b), F.S., and to update the licensure application.

SUMMARY: The changes delete outdated language, make the rule consistent with statutory licensure requirements, and update the application to accommodate statutory changes to licensure requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: (a) Over a 5-year period, approximately 4,245 physical therapist and physical therapist assistant applications could be received. It is unknown how many applicants would be affected by the new law. (b) The only costs to be incurred are rulemaking costs. (c) through (f) N/A.

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

RULEM AKING AUTHORITY: 486.025(1), 486.031(3) FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, FL 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-3.001 Licensure as a Physical Therapist by Examination.

Every physical therapist who applies for licensure by examination shall file DOH Form #DH-MQA 1142 Application for Licensure, Revised 08/09 ~~2/09~~, incorporated by reference, which is available through www.doh.state.fl.us/mqa, and demonstrate to the Board that the applicant:

(1) Is eighteen years old.

(2) Possesses good moral character.

(3) Education

(a) Has received a degree in physical therapy from an institution that has been approved for the training of physical therapists by the Commission on Accreditation for Physical Therapy Education (CAPTE), at the time of graduation~~.~~;or

(b) Has graduated from a school giving a course in physical therapy in a foreign country and:

1.~~(4) For foreign graduates,~~ Has ~~has~~ received a determination that the credentials are equivalent to education required for licensure as a physical therapist in the United States. Educational credentials equivalent to those required for the education and preparation of physical therapists in this country shall be determined by the Foreign Credentialing Commission on Physical Therapy (FCCPT) or any other Board approved credentialing agency that meets at least the following criteria:

a.~~(a)~~ Has a comprehensive, standardized orientation and training program for all reviewers who must be experienced and knowledgeable in the area of physical therapy education.

b.~~(b)~~ Has an audit and quality assurance or review committee that regularly meets to monitor the evaluation process and to provide random audits of the credentials reviews.

c.~~(c)~~ Uses the Federation of State Boards of Physical Therapy (FSBPT) coursework evaluation tool, that reflects the educational criteria in place at the time of graduation.

d.~~(d)~~ Employs full time staff support including an international expert in General Education credential equivalency and analysis.

e.~~(e)~~ Has an updated, current, and comprehensive resource document library available for reference.

f.~~(f)~~ Is recognized to perform visa screening by the Immigration and Naturalization Service of the federal government.

g.~~(g)~~ Uses two independent physical therapists to perform the professional education component of the credentials reviews.

h.~~(h)~~ Uses original documentation from the institution with institutional seals and signatures and does not permit notarized copies of transcripts or course descriptions for credentials reviews.

i.~~(i)~~ Until and including December 31, 2006, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum score of 220 on the computer based test or 560 on the paper test version of the Test of English as a Foreign Language (TOEFL) and 4.5 on the test of written English (TWE) and 50 on the test of spoken English (TSE).

~~(j) Effective January 1, 2007, evidence of successful completion of a Board approved English proficiency examination if English was not the language of instruction as evidenced by a minimum total score of 89 on the TOEFL as well as accompanying minimum scores in the test's four components of: 24 in writing; 26 in speaking; 21 in reading comprehension; and 18 in listening comprehension.~~

2.~~(k)~~ A report from the credentialing agency, in which the educational expert or physical therapist evaluator is not affiliated with the institutions or individuals under review, interpreting the foreign credentials in terms of educational equivalency in the United States. At a minimum, the report shall contain the following information:

1. A clear and definitive statement as to whether the education is equivalent to a CAPTE-accredited physical therapy educational program.

2. Whether the institution is accredited by any governmental agency and, if so, which agency.

3. A list of courses in general education and professional education with the United States post-secondary equivalent course indicated.

4. All opinions contained in the report shall be substantiated by reference to the source materials which form the basis for the opinion.

Rulemaking Authority 486.025(1), 486.031(3) FS. Law Implemented 456.017, 486.031, 486.051 FS. History–New 8-6-84, Amended 6-2-85, Formerly 21M-7.20, Amended 5-18-86, Formerly 21M-7.020, 21MM-3.001, Amended 3-1-94, Formerly 61F11-3.001, Amended 12-22-94, 4-10-96, Formerly 59Y-3.001, Amended 12-30-98, 1-23-03, 4-9-06, 9-19-06, 3-13-07, 5-11-08, 5-21-09, 8-10-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:

64B19-11.010 Limited Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Limited Licensure Application form.

SUMMARY: The rule amendment will modify the Limited Licensure Application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and voted upon. The Board determined that small businesses would not be affected by this rule. However, a Statement of Estimated Regulatory Cost was prepared for review.

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

RULEMAKING AUTHORITY: 456.015(1),(4), 490.004(4) FS.

LAW IMPLEMENTED: 456.015, 490.009(1)(p) 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: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.010 Limited Licensure.

(1) Pursuant to Section 456.015, F.S., the Board shall grant a limited license to any applicants who meet the requirements of Section 456.015, F.S., and:

(a) through (b) No change.

(c) Complete and submit to the Board form DH-MQA 1188, (Revised 9/09 ~~1/09)~~, "Application for Psychologist Limited Licensure," ~~effective 1-23-09,~~ which is hereby incorporated by reference, copies of which may be obtained from the Board office or on the Board's website at http://www.doh.state.fl.us/mqa/psychology.

(2) No change.

Rulemaking Authority 456.015(1), (4), 490.004(4) FS. Law Implemented 456.015, 490.009(1)(p) FS. History–New 6-14-94, Formerly 61F13-11.012, Amended 6-26-97, Formerly 59AA-11.010, Amended 3-24-02, 5-24-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:
64B19-11.011 Provisional License; Supervision of Provisional Licensees

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Provisional License forms.

SUMMARY: The rule amendment will modify the Provisional License forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and voted upon. The Board determined that small businesses would not be affected by this rule. However, a Statement of Estimated Regulatory Cost was prepared for review.

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

RULEMAKING AUTHORITY: 456.013, 490.003(6), 490.004(4), 490.0051 FS.

LAW IMPLEMENTED: 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 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: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.011 Provisional License; Supervision of Provisional Licensees.

All applicants applying for provisional licensure shall:

(1) Complete and submit to the Board form DH-MQA 1189, (Revised 9/09 ~~1/09~~), "Application for Provisional Psychology Licensure," which is hereby incorporated by reference, ~~effective 1-23-09,~~ copies of which may be obtained from the Board office or on the Board's website at http://www.doh.state.fl.us/mqa/psychology.

(2) through (6) No change.

Rulemaking Authority 456.013, 490.003(6), 490.004(4), 490.0051 FS. Law Implemented 456.013, 490.003(6), 490.004(4), 490.0051, 490.009 FS. History–New 1-27-98, Amended 3-24-02, 9-8-03, 5-24-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:
64B19-11.012 Application Forms

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Application form.

SUMMARY: The rule amendment will modify the Application form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and voted upon. The Board determined that small businesses would not be affected by this rule. However, a Statement of Estimated Regulatory Cost was prepared for review.

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

RULEMAKING AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005, 490.006(1)(b) 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: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA 1187, (Revised 9/09 ~~1/09~~), "Application for Psychologist Licensure," ~~effective 1-23-09,~~ which is incorporated herein by reference and which be obtained from the Board office or on the Board's website at http://www.doh.state.fl.us/mqa/psychology.

(2) through (4) No change.

Rulemaking Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b) FS. History–New 6-25-02, Amended 5-24-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 24, 2009

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.:	RULE TITLE:
64B20-2.001	Licensure by Certification of Credentials

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislative requirement.

SUMMARY: The proposed amendment brings the rule into compliance with the new legislative requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 456.013(7), 468.1135(4) F.S.

LAW IMPLEMENTED: 456.013(7), 468.1145(2), 468.1185 F.S.

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 Howerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.001 Licensure by Certification of Credentials.

