

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

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Application Procedure for Mortgage Lender License 3D-40.200
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Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office Permit 3D-40.240

PURPOSE AND EFFECT: To update the application and renewal forms for mortgage broker schools; to change the application and renewal fees for mortgage broker schools; and to make other changes to the mortgage broker application rules.

SUBJECT AREA TO BE ADDRESSED: Mortgage broker school, mortgage broker and mortgage broker business permit requirements.

SPECIFIC AUTHORITY: 494.0011(2) FS.

LAW IMPLEMENTED: 494.0033, 494.00311, 494.0031, 494.0036, 494.0071, 494.00171, 494.0061, 494.0062, 494.0064, 494.0065 FS.

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

TIME AND DATE: 10:00 a.m., May 11, 1999

PLACE: Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Geraldine Harrison, Bureau of Registrations, Room 550, Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

3D-40.027 Mortgage Broker Education Requirement.
Within 10 days of completion of each 24 hour mortgage broker course, the classroom instructor shall submit to the Department a list of all students who successfully completed the course. The list shall include the name and social security number of each student and the school's name and the instructor's signature. Electronic signatures are allowable per Florida Statutes when the required data is submitted to the Department via computer transmission from a school.

- (1) No change.
(2) Qualifying hours may be obtained by attendance at a duly permitted and accredited Mortgage Brokerage School or an accredited college, university, community college, or area vocational-technical school in this State which offers the twenty-four (24) hour mortgage training course taught by a classroom instructor having a minimum of one year's experience in primary and subordinated financing transactions or a minimum of one year's experience conducting classes in primary and subordinated financial transactions; or from a school in which qualifying hours are obtained from a classroom instructor having a minimum of one year's experience in primary and subordinated financial transactions or one year's experience in conducting classes in primary and subordinate financial transactions. Any individual person or school offering qualifying hours must include the curriculum for mortgage broker classroom education, Rule 3D-40.026, F.A.C. Florida Administrative Code, and the laws and rules of ss. 494.001-494.0077, F.S. Florida Statutes, as the basis for course study.

- (3) As used in this rule, the following definitions apply:
(a) For the purpose of this rule "School" means any duly permitted and accredited Mortgage Brokerage School and any accredited college, university, community college or area vocational-technical school in this State, which offers the twenty-four (24) hour mortgage brokerage training course as a condition precedent to licensure as a mortgage broker. Such course to include the curriculum described in Rule 3D-40.026, F.A.C.

(b) For the purpose of this rule "classroom instructor" means any person who teaches the curriculum for mortgage broker classroom education, and

- 1. who is registered as an instructor for a duly permitted and accredited Mortgage Brokerage School, or

~~2. who is employed by or serves as an independent contractor with an accredited college, university, community college or area vocational technical school in this State.~~

~~(4) Within five (5) days of completion of each twenty-four (24) hour mortgage broker course, the school shall submit to the Department a typed list of all students who successfully completed the course. The list should be typed in a format prescribed by the Department or in lieu of the typed list, the school may submit the list on a 3.5" diskette or by e-mail or by accessing the Department's website at www.dbf.state.fl.us. The list shall include the full name of the student, the social security number of each student, the school's name, the school's license number and the completion date.~~

Specific Authority 494.0011(2) FS. Law Implemented 494.0033, ~~282.73~~ FS. History--New 7-5-92, Amended 11-5-95, 11-24-97, \_\_\_\_\_.

3D-40.028 Permit for Mortgage Brokerage School.

(1) Application Process. Each person, school, or institution desiring to obtain a permit for a Mortgage Brokerage School shall apply to the Department by submitting the following:

(a) a completed Application for Mortgage Brokerage School Permit, Form DBF-MBS-101, ~~revised effective 10/95, and a completed Registration Application for each instructor, Form DBF-MBS-102, effective 10/95, which is~~ are hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.

(b) No change.

(c) a ~~\$400~~ non-refundable accreditation fee which shall be for the annual period beginning October 1 of each year or any part thereof ~~and calculated as follows: Each school, \$200.00; each instructor, \$100.00.~~

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within thirty (30) days from the date of the request. Failure to respond to the request shall be construed by the Department as grounds for denial for failure to complete the application, and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(3) through (5) No change.

Specific Authority 494.0011(2), 494.00311(1),(3)(b) FS. Law Implemented 120.60(1)(2), 494.00311 FS. History--New 11-5-95, Amended \_\_\_\_\_.

3D-40.029 Mortgage Brokerage School Permit Renewal.