(1) Any person desiring to be licensed as a speech-language pathologist or audiologist shall apply to the Department of Health and pay the fee required by Rule 64B20-3.002, F.A.C. The application shall be made on Form SPA-1, Application for Licensure, which is incorporated by reference herein, revised December, 2009 ~~May, 2009~~, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. The Department shall notify the applicant by letter of any deficiencies in the application within 30 days after the application is filed. The applicant shall rectify all deficiencies in the application within one year from the date of such letter or the application will be processed as an incomplete application and the application file will be closed.

(2) through (3) No change.

Rulemaking Authority 456.013(7), 468.1135(4) FS. Law Implemented 456.013(7), 468.1145(2), 468.1185 FS. History–New 3-14-91, Amended 5-25-92, Formerly 21LL-2.001, Amended 11-30-93, Formerly 61F14-2.001, 59BB-2.001, Amended 6-4-02, 5-18-04, 7-16-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech Language Pathology and Audiology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.:	RULE TITLE:
64B20-2.003	Provisional License; Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the time limit for the validity of a provisional license, and to review for possible changes to bring the rule into compliance with the legislative requirement.

SUMMARY: The Board proposes to amend would clarify license will not be valid after 21 months, and to bring the rule into compliance with the new legislative requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

RULEMAKING AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1145(2), 468.1155(4) 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 Howerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.003 Provisional Licensure; Requirements.

(1) No change.

(2) Any person desiring to receive a provisional license to practice speech-language pathology or audiology shall apply to the Department of Health and pay the fee required by Rule 64B20-3.002, F.A.C. The application shall be made on Form SPA-2, Application for Provisional Licensure, which is incorporated by reference herein, revised December, 2009 ~~August 2008~~, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. The Department shall notify the applicant by letter of any deficiencies in the application within 30 days after the application is filed. The applicant shall rectify all deficiencies in the application within one year from the date of such letter or the application will be processed as an incomplete application and the application file will be closed.

(3) No change.

(4) In addition to the application form, candidates for a provisional license shall also complete Form SPA-2A, Speech-Language Pathology and/or Audiology Verification of Employment for a Provisional Licensee, which is incorporated by reference herein, revised December, 2009 ~~August 2008~~, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, #C06, Tallahassee, Florida 32399-3256. Said form shall provide the following:

(a) through (b) No change.

(5) A provisional license shall be valid for a period of 21 months from the date of issuance or until a license to practice Speech-Language Pathology or Audiology pursuant to Section 468.1185, F.S., is issued, whichever occurs first.

Rulemaking Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155(4) FS. History–New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended 11-20-07, 6-1-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech Language Pathology and Audiology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: RULE TITLE:

64B20-4.001 Certification of Assistants

PURPOSE AND EFFECT: The purpose of this notice is to review for possible changes to bring the rule into compliance with the legislative requirement.

SUMMARY: The proposed amendment brings the rule into compliance with the new legislative requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 468.1125(9), 468.1135(4) FS.

LAW IMPLEMENTED: 468.1125(3), (9), 468.1215 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 Howerton, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-4.001 Certification of Assistants.

(1) Any person desiring to be certified as a speech-language pathology assistant or audiology assistant shall apply to the Department of Health. The application shall be made on Form SPA-3, Assistant Certification, which is incorporated by reference herein, revised December, 2009 ~~May, 2009~~, and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256. Such application and application fee required pursuant to Rule 64B20-3.002, F.A.C., shall expire one year from the date on which the application and fee are initially received in the Board office. After the period of one year, a new application and application fee must be submitted.

(2) No change.

Rulemaking Authority 468.1125(9), 468.1135(4) FS. Law Implemented 468.1125(3), (9), 468.1215 FS. History–New 3-14-91, Amended 12-4-91, Formerly 21LL-4.001, Amended 10-12-93, Formerly 61F14-4.001, Amended 5-22-96, Formerly 59BB-4.001, Amended 7-16-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Speech Language Pathology and Audiology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:
64B32-2.001 License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to: add the number to the form as required by Section 120.55(1)(a)4., F.S.; provide that the Licensure Verification Form be submitted to both state and countries where the applicant has held a "license" to practice respiratory Care; to delete from the form the question "Is there any derogatory information?" and replacing it with "Has any other action been taken against this applicant?" on the application.

SUMMARY: The rule amendment to: add the number to the form as required by Section 120.55(1)(a)4., F.S.; provide that the Licensure Verification Form be submitted to both state and countries where the applicant has held a "license" to practice respiratory Care; to delete from the form the question "Is there any derogatory information?" and replacing it with "Has any other action been taken against this applicant?" on the application

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2), (3), 468.365 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: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-2.001 License by Endorsement.

(1) Applicants for licensure as a Registered Respiratory Therapist or Certified Respiratory Therapist in the State of Florida shall apply on Form DH-MQA 1145, Application by Endorsement, Revised 1/09, incorporated herein as this Board's application form and available from the Department of Health, Board of Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, FL 32399-3255 or on the web at http://www.doh.state.fl.us/mqa/respiratory/index.html. A properly completed application must be submitted with the appropriate fee as set forth in Rule 64B32-2.003, F.A.C.

(2) No change.

(3)(a) through (c) No change.

(d) An applicant who has ~~been out of the~~ not practiced ~~of~~ respiratory care for 2 years or more must complete a Board-approved comprehensive review course or be recredentialed in the level in which he or she is applying to practice in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which include~~s~~, at a minimum, fourteen (14) hours in the topics and numbers of hours as follows:

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary Function	1 hour
Arterial blood gases	1 hour
Respiratory equipment	2 hours
Airway Care	1 hour
Mechanical ventilation	2 hours
Emergency care/special procedures	1 hour
General respiratory care (including medication)	1 hour

Rulemaking ~~Specific~~ Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History–New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05, 6-12-07, 5-15-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:
64B32-5.007 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language to clarify citations and penalties.

SUMMARY: The rule amendment will modify language to clarify citations and penalties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.072(3), 456.077 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: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-5.007 Citations.

(1) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare; or, if there is a substantial threat to the public health, safety, and welfare, such potential for harm has been removed prior to the issuance of the citation. Next to each violation is the penalty to be imposed. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 90 ~~60~~ days, and impose whatever obligations will remedy the offense, except documentation of completion of continuing education requirements shall be as specified in paragraph (2)(a). If the violation is not corrected, or is disputed, the Department shall follow the procedure set forth in Section 456.073, F.S. In addition to any administrative fine imposed, the Respondent shall be required by the Department to pay the costs of investigation. The form to be used is specified in the rules of the Department of Health.

(2) The following violations ~~with accompanying penalty~~ may be disposed of by citation with the specified penalty:

(a) Violations of continuing education requirements required by Section 468.361, F.S. are to be completed within 90 days ~~six months~~ of the date citation is issued.~~,~~ L~~l~~icensee must submit certified documentation of completion of all the CE requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, licensee must document compliance with the CE requirements for the relevant period.

1. Failure to document HIV/AIDS continuing education requirement the fine shall be $100 ~~fine~~.

2. Documentation of some but not all of the 24 hours of continuing education required for license renewal the fine shall be $50 ~~fine~~ for each hour not documented.

(b) Violation of any portion of Rule 64B32-5.003, F.A.C., for unprofessional conduct~~:~~ the fine shall be $300 ~~fine~~.

(c) Failure to notify the Board of current address as required by Rule 64B32-1.006, F.A.C.~~:~~ the fine shall be $50 ~~fine~~.

(d) Failure to keep written respiratory care records justifying the reason for the action taken on only one patient under Section 468.365(1)(t), F.S.~~:~~ the fine shall be $100 ~~fine~~.

(e) Circulating misleading advertising in violation of Section 468.365(1)(e), F.S.~~:~~ the fine shall be $500 ~~fine~~.

(f) Exercising influence on a patient to exploit the patient for financial gain by promoting or selling services, goods, appliances or drugs under Section 468.365(1)(u), F.S.~~:~~ the fine shall be $1,000 ~~fine~~.

(g) Failure to submit compliance documentation after receipt of the continuing education audit notification under Section 468.365(1)(x), F.S.~~:~~ the fine shall be $150 ~~fine~~.

(h) Failure to provide satisfaction including the costs incurred following receipt of the Department's notification of a check dishonored for insufficient funds under Section 468.365(1)(l), F.S.~~:~~ the fine shall be $150 ~~fine~~.

(i) Failure to pay required fees and/or fines in a timely manner under Section 468.365(1)(i), F.S.~~:~~ the fine shall be $150 ~~fine~~.

(3) Citations shall be issued to licensee by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile ~~machine~~.

(4) No change.

(5) The licensee has 90 ~~30~~ days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the Department of Health, and sent to the Department in Tallahassee. A copy of the citation shall accompany the payment of the fine and costs.

(6) No change.

Rulemaking ~~Specific~~ Authority 456.077 FS. Law Implemented 456.072(3), 456.077 FS. History–New 5-19-96, Formerly 59R-74.006, 64B8-74.006, Amended 1-6-02, 5-31-04, 2-23-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 2, 2009

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.:	RULE TITLE:
64B32-6.004	Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to add reference to the Florida Board of Nursing and to delete unnecessary language and to add new language to clarify procedures for approval of attendance at continuing education courses.

SUMMARY: The rule amendment will add reference to the Florida Board of Nursing and to delete unnecessary language and to add new language to clarify procedures for approval of attendance at continuing education courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) 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: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. The American Association for Respiratory Care (AARC) ~~as Category I or III~~,

2. No change.

3. The Accreditation Council for Continuing Medical Education (ACCME), the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, ~~and~~ the Florida Nurses Association, and the Florida Board of Nursing.

(b) Attendance at all offerings that are conducted by institutions approved by the Commission ~~Committee~~ on Accreditation for Respiratory Care (CoARC);

(c) Successful completion, for the first time, of any college or university course, but only if such course is part of the curriculum within an ~~AMA~~ accredited respiratory therapy program and is provided by that ~~AMA~~ accredited respiratory therapy program, up to the maximum hours permitted by subsection (3) of this rule.

(d) through (g) No change.

(3) No change.

(a) No change.

(b) ~~Each~~ Ceontinuing education courses in emergency preparedness, at a minimum, must cover the following topics: natural disasters, manmade disasters and bioterrorism, pandemic flu, and respiratory care disaster response.

(4) through (6) No change.

Rulemaking Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History–New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04, 4-19-07, 10-8-07, 9-3-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.:	RULE TITLE:
64B32-6.005	Provider Approval and Renewal Procedures

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to adopt new language to clarify the continuing education provider approval and renewal procedures.

SUMMARY: The rule amendment will delete unnecessary language and to adopt new language to clarify the continuing education provider approval and renewal procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361(3) 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: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-5255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.005 Provider Approval and Renewal Procedures

(1) The provider seeking approval shall:

(a) Make application and profile electronically ~~on forms provided by the Department~~ and allow a minimum of 90 days prior to the date the offering begins, and submit the form entitled APPLY TO BE A CE PROVIDER on FORM DH-MQA-CEB-MQA-CEB-1, May 2006 which was adopted and incorporated by reference in Department of Health Rule 64B-5.003 and is available at https://www.cebroker.com/public/pb_index.asp along with a minimum of one course for approval and the following:

1. through 5. No change.

6. Sample evaluation.

7.~~(b) Pay~~ T~~t~~he $250 application fee.

8.~~(c)~~ Submit a minimum of one (1) offering for the Boards' review.

(2) through (3) No change.

~~(4) The biennial renewal fee for providers shall be $220.~~

(4)~~(5)~~ Every provider shall:

(a) Notify the Board, through CE Broker, of any change in contact persons or any significant alterations or changes in the content, goals or objectives, or syllabus of the program, or in the instructors of the program.

(b) through (d) No change.

(5)~~(6)~~ The Board may utilize the assistance of a representative, expert groups, or individuals as appropriate in implementing these rules.

(6)~~(7)~~ The Board may ~~will~~ audit ~~at random a number of~~ providers as ~~is~~ necessary to assure that the requirements of this rule are met. Failure to document compliance with these requirements or the furnishing of false or misleading information regarding compliance shall be grounds for discipline ~~withdrawal of provider status~~.

(7) Providers seeking renewal shall make application electronically a minimum of 90 days prior to the first offering in the new biennium on the form entitled RENEW CE PROVIDERSHIP-FORM DH-MQA-CEB-8, May 2006 adopted and incorporated by reference in the Department of Health Rule 64B-5.003 and available at https://www.cebroker.com/public/pb_index.asp. The biennial renewal fee for providers shall be $220.00.

~~(8) The provider seeking approval for video-taped productions also shall understand and agree:~~

~~(a) Not more than one offering shall be submitted per tape.~~

~~(b) Each tape shall contain a maximum of four contact hours worth of material.~~

~~(c) The offering shall begin with an introduction of the speaker(s) and with a statement of the educational objectives of the program, including the criteria for successful completion of the program.~~

~~(d) Approval for an offering related to the direct delivery of respiratory care services shall expire at the end of the biennium; however, the offering may be resubmitted for consideration by the Board as is or with changes if accompanied by a statement that the offering is current and reflective of advancements and new developments regarding respiratory care services.~~

(8)~~(9)~~ The provider seeking initial approval for home study, self directed, or anytime courses ~~also~~ shall comply with the provisions of section (1) through (3), and ~~understand and agree:~~ providers seeking to renew approval as a provider of home study, self directed, or anytime courses shall comply with the provisions of subsections (4) through (7).

(a) through (c) No change.

(9) The provider seeking home study, self directed, or anytime course approval for electronically delivered productions including but not limited to audio or video tape, DVD, CD, or other media delivery devices or methods also shall understand and agree:

(a) Not more than one offering shall be submitted per tape, DVD, CD or other media delivery device or method.

(b) Each tape, DVD, CD or other media delivery device or method shall contain a maximum of four contact hours worth of material.

(c) The offering shall begin with an introduction of the speaker(s) and with a statement of the educational objectives of the program, including the criteria for successful completion of the program.

(d) Approval for an offering related to the direct delivery of respiratory care services shall expire at the end of the biennium; however, the offering may be renewed, if unchanged without resubmission of the offering itself. If changed, the course may be resubmitted for consideration by the Board with changes if accompanied by a statement that the offering is current and reflective of advancements and new developments regarding respiratory care services. If changed, the course shall be submitted not fewer than 90 days prior to its being offered in the new biennium.

~~(10) The provider seeking approval for an offering provided via the Internet also shall provide the Board with a printed or hard copy of the offering.~~

Rulemaking ~~Specific~~ Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(7), 468.361(3) FS. History–New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended 7-4-02, 10-22-03, 5-15-05, 7-13-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-6.001	General
64E-6.003	Permits
64E-6.004	Application for System Construction Permit
64E-6.010	Septage and Food Establishment Sludge
64E-6.0101	Portable Restrooms and Portable or Stationary Holding Tanks
64E-6.012	Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units
64E-6.013	Construction Materials and Standards for Treatment Receptacles
64E-6.015	Permitting and Construction of Repairs
64E-6.019	Requirements for Registration
64E-6.023	Certification of Partnerships and Corporations
64E-6.026	Applications for Innovative System Permits and System Construction Permits
64E-6.027	Permits
64E-6.028	Location and Installation

PURPOSE AND EFFECT: The proposed changes to Chapter 64E-6, Florida Administrative Code, update references to forms incorporated by reference into the Chapter.

SUMMARY: The proposed rules correct outdated references to forms incorporated by reference into the Chapter.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be no impacts on the regulated entities because the forms being incorporated have already been in use for several years but the references to the forms are no longer up-to-date.

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

RULEMAKING AUTHORITY: 381.011, 381.0065, 381.0066, 489.552, 489.553, 489.557 FS.

LAW IMPLEMENTED: 381.0065, 381.066, 381.0067, 386.041, 489.553, 489.557 FS.

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

DATE AND TIME: January 11, 2010, 3:00 p.m.