(1) Each active Mortgage Brokerage School permit shall be renewed for the annual period beginning October 1 of each year upon submission of the following:

(a) a permit renewal fee of \$500 and a completed renewal form, Form DBF-MBS-202, Mortgage Brokerage School Renewal Form, ~~revised effective 10/95, which is~~

hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350; and

(b) a recertification accreditation fee of ~~\$400~~ \$200 for the school ~~and \$100 for each currently registered instructor; which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, Suite 550, Fletcher Building, Tallahassee, Florida 32399-0350.~~

(2) No change.

Specific Authority 494.0011(2), 494.00311(1),(3)(b) FS. Law Implemented 494.00311 FS. History--New 11-5-95, Amended \_\_\_\_\_.

3D-40.030 Accreditation Process for a Mortgage Brokerage School.

(1) Section 494.00311, ~~F.S., Florida Statutes,~~ authorizes the Department to evaluate each school by an accreditation process to determine compliance and competency of mortgage brokerage schools and to recertify each school on an annual basis. The basis for accreditation will consist of the following evaluation criteria:

(a) through (d) No change.

(e) Instructor's ~~experience and~~ ability to convey subject matter.

(f) through (2)(f) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.00311 FS. History--New 11-5-95, Amended \_\_\_\_\_.

3D-40.031 Application Procedure for Mortgage Broker License.

(1)(a) No change.

(b) a non-refundable application fee of \$200 which shall be the fee for the biennial period beginning September 1 of each odd numbered year or any part thereof; and

(c) a completed fingerprint card accompanied by a \$15 non-refundable processing fee. ~~The fingerprint card will be valid for a period of 90 days from the date of receipt by the Department; and~~

~~(d) after July 1, 1992, a Mortgage Broker Education Completion Certificate required by Rule 3D-40.027, Florida Administrative Code.~~

(2) Request for Additional Information. Any request for additional information, including a passing score on the Mortgage Broker Examination, will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within ninety (90) days from the date of the request. Failure to respond within ninety (90) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(3) through (7) No change.

Specific Authority 494.0011(2), 494.0033(2)(d), 215.405 FS. Law Implemented 120.60(1), 494.0033(2)(d) FS. History–New 10-30-86, Amended 1-30-89, 5-23-89, 11-28-89, 10-1-91, 6-8-92, 6-3-93, 6-6-93, 4-25-94, 5-14-95, 9-3-95, 11-24-97,\_\_\_\_\_.

3D-40.051 Application Procedure for Mortgage Brokerage Business License.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (8) No change.

Specific Authority 494.0011(2), 494.0031(2), 215.405 FS. Law Implemented 494.0031(2) FS. History–New 10-30-86, Amended 1-30-89, 11-28-89, 10-1-91, 6-6-93, 5-14-95, 7-14-96, 11-24-97,\_\_\_\_\_.

3D-40.058 Application Procedure for Mortgage Brokerage Business Branch Office Permit.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (7) No change.

Specific Authority 494.001(2) FS. Law Implemented 494.0036 FS. History–New 10-1-91, Amended 6-6-93, 5-14-95,\_\_\_\_\_.

3D-40.100 Application Procedure for Change in Ownership or Control of Savings Clause Mortgage Lender.

(1) No change.

(2) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(3) through (6) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.00171, 494.0061(1), 494.0065 FS. History–New 8-24-93, Amended 9-3-95,\_\_\_\_\_.

3D-40.105 Branch Office Permit for Change in Ownership or Control of Savings Clause Mortgage Lender.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (7) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.00171, 494.0065, 494.0066 FS. History–New 8-24-93, Amended 9-3-95,\_\_\_\_\_.

3D-40.200 Application Procedure for Mortgage Lender License.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (8) No change.

Specific Authority 494.0011(2), 494.0061(3), 215.405 FS. Law Implemented 494.0061(3) 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,\_\_\_\_\_.

3D-40.220 Application Procedure for Correspondent Mortgage Lender License.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), ~~F.S. Florida Statutes.~~

(4) through (8) No change.

Specific Authority 494.0011(2), 494.0062(3), 215.405 FS. Law Implemented 494.0062(3) FS. History—New 10-1-91, Amended 6-6-93, 5-14-93, 9-3-95, 11-5-96, 7-14-96, 11-24-97.

3D-40.240 Application Procedure for Mortgage Lender or Correspondent Mortgage Lender Branch Office Permit.

(1) through (2) No change.