PLACE: Bureau of Onsite Sewage Programs, Conference Room 240P, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Shirley Kugler, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dale Holcomb, Environmental Administrator, Bureau of Onsite Sewage Programs

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-6.001 General.

(1) through (3) No change.

(4) Except as provided for in Section 381.00655, F.S., any existing and prior approved system which has been placed into use and which remains in satisfactory operating condition shall remain valid for use under the terms of the rule and permit under which it was approved. Alterations that change the conditions under which the system was permitted and approved, sewage characteristics or increase sewage flow will require that the owner, or their authorized representative, apply for and receive reapproval of the system by the DOH county health department, prior to any alteration of the structure, or system. If an applicant requests that the department consider the previous structure's or establishment's most recent approved occupancy, the applicant must provide written documentation that the onsite sewage treatment and disposal system was approved by the department for that previous occupancy. An applicant will be required to complete Form DH 4015, 08/09 ~~10/97~~, Application for ~~Onsite Sewage Treatment and Disposal System~~ Construction Permit, herein incorporated by reference, and provide a site plan in accordance with paragraph 64E-6.004(3)(a), F.S., to provide information of the site conditions under which the system is currently in use and conditions under which it will be used. The applicant shall have all system tanks pumped by a permitted septage disposal service. A registered septic tank contractor, state-licensed plumber, person certified under section 381.0101, FS, or master septic tank contractor shall determine the tank volume and shall perform a visual inspection of the tank when the tank is empty to detect any observable defects or leaks in the tank. The tank volume shall be obtained from the tank legend or shall be calculated from measured internal tank dimensions for length, width and depth to the liquid level line or from the measured outside dimensions for length and width minus the wall thickness and depth to the liquid level line. For odd shaped tanks and tanks without a legend, metered water flows from the refilling of the tank may be used in lieu of measured inside or outside tank dimensions. The person performing the inspection shall submit

the results to the DOH county health department as part of the application using page 4 of Form DH 4015. If a prior approved existing system has been approved by the DOH county health department within the preceding three years, and the system was determined to be in satisfactory operating condition at that time, a new inspection is not required unless there is a record of failure of the system. If it is determined that a new inspection is not required, only the application fee shall be charged for this application and approval. A commercial system out of service for more than one year shall be brought into full compliance with current requirements of this Chapter prior to the system being placed into service. If the use of a building is changed or if additions or alterations to a building are made which will increase domestic sewage flow, change sewage characteristics, or compromise the integrity or function of the system, the onsite sewage treatment and disposal system serving such building shall be brought into full compliance with the provisions and requirements of these rules. Proper well setbacks shall be maintained. Prior to any modification of the system, the owner shall apply for and obtain a permit for modification of the system from the county health department in accordance with Rule 64E-6.004, F.A.C. The permit shall be valid for 18 months from the date of issue. Where building construction has commenced, it shall be valid for an additional 90 days. Necessary site investigations and tests shall be performed at the expense of the owner by either an engineer with soils training who is licensed in the state of Florida pursuant to Chapter 471, F.S., registered septic tank contractors, master septic tank contractors, or persons certified under Section 381.0101, F.S., or department personnel for the appropriate fee specified in Section 381.0066, F.S.

(a) through (g) No change.

(5) through (7) No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041, 489.553, FS. History–New 12-22-82, Amended 2-5-85, Formerly 10-6.41, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.041, Amended 11-19-97, 2-3-98, 3-22-00, 9-5-00, 5-24-04, 11-26-06, 6-25-09, _____.

64E-6.003 Permits.

(1) System Construction Permit – No portion of an onsite sewage treatment and disposal system shall be installed, repaired, altered, modified, abandoned or replaced until a construction permit ~~an "Onsite Sewage Treatment and Disposal System Construction Permit"~~ has been issued on Form DH 4016, 08/09, Construction Permit, herein incorporated by reference. If building construction has commenced, the system construction permit shall be valid for an additional 90 days beyond the eighteen month expiration date. A fee shall not be charged for a repair permit issued within 12 months from the date of final authorization of the onsite sewage treatment and disposal system. If a construction or repair permit for an onsite sewage treatment and disposal system is transferred to another person the date of the construction or repair permit shall not be amended, but shall run from the date of original issuance prior to the transfer. Servicing or replacing with like kind mechanical or electrical parts of an approved onsite sewage treatment and disposal system; pumping of septage from a system; or making minor structural corrections to a tank, or distribution box, does not constitute a repair.

(2) No change.

(3) Repair Inspections – A system repair shall be inspected by the department or a master septic tank contractor to determine compliance with construction permit standards prior to final covering of the system. Inspections shall comply with subsection 64E-6.003(2), F.A.C., and the following:

(a) No change.

(b) The master septic tank contractor shall document the inspection on page 3 of Form DH 4016, ~~10/96, System Repair Certification,~~ and fax or hand deliver the form to the department by the next normal duty day following the inspection.

(c) through (e) No change.

(4) No change.

(5) Operating permits – No business or facility shall occupy a building served by an onsite sewage treatment and disposal system if the building is located in an area zoned or used for industrial or manufacturing purposes or its equivalent; or where a business will generate commercial sewage waste; and no structure shall be occupied where an aerobic treatment unit or performance-based treatment system is used, until an "Application for Onsite Sewage Treatment and Disposal System Operating Permit" has been received and approved by the department. Form DH 4081, 10/96, "Application for Onsite Sewage Treatment and Disposal System Operating Permit," is herein ~~hereby~~ incorporated by reference.

(a) No change.

(b) Operating permits are not transferable. If the owner of the system remains the same but the tenancy of the building changes, a Business Ssurvey, ~~form which is an attachment to~~ Form DH 4081A, 10/96, herein incorporated by reference, must be completed and submitted to the DOH county health department for review. Changes in building occupancy shall be reviewed per Section 381.0065(4), F.S.

(c) No change.

(6) No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.043, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 6-25-09, _____.

64E-6.004 Application for System Construction Permit.

(1) through (5) No change.

(6) Requests for variance shall be made on Form DH 4057, 08/09, Application for Variance from Chapter 64E-6, F.A.C., herein incorporated by reference.

(7) through (9) No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, 489.553 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.44, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.044, Amended 11-19-97, 3-22-00, 11-26-06, 6-25-09,_____.

64E-6.010 Septage and Food Establishment Sludge.

(1) through (6) No change.

(7) The food establishment sludge and contents from onsite waste disposal systems shall be disposed of at a site approved by the DOH county health department and by an approved disposal method. Untreated domestic septage or food establishment sludges shall not be applied to the land. Criteria for approved stabilization methods and the subsequent land application of domestic septage or other domestic onsite wastewater sludges shall be in accordance with the following criteria for land application and disposal of domestic septage.

(a) No change.

(b) No land application of stabilized septage or food service sludge may occur until:

1. through 2. No change.

3. An Aagricultural Uuse Pplan, Form DH 4012A, 08/09, herein incorporated by reference, has been completed for the proposed application site.

a. through b. No change.

4. through 5. No change.

(c) through (v) No change.

(8) through (10) No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, 386.041, 373.4595 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.52, Amended 3-17-92, 1-3-95, 5-14-96, Formerly 10D-6.052, Amended 3-22-00, 5-24-04, 11-26-06, 6-25-09,_____.

64E-6.0101 Portable Restrooms and Portable or Stationary Holding Tanks.

(1) Persons servicing portable restrooms, portable hand washing facilities and portable or stationary holding tanks shall obtain an annual permit on Form DH 4013~~, 01/92, Operating Permit, herein incorporated by reference,~~ from the county health department in the county in which the service company has an office or storage yard. The service company need not be permitted in neighboring counties in which the service company operates but does not have an office or storage yard. Service persons shall carry proof of possession of a current annual operating permit and vehicle inspection for review by department personnel in neighboring counties. Permits issued under this rule authorize the disposal service to handle liquid waste associated with portable restrooms, portable hand washing facilities, restroom trailers, shower trailers and portable or stationary holding tanks containing domestic wastewater produced in the State of Florida.

(2) Application for a service permit shall be made to the DOH county health department on Form DH 4012, ~~01/92,~~ "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" ~~herein incorporated by reference~~. The following must be provided for the evaluation prior to issuance of a service permit:

(a) through (c) No change.

(3) through (6) No change.

(7) Portable Restrooms, Portable Holding Tanks, Stationary Holding Tanks, Mobile Restroom Trailers, Mobile Shower Trailers, and Portable Sinks.

(a) through (r) No change.

(s) Application for a service permit shall be made to the county health department on Form DH 4012, ~~01/92,~~ "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" ~~herein incorporated by reference~~. The following must be provided for the evaluation prior to issuance of a service permit:

1. through 2. No change.

(t) through (x) No change.

(8) No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, 386.041 FS. History–New 5-24-04, Amended 11-26-06, 6-25-09,_____.

64E-6.012 Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units.

When aerobic treatment units are used for treating domestic and commercial sewage waste, each unit shall be installed, operated and maintained in conformance with the following provisions:

(1) through (3) No change.

(4) No aerobic treatment unit shall be serviced or repaired by a person or entity engaged in an aerobic treatment unit maintenance service until the service entity has obtained an annual written permit issued on Form DH 4013 from the DOH county health department in the county where the service company is located. Each service entity shall employ at least one plumbing contractor licensed under Section 489.105(3)(m), F.S., septic tank contractor registered under Part III of Chapter 489, F.S., or a state-licensed wastewater treatment plant operator, who is responsible for maintenance and repair of all systems under contract. Application for a Maintenance Service Permit, Form DH 4066, 01/92, herein incorporated by reference, shall be made to the DOH county health department and shall contain the following information:

(a) through (c) No change.

(5) No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3) FS. Law Implemented 381.0065, Part I 386 FS. History–New 3-17-92, Amended 1-3-95, Formerly 10D-6.0541, Amended 11-19-97, 4-21-02, 6-18-03, 11-26-06, 6-25-09, _____.

64E-6.013 Construction Materials and Standards for Treatment Receptacles.

(1) through (2) No change.

(3) Onsite wastewater treatment receptacle design approval – All onsite wastewater treatment receptacles distributed in the state shall be approved for use by the department prior to being offered for sale or installed. Such approval shall not be obtained until the manufacturer of a specific receptacle model has submitted the following:

(a) through (h) No change.

(i) The department will issue an approval number to the manufacturer. Form DH 4012, ~~01/92,~~ "Application for Septage Disposal Service Permit, Temporary System Service Permit, Septage Treatment and Disposal Facility, Septic Tank Manufacturing Approval" ~~herein incorporated by reference~~, shall be used to apply for manufacturing approval. The form can be obtained from the department.

(4) through (12) No change.

Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.55, Amended 3-17-92, 1-3-95, Formerly 10D-6.055, Amended 11-19-97, 2-3-98, 3-22-00, 4-21-02, 5-24-04, 11-26-06, 6-25-09, _____.

64E-6.015 Permitting and Construction of Repairs.

All repairs made to a failing onsite sewage treatment and disposal system shall be made only with prior knowledge and written approval from the DOH county health department having jurisdiction over the system. Approval shall be granted only if all of the following conditions are met:

(1) Any property owner or lessee who has an onsite sewage treatment and disposal system which is improperly constructed or maintained, or which fails to function in a safe or sanitary manner shall request from the DOH county health department, either directly or through their agent, a permit to repair the system prior to initiating repair of the system. A permit shall be issued on Form DH 4016~~, hereby incorporated by reference,~~ only after the submission of an application accompanied by the necessary exhibits and fees. Form DH 4015~~, 10/96, hereby incorporated by reference,~~ shall be used for this purpose, and can be obtained from the department. Applications shall contain the following information:

(a) through (f) No change.

(2) through (12) No change.

Rulemaking Authority 381.0065(3)(a) FS. Law Implemented 381.0065, 386.041 FS. History–New 3-17-92, Amended 1-3-95, 2-13-97, Formerly 10D-6.0571, Amended 2-3-98, 3-22-00, 5-24-04 11-26-06, 6-25-09, _____.

64E-6.019 Requirements for Registration.

(1) No change.

(2) Any person seeking registration shall apply to the department to take the registration examination on Form DH 4075, 1/97, Application for Septic Tank Contractor Registration, herein incorporated by reference ~~in these rules~~. The form is available from the department.

(3) through (5) No change.

Rulemaking ~~Specific~~ Authority 489.553(3), 489.557(1) FS. Law Implemented 489.552, 489.553 FS. History–New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.072, Amended 2-3-98, 4-21-02, 06-18-03, 11-26-06, _____.

64E-6.023 Certification of Partnerships and Corporations.

(1) Authorization of a corporation is only effective as to that corporation; subsidiaries or parents of authorized corporations must be separately authorized.

(a) Application for a certificate of authorization shall be made to the department on Form DH 4077, 4/03, Application for Certificate of Authorization, herein incorporated by reference ~~into this rule~~, and shall be accompanied by all necessary exhibits and fees. A business that applies for a certificate of authorization after the mid point of the biennial authorization cycle shall pay one/half the fee required in rule 64E-6.030, F.A.C.

(b) No change.

(2) through (6) No change.

Rulemaking Authority 381.0065, 489.553, 489.557 FS. Law Implemented 381.0065, 381.0066, 381.0067, Part I 386, Part III 489 FS. History–New 10-25-88, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.076, Amended 4-21-02, 5-24-04, 6-25-09, _____.

64E-6.026 Applications for Innovative System Permits and System Construction Permits.

(1) Applications for innovative system permits – Applications for innovative system permits shall be made using form DH 3143 ~~herein incorporated by reference~~. The application and all supporting information shall be signed, dated and sealed by an engineer, licensed in the State of Florida. Except as provided for in subsection 64E-6.028(3) F.A.C., alternative drainfield materials and designs shall not be approved which would result in a reduction in drainfield size using the mineral aggregate drainfield system as described in Rule 64E-6.014, FAC, and the total surface area of soil at the bottom of the drainfield as the criteria for drainfield sizing comparisons. Applications shall include:

(a) through (b) No change.

(2) through (3) No change.

Rulemaking ~~Specific~~ Authority 381.0011(4), (13), 381.0065(3)(a) FS. Law Implemented 381.0065, 381.0067, Part I 386 FS. History–New 2-3-98, Amended 6-18-03, 11-26-06, _____.

64E-6.027 Permits.

(1) No change.

(2) System Construction Permit – No portion of a performance-based treatment system shall be installed, repaired, altered, modified, abandoned or replaced until a construction permit ~~an "Onsite Sewage Treatment and Disposal System Construction Permit"~~ has been issued on Form DH 4016. If building construction has commenced, the system construction permit shall be valid for an additional 90 days beyond the eighteen month expiration date. A fee shall be charged for a repair permit issued within 12 months from the date of final authorization of the performance-based treatment system. If a construction or repair permit for a performance-based treatment system is transferred to another person, the date of the construction or repair permit shall not be amended, but shall run from the date of original issuance prior to the transfer. Servicing or replacing with like kind mechanical or electrical parts of a performance-based treatment system; pumping of septage from a system; or making minor structural corrections to a tank, or distribution box, does not constitute a repair, however, all services must be performed by the performance system maintenance entity. Any proposed change from the original design, including increasing or decreasing changes in flow rate, shall require that the system be re-engineered to achieve the desired performance standard under the altered conditions.

(3) through (6) No change.

(6) Operating permits – No residence or establishment served by a performance-based treatment system shall be occupied until Form DH 4081~~, 10/96~~, "Application for Onsite Sewage Treatment and Disposal System Operating Permit" has been received and approved by the department. ~~Form DH 4081, is hereby incorporated by reference, and is available from the department.~~ Where a performance-based treatment system is used, only one operating permit shall be required for the system.

(a) through (e) No change.