(3) Request for Additional Information. Any request for additional information will be made by the Department within thirty (30) days after receipt of the application by the Department. The additional information must be received by the Department within forty-five (45) days from the date of the request. Failure to respond to the request within forty-five (45) days from the date of request shall be construed by the Department as grounds for denial for failure to complete the application and the application shall be denied pursuant to Section 120.60(1)(2), F.S. Florida Statutes.

(4) through (7) No change.

Specific Authority 494.0011(2) FS. Law Implemented 494.00171, 494.0066 FS. History—New 10-1-91, Amended 6-6-93, 5-14-93, 9-3-95.

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Other Personnel  
RULE NO.: 6D-5.003

PURPOSE AND EFFECT: This rule establishes certification requirements needed for various positions at the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Various positions.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.343(6) FS.

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

TIME AND DATE: 9:00 a.m., May 1, 1999

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Human Resource Management and Development  
RULE NO.: 6D-16.002

PURPOSE AND EFFECT: This rule establishes the guidelines for the Human Resource Management and Development Department of the Florida School for the Deaf and the Blind.

SUBJECT AREA TO BE ADDRESSED: Florida School for the Deaf and the Blind Human Resource Management and Development Manual.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4), 242.331(6)(b) FS.

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

TIME AND DATE: 9:00 a.m., May 1, 1999

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE TITLE: Self-Accrual Authorization  
RULE NO.: 12A-1.0911

PURPOSE AND EFFECT: The proposed amendments to Rule 12A-1.0911, F.A.C., implement the changes to Chapter 212, F.S., made by the 1998 Legislature. Section 7, Chapter 98-140, L.O.F., provides that the Department, by rule, may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer, in lieu of having the independent seller register as a dealer and remit the tax.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to discuss the development of this proposed new rule, and to consider suggested revisions which may be offered by the general public or other interested persons.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2),(3), 212.183, 213.06(1) FS.

LAW IMPLEMENTED: 212.05(1)(e)3,4., 212.0598, 212.06(11), 212.08(8),(9), 212.12(13), 212.18(3), 212.183 FS.

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

TIME AND DATE: 10:00 a.m., May 10, 1999

PLACE: Room 435, Conference Room, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Copies of the agenda for the rule development workshop may be obtained by contacting the person listed below.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program is asked to advise the Department at least five (5) calendar days before the program by contacting the person listed below. If you are hearing or speech-impaired, please contact the Department's TDD by calling 1(800)DOR-TDD1, 1(800)367-8331.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert D. Heyde, Senior Attorney, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, Telephone (850)922-4714

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.0911 Self-Accrual Authorization.

(1) through (4) No change.

(5)(a) The Department may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer in lieu of having the independent seller register as a dealer and remit the tax. The dealer applicant must agree to report and pay directly to the Department all sales tax liabilities that are transferred from the independent sellers to the dealer applicant as a result of the request.

(b)1. A dealer applicant seeking authorization to remit sales tax on behalf of its independent sellers must send a written request for such authorization to:

Florida Department of Revenue

Central Registration

P. O. Box 2096

Tallahassee, Florida 32316-2096

2. The request shall include:

a. the date;

b. the signature of the dealer applicant's President or Chief Executive Officer;

c. a statement by the dealer applicant agreeing to report and pay directly to the Department all sales and use tax liabilities that are transferred from the independent sellers to the dealer applicant as a result of the request;

d. the dealer applicant's sales tax certificate of registration number;

e. the dealer applicant's address and telephone number;

f. a description of the property being sold by the independent sellers;

g. documentation of dealer applicant's financial resources, including certified financial statements; and

h. a detailed description of the dealer applicant's information processing system to be used for the tax liabilities assumed and to allocate the local taxes involved.

(c)1. Upon receipt of a request for authorization, the Department will inform the dealer applicant in writing that the request is complete and has been accepted; or, that the request is deficient and specify what additional information is required to make the request complete. Upon acceptance of a complete request for authorization, the Department will approve or deny the request and notify the dealer applicant in writing of its decision.

2. If the request has been approved, the Department will issue a numbered authorization permit and will indicate the effective date of a dealer's authorization to remit tax on the permit.

(d)1. If a request for authorization to remit tax is granted, the dealer must report and remit the amount of local discretionary sales surtax applicable to each county in which the first delivery of the taxable property to the independent seller occurs.

2. The dealer shall notify the Department within 30 days of any change of circumstances that might affect the dealer's qualification for the authorization. The authorization can be revoked at any time if it is determined by the Department that the holder no longer meets the requirements set forth in this subsection.