(7) No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, Part I 386, 489.553 FS. History–New 2-3-98, Amended 4-21-02, 6-18-03, 6-25-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Holcomb, Environmental Administrator, Bureau of Onsite Sewage Programs

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H., Secretary of Health/State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 2009

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-6.003 Permits

PURPOSE AND EFFECT: The proposed changes to Chapter 64E-6, Florida Administrative Code, provide a method to grant final approval for an onsite sewage treatment and disposal system that was permitted, installed and granted construction approval under the previous rule but had not yet received final system approval when the construction permit expired. The proposed change allows the department to approve the system as meeting the earlier standards rather than requiring the installed system to be brought into compliance with recently promulgated standards. The proposed changes have been reviewed by the members of the Technical Review and Advisory Panel.

SUMMARY: The proposal provides relief for property owners who installed an onsite sewage treatment and disposal system meeting previous rule requirements and allowed the permit to expire before the system was granted final system approval.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: This rule will reduce cost for those applicants to whom it applies. The cost savings will be application fee ($125), and either variance fee ($300) or installation modification costs ($500 or more depending on the extent of the modification required). The rule potentially provides relief for anyone who installed a system using a permit with an expiration date between September 1, 2008, and December 31, 2009, and had the construction approved but allowed the permit to expire before requesting final system approval.

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

RULEMAKING AUTHORITY: 381.0065, 489.553, 489.557 FS.

LAW IMPLEMENTED: 381.0065, 381.0067, 386.041 FS.

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

DATE AND TIME: January 11, 2010, 2:00 p.m.

PLACE: Bureau of Onsite Sewage Programs, Conference Room 240P, Capital Circle Office Center, 4042 Bald Cypress Way, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Shirley Kugler, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-6.003 Permits.

(1) through (5) No change.

(6) Expired Permits – Any new construction or modification permit issued by the department with an expiration date of September 1, 2008, through December 31, 2009, that has received construction approval but not final approval may be approved provided all of the following conditions are met:

1. The applicant or agent provides a written statement that there have been no changes in application or site conditions from the original permit. The statement must specifically address any changes on adjacent lots. If there are any changes a site re-evaluation is required.

2. Fees for a new construction permit and the research surcharge are paid. A site re-evaluation fee is paid, if applicable. A new permit shall be issued under the rules under which the original permit was issued.

3. A final system inspection is performed showing compliance with all rules under which the construction approval was granted. If applicable, a system re-inspection fee is paid.

(7)~~(6)~~ No change.

Rulemaking Authority 381.0065(3)(a), 489.553(3), 489.557(1) FS. Law Implemented 381.0065, 381.0067, 386.041 FS. History–New 12-22-82, Amended 2-5-85, Formerly 10D-6.43, Amended 3-17-92, 1-3-95, 5-14-96, 2-13-97, Formerly 10D-6.043, Amended 3-22-00, 4-21-02, 5-24-04, 11-26-06, 6-25-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Holcomb, Environmental Administrator, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, M.D., M.P.H., Secretary of Health/State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 4, 2009

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-1.003	Definitions
66B-1.008	Project Eligibility
66B-1.013	Acknowledgement

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Ensure consistency with the rule and Section 374, F.S., clarify the definition of eligible applicant; clarify the rule provisions for project maintenance; and add provisions for project acknowledgement.

The effect of the rule modifications will facilitate better communication and understanding of the District's grant process for the applicant.

SUMMARY: The effect of the rule modifications is to implement changes in the administration of the District's Assistance Program that will support the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

DATE AND TIME: January 7, 2010, 11:00 a.m.

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District Office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, telephone: (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

66B-1.003 Definitions.

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

(1) through (5) No change.

(6) "ELIGIBLE ~~STATE~~ AGENCY" means federal, regional and state agencies or units thereof which provide programs on the waterways within a member county of the District.

(7) through (26) No change.

Rulemaking ~~Specific~~ Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Amended 2-6-97, Formerly 16T-1.003, Amended 5-17-98, 3-21-01, 3-20-03, 3-3-04, 4-21-05, 4-24-06, 4-15-07, 3-25-08, _____.

66B-1.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, and inlet management, environmental mitigation and beach renourishment directly related to the waterways.

(a) Program funds may be used for projects such as acquisition planning, development, construction, reconstruction, extension or improvement of the following for public use on land and water:

1. Public navigation channel dredging;

2. Public navigation aids and markers;

3. Inlet management projects that are a benefit to public navigation in the District;

4. Public shoreline stabilization directly benefiting the District's waterway channels;

5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;

6. Waterway signs and buoys for safety, regulation or information;

7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;

8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;

9. Derelict Vessel Removal;

10. Waterways related environmental education programs and facilities;

11. Public fishing and viewing piers;

12. Public waterfront parks and boardwalks and associated improvements;

13. Waterways boating safety programs and equipment;

14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and

15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, land acquisition that is not for additional trailer parking at an existing boat ramp, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;

2. Restrooms for non-waterway users;

3. Roadways providing access to non-waterway users;

4. Parking areas for non-waterway users;

5. Utilities for non-waterway related facilities;

6. Lighting for non-waterway related facilities;

7. Project maintenance and m~~M~~aintenance equipment;

8. Picnic shelters and furniture;

9. Vehicles to transport vessels;

10. Operational items such as fuel, oil, etc.;

11. Office space that is not incidental and necessary to the operation of the main eligible public building; and

12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits. Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

a. Project management, administration and inspection;

b. Design, permitting, planning, engineering or surveying costs for completed construction project;

c. Restoration of sites disturbed during the construction of an approved project; and

d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of $30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may ~~will~~ be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review.

(2) through (5) No change**.**

Rulemaking ~~Specific~~ Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History–New 12-17-90, Amended 2-6-97, Formerly 16T-1.008, Amended 5-17-98, 3-31-99, 3-5-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, _____.

66B-1.013 Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site ~~in a prominent location at the completed project~~ which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display

Rulemaking ~~Specific~~ Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-1.013, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Roach, Executive Director, FIND

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Roach, Executive Director, FIND

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.004	Policy
66B-2.008	Project Eligibility
66B-2.013	Acknowledgement

PURPOSE AND EFFECT: The purpose of the proposed rule making is to include the following provisions in the program rule: Ensure consistency with the rule and F.S. 374, include eligible education facilities and programs in the rule; clarify the rule provisions for project maintenance; and add provisions for project acknowledgement.

The effect of the rule modifications will facilitate better communication and understanding of the District’s grant process for the applicant.

SUMMARY: The effect of the rule modifications is to implement changes in the administration of the District's Assistance Program that will support the District and program applicants in the review and evaluation of applications submitted pursuant to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 374.976(2) FS.

LAW IMPLEMENTED: 374.976(1)-(3) FS.

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

DATE AND TIME: January 7, 2010, 11:00 a.m.

PLACE: The District office, 1314 Marcinski Road, Jupiter, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The District Office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, telephone (561)627-3386

THE FULL TEXT OF THE PROPOSED RULES IS:

WATERWAYS ASSISTANCE PROGRAM

66B-2.004 Policy.

The following constitutes the policy of the District regarding the administration of the program:

(1) through (6) No change.

(7) Education Facilities and Programs: Waterways related environmental education facilities and programs sponsored by the District shall occur at specially designated environmental education facilities located adjacent and contiguous to the waterways. It is the District’s intent to consolidate its environmental education efforts in the least number of facilities within an area that will adequately serve the education needs of that area of the District.

(8)~~(7)~~ Public Information Availability: Public information produced with assistance from this program shall not be copyrighted and shall be provided free of cost, except for the cost of reproduction, to the public.

(9)~~(8)~~ Third-Party Project Operators: Projects that are being operated by a third party shall have sufficient oversight by the eligible project sponsor as determined by the Board. Such oversight, at a minimum, will include a project liaison that is a staff member of the eligible project sponsor, and oversight of the operating hours and admission fees of the

facility by the eligible project sponsor through a legal agreement. All third party projects shall be open to the public in accordance with this rule.

(10)~~(9)~~ Non-compliance: The District shall terminate a project agreement and demand return of program funds disbursed to the project sponsor for non-compliance with any of the terms of the project agreement or this rule, if such non-compliance calls into question the ability of the applicant to complete the project. Failure of a project sponsor to comply with the provisions of this rule or the project agreement shall result in the District declaring the project sponsor ineligible for further participation in the program until such time as compliance has been met to the satisfaction of the District.

(11)~~(10)~~ Fees: Any public project eligible for District program funds that charges a fee or will charge a fee must demonstrate that the facility will utilize 50% or greater of the collected funds for project maintenance and improvements throughout the anticipated 25-year life of a development project or the design life of other project types, as applicable.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1), (2) FS. History–New 12-17-90, Amended 2-3-94, 2-6-97, Formerly 16T-2.004, Amended 5-18-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-3-04, 4-21-05, 4-1-09, _____.

66B-2.008 Project Eligibility.

(1) Eligible Projects: Financial assistance and support through this program shall be used to plan or carry out public navigation and anchorage management, public recreation, environmental education, boating safety, acquisition and development of spoil sites and publicly owned commercial/industrial waterway access directly related to the waterways, acquisition and development of public boat ramps, launching facilities and boat docking and mooring facilities, inlet management, environmental mitigation and beach renourishment.

(a) Program funds may be used for projects such as acquisition, planning, development, construction, reconstruction, extension, or improvement, of the following types of projects for public use on land and water. These project types will be arranged into a priority list each year by vote of the Board. The priority list will be distributed to applicants with the project application.

1. Public navigation channel dredging;

2. Public navigation aids and markers;

3. Inlet management projects that are a benefit to public navigation in the District;

4. Public shoreline stabilization directly benefiting the District's waterway channels;

5. Acquisition and development of publicly owned spoil disposal site and public commercial/industrial waterway access;

6. Waterway signs and buoys for safety, regulation or information;

7. Acquisition, dredging, shoreline stabilization and development of public boat ramps and launching facilities;

8. Acquisition, dredging, shoreline stabilization and development of public boat docking and mooring facilities;

9. Derelict Vessel Removal;

10. Waterways related environmental education programs and facilities;

11. Public fishing and viewing piers;

12. Public waterfront parks and boardwalks and associated improvements;

13. Waterways boating safety programs and equipment;

14. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project; and

15. Other waterway related projects.

(b) Ineligible Projects or Project Elements. Project costs ineligible for program funding or matching funds will include: contingencies, miscellaneous, reoccurring personnel related costs, irrigation equipment, ball-courts, park and playground equipment, and any extraneous recreational amenities not directly related to the waterway such as the following:

1. Landscaping that does not provide shoreline stabilization or aquatic habitat;

2. Restrooms for non-waterway users;

3. Roadways providing access to non-waterway users;

4. Parking areas for non-waterway users;

5. Utilities for non-waterway related facilities;

6. Lighting for non-waterway related facilities;

7. Project maintenance and m~~M~~aintenance equipment;

8. Picnic shelters and furniture;

9. Vehicles to transport vessels; and

10. Operational items such as fuel, oil, etc.

11. Office space that is not incidental and necessary to the operation of the main eligible public building; and

12. Conceptual project planning, including: public surveys, opinion polls, public meetings, and organizational conferences.

(c) Project Elements with Eligibility Limits: Subject to approval by the Board of an itemized expense list:

1. The following project costs will be eligible for program funding or as matching funding if they are performed by an independent contractor:

a. Project management, administration and inspection;

b. Design, permitting, planning, engineering or surveying costs for completed construction project;

c. Restoration of sites disturbed during the construction of an approved project;

d. Equipment costs.

Before reimbursement is made by the District on any of the costs listed in subparagraph 1. above, a construction contract for the project, approved and executed by the project sponsor and project contractor must be submitted to the District.

2. Marine law enforcement and other vessels are eligible for a maximum of $30,000 in initial District funding. All future replacement and maintenance costs of the vessel and related equipment will be the responsibility of the applicant.

3. Waterway related environmental education facility funding will be limited to those project elements directly related to the District's waterways.

(d) Phasing of Projects: Applications for eligible waterway projects may be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work shall be submitted along with the Phase I application for Board review.

(2) through (5) No change.

Rulemaking Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History–New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, 5-25-00, 3-21-01, 7-30-02, 3-20-03, 3-3-04, 4-15-07, 3-25-08, 4-1-09, _____.

66B-2.013 Acknowledgement.

The project sponsor shall erect a permanent sign, approved by the District, at the entrance to the project site ~~in a prominent location at the completed project~~ which indicates the District's participation in the project. This sign shall contain the FIND logo. In the event that the project sponsor erects a temporary construction sign, this sign shall also recognize the District's participation. If the final product of the project is a report, study or other publication, the District's sponsorship of that publication shall be prominently indicated at the beginning of the publication. If the project results in an educational display, the District's logo and a statement of the District's participation in the project shall be contained in the display.

Rulemaking ~~Specific~~ Authority 374.976(2) FS. Law Implemented 374.976(1) FS. History–New 12-17-90, Formerly 16T-2.013, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David Roach, Executive Director, FIND

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Roach, Executive Director, FIND

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.:	RULE TITLE:
69J-9.001	Database of Information Relating to Sinkholes

PURPOSE AND EFFECT: Section 627.7065(2), F.S., requires the Department of Financial Services ("DFS") to consult with the Florida Geological Survey ("FGS") and the Department of Environmental Protection ("DEP") to implement a statewide electronic database of sinkholes and related activity identified in the state. Pursuant to Section 627.7065(3), F.S., the content of the database may include standards for reporting and investigating sinkholes for inclusion in the database and requirements for insurers to report the receipt of claims involving sinkhole loss and other similar activities. The DFS may require insurers to report present and past data of sinkhole claims. The database may also include information of damage due to ground settling and other subsidence activity. The DFS consulted with the FGS and the DEP to determine the form and content of the database which is set forth in the proposed rule.

SUMMARY: Rule 69J-9.001, F.A.C., requires insurers to electronically submit a report on all sinkhole claims investigated after January 1, 2005 on a secured Department website. Some of the required information includes: name of insurance company, where the claim occurred, depth and width of sinkhole, etc.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that it is unknown whether this rule will have an impact on small business. A SERC has been prepared by the agency.

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.

RULEMAKING AUTHORITY: 624.308(1), 627.7065(6) FS.

LAW IMPLEMENTED: 627.706, 627.7065 FS.

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

DATE AND TIME: January 11, 2010, 2:00 p.m.

PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Greg Thomas at (850)413-5768 or Greg.Thomas@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Greg Thomas, Chief, Bureau of Education, Advocacy & Research, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399, (850)413-5768

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-9.001 Database of Information Relating To Sinkholes.

(1) Purpose and Scope. This rule implements Section 627.7065, F.S. The sinkhole database established under this rule is prompted by the dramatic increase in the number of sinkholes and insurance claims for sinkhole damage in the state.

(2) Definitions. The following definitions shall apply for purposes of this rule:

(a) "Sinkhole" means sinkhole as defined in Section 627.706, F.S.

(b) "Sinkhole loss" means sinkhole loss as defined in Section 627.706, F.S.

(c) "Catastrophic ground cover collapse" means catastrophic ground cover collapse as defined in Section 627.706, F.S.

(d) "Sinkhole activity" means sinkhole activity as defined in Section 627.706, F.S.

(e) "Professional engineer" means professional engineer as defined in Section 627.706, F.S.

(f) "Professional geologist" means professional geologist as defined in Section 627.706, F.S.

(g) "Sinkhole database" means the statewide automated database of sinkhole and catastrophic ground cover collapse losses as provided for in Section 627.7065, F.S.

(h) "DFS" means the Florida Department of Financial Services.

(3) Insurers shall electronically submit data for all sinkhole claims investigated on or after January 1, 2005 to the Department of Financial Services (DFS), within the later of 60 days of the date of the investigation or the effective date of this rule. Data shall be electronically submitted on Form DFS-I5-1999, "Sinkhole or Catastrophic Ground Cover Collapse Report," (Effective 8/2009), which is hereby incorporated by reference. The report form shall be obtained from and submitted to the DFS through the website at https://apps.fldfs.com/sinkholereport. No fee is required. Once submitted, reports shall be electronically updated on the DFS website within 60 days of any change in a reportable data element required by subsection (5) of this rule.

(4) The DFS shall allow insurers to provide an initial report of claims data for sinkhole claims occurring between January 2, 2005 and December 31, 2009 via a database upload. In order for such data to be acceptable by DFS, it shall be formatted to meet the criteria specified by DFS in Form DFS-I5-1999.

(5) The sinkhole database shall include fields for the following information:

(a) Name of the insurance company;

(b) License number of the insurance company;

(c) Claim number;

(d) Date the claim was reported;

(e) Type of insurance policy;

(f) Status of claim;

(g) Whether a sinkhole or catastrophic ground cover collapse loss was confirmed;

(h) Whether a sinkhole or catastrophic ground cover collapse finding was disputed;

(i) Geotechnical methods used to confirm sinkhole event;

(j) Whether the insured property was deemed a total loss for insurance purposes;

(k) Florida county in which the claim occurred;

(l) City in which the claim occurred;

(m) Postal Zip-Code in which the claim occurred;

(n) Property address at which the claim occurred;

(o) Longitude at which the claim occurred;

(p) Latitude at which the claim occurred;

(q) Method by which latitude and longitude were determined (i.e., topographic map, survey, hand held GPS);

(r) GPS datum type used;

(s) Survey Township;

(t) Survey Section;

(u) Survey Range;

(v) Elevation of land surface affected by collapse;

(w) Measured depth of sinkhole;

(x) Measured width of sinkhole (include minimum and maximum width);

(y) Slope of the sinkhole walls (include minimum and maximum slope);

(z) Whether water is visible in the sinkhole;

(aa) Whether limestone is visible in the sinkhole;

(bb) Whether a cave is visible in the sinkhole;

(cc) Estimated time period for formation of the sinkhole;

(dd) Any pre-collapse indicators;

(ee) Triggering mechanism most likely to have caused sinkhole;

(ff) Soil type at sinkhole location;

(gg) Land use of property involved in the sinkhole loss;

(hh) Structure affected by sinkhole (i.e., residence, road, retention pond, etc.);

(ii) Type of professional (Professional Geologist or Professional Engineer) who investigated sinkhole;

(jj) Whether the sinkhole was repaired as part of the claim.

Rulemaking Authority 624.308(1), 627.7065(6) FS. Law Implemented 627.706, 627.7065 FS. History–New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Thomas

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-13.005 Pressure Relief Ventilation

PURPOSE AND EFFECT: In 2007, Section 497.271(2)(c), F.S., was amended to specifically provide that private or family mausoleums with all crypts bordering an exterior wall contain pressure relief ventilation from the crypts to the outside of the mausoleum through the exterior wall or roof. In 2007, the Florida Building Code Commission enacted changes to Section 430 (Mausoleums and Columbariums) and Section 515 (Mausoleum Relief Vent) of the Florida Building Code to reflect the 2007 legislative changes to Section 497.271(2)(c), F.S. The proposed Board rule adopts the provisions of those changes to the Florida Building Code.

SUMMARY: The proposed rule adopts the standards of the Florida Building Code that require family mausoleum units where all crypts are bordering an exterior wall, to have pressure relief ventilation provided from the crypt to the outside of the mausoleum through the exterior wall or roof. For all other mausoleum units, each crypt shall have a pressure relief vent from the crypt to the roof of the mausoleum.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

RULEMAKING AUTHORITY: 497.103(1)(m), (5)(a), 497.271(2) FS.

LAW IMPLEMENTED: 497.271(2)(c) FS.

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

DATE AND TIME: January 12, 2010, 2:00 p.m.

PLACE: Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker at (850)413-3083 or LaTonya.Bryant-Parker@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle, S.E., Tallahassee, Florida 32399-0361, (850)413-3039 or doug.shropshire@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-13.005 Pressure Relief Ventilation.

(1) Crypt pressure relief system shall comply with subsection (2) below, except that for family mausoleum units where all crypts are bordering an exterior wall, pressure relief ventilation shall be provided from the crypt to the outside of the mausoleum through the exterior wall or roof.

(2) Crypt relief vent. For family mausoleum units where all crypts are bordering an exterior wall, pressure relief ventilation shall be provided from the crypt to the outside of the mausoleum through the exterior wall or roof. For all other mausoleum units, each crypt shall have a pressure relief vent from the crypt to the roof of the mausoleum complying with subsection (3) below. Niches shall not require pressure relief systems.

(3)(a) Pressure relief vent. For family mausoleum units where all crypts are bordering an exterior wall, pressure relief ventilation shall be provided from the crypt to the outside of the mausoleum through the exterior wall or roof. For all other mausoleum units, each crypt shall have a pressure relief vent from the crypt to the roof of the mausoleum. The minimum nominal pipe size shall be 1 inch (25.4 mm). The system shall have a minimum of one-eighth unit vertical to 12 units horizontal (1-percent slope). The piping shall not be trapped or installed to trap water or condensate.

(b) Termination. Except for family mausoleum units where all crypts are bordering an exterior wall, the crypt pressure relief system shall extend through the roof and terminate at least 6 inches (152 mm) above the roof and at least 10 feet (3048 mm) from any openable opening, air intake, or property line. The termination of the relief system pipe shall be done by a roof and vent cap compatible with the relief pressure pipe. The roof and vent cap shall be waterproof. For family mausoleum units where all crypts are bordering an exterior wall, pressure relief ventilation shall be provided from the crypt to the outside of the mausoleum through the exterior wall or roof.

Rulemaking Authority 497.103(1)(m), (5)(a), 497.271(2) FS. Law Implemented 497.271(2)(c) FS. History–New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009 (the Rule was incorrectly numbered as 69K-13.0031)

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.:	RULE TITLE:
12C-2.0115	Public Use Forms

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. 35, No. 37, September 18, 2009 issue of the Florida Administrative Weekly.

The proposed amendments to Rule 12C-2.0115, F.A.C., adopt, by reference, Form DR-601G (Government Leasehold Intangible Personal Property Tax Return for 2010 Tax Year). In response to written comments received from the Joint Administrative Procedures Committee, dated November 3, 2009, the following sentence in "General Information" on Page 3 of Form DR-601G has been withdrawn:

Nominal or token payments, such as $1 or $10 per year, are not considered rental payments for determining the taxation of the lessee's estate as intangible property.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-6.010	Payment Methodology for Nursing Home Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 46, November 20, 2009 issue of the Florida Administrative Weekly.

The Notice of Rulemaking incorrectly stated the date of publication for the notice of rule development as February 27, 2009 when the notice of rule development actually published on January 30, 2009.

The foregoing changes do not affect the substance of the proposed rule.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-35.0271	Real Estate: Application for Sales Associate Licensure
61-35.02711	Real Estate: Application for Broker Licenser
61-35.02712	Real Estate: Application for Real Estate Instructor Permit
61-35.02713	Real Estate: Application for School Chief Administrator
61-35.02714	Real Estate: Application for School Permit
61-35.02715	Real Estate: Real Estate School Change of Status Transactions
61-35.02716	Real Estate: Application for Real Estate Company
61-35.02717	Real Estate: Application for Branch Office
61-35.02718	Real Estate: Application for Additional School Location
61-35.02719	Real Estate: Sales Associate/Broker Sales Associate (SL/BL) Transactions
61-35.0272	Real Estate: Broker (BK) Transactions
61-35.02721	Real Estate: Real Estate Company Transactions
61-35.02722	Real Estate: Instructor Transactions
61-35.02723	Real Estate: School Chief Administrator Transaction

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 45, November 13, 2009 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE is being changed FROM Thomas O'Bryant, Director, Division of Real Estate, TO Charles W. Drago, Secretary, Department of Business and Professional Regulation