Specific Authority 212.17(6), 212.18(2),(3), 212.183, 213.06(1) FS. Law Implemented 212.05(1)(e)3,4., 212.0598, 212.06(11), 212.08(8),(9), 212.12(13), 212.18(3), 212.183 FS. History--New 4-7-92, Amended 5-19-93, 9-14-93, 11-16-93, \_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE:

RULE NO.:

Regulatory Assessment Fees;

Telecommunications Companies

25-4.0161

PURPOSE AND EFFECT: To revise the rule and the regulatory assessment fee return forms to reflect the change to s. 364.336, F.S., effective January 1, 1999.

SUBJECT AREA TO BE ADDRESSED: Regulatory assessment fees.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 364.336, 364.337(4) FS.

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

TIME AND DATE: 9:30 a.m., Tuesday, May 11, 1999

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 166, Tallahassee, FL

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO CHRISTIANA MOORE, DIVISION OF APPEALS, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Stephanie Cater, Division of Auditing & Financial Analysis, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6429

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.0161 Regulatory Assessment Fees; Telecommunications Companies.

(1) As applicable and as provided in s. 350.113, F.S. s. 364.336, F.S., and s. 364.337, F.S., each company shall remit a fee based upon its gross operating revenue as provided below. This fee shall be referred to as a regulatory assessment fee, and each company shall pay a regulatory assessment fee in the amount of 0.0015 of its gross operating revenues derived from intrastate business. For the purpose of determining this fee, each ~~interexchange telecommunications company and each pay telephone company~~ shall deduct from gross operating revenues any amounts paid to another telecommunications company for the use of any for use of the local network to a telecommunications network to provide service to its customers company providing local service. Regardless of the gross operating revenue of a company, a minimum annual regulatory assessment fee of \$50 shall be imposed.

(2) through (3) No change.

(4) Commission Form PSC/CMU 25 (~~/99~~) (~~07/96~~), entitled "Local Exchange Communication Company Regulatory Assessment Fee Return," ~~applicable to local exchange telecommunications companies~~; Form PSC/CMU 26 (~~/99~~) (~~07/96~~), entitled "Pay Telephone Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 34 (~~/99~~) (~~07/96~~), entitled "Shared Tenant Service Provider Regulatory Assessment Fee Return"; Form PSC/CMU 153 (~~/99~~) (~~07/96~~), entitled "Interexchange Company Regulatory Assessment Fee Return"; and Form PSC/CMU 1 (~~/99~~) (~~07/96~~), entitled "Alternative Access Vendor Regulatory Assessment Fee Return"; and Form PSC/CMU 7 (~~/99~~) (~~07/96~~), entitled "Alternative Local Exchange Company Regulatory Assessment Fee Return" are incorporated into this rule by reference and may be obtained from the Commission's Division of Administration.

(5) through (8) No change.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 364.336, 364.337(4) FS. History—New 5-18-83, Formerly 25-4.161, Amended 10-16-86, 1-1-91, 12-29-91, 1-8-95, 12-26-95, 7-8-96, \_\_\_\_\_.

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLES:	RULE NOS.:
Cancellation of a Certificate	25-24.474
Cancellation of a Certificate	25-24.514
Cancellation of a Certificate	25-24.572
Cancellation of a Certificate	25-24.735
Revocation of a Certificate	25-24.820

PURPOSE AND EFFECT: To revise the required information a telecommunication company must submit with its request to cancel its certificate, deleting unnecessary information and adding the requirements that a company submit its current address and pay all delinquent regulatory fees.

SUBJECT AREA TO BE ADDRESSED: Voluntary cancellation of telecommunications company certificates.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 350.113, 350.127(1), 364.285, 364.335, 364.337, 364.339, 364.345 FS.

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

TIME AND DATE: 10:30 a.m., May 11, 1999, or as soon thereafter as the workshop on Rule 25-4.0161, if held, is concluded.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 166, Tallahassee, FL

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO CHRISTIANA MOORE, DIVISION OF APPEALS, 2540 SHUMARD OAK BOULEVARD, TALLAHASSEE, FL 32399-0850

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ray Kennedy, Florida Public Service Commission, Division of Telecommunications, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (813)413-6584

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-24.474 Cancellation of a Certificate.

(1) The Commission has the authority ~~may~~ on its own motion to cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rule or order; or
- (c) Violation of Florida Statutes.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. Statement of intent and date to pay Regulatory Assessment Fee.

(b) Its current mailing address. Statement of why the certificate is proposed to be canceled.

(c) A statement on treatment of customer deposits and final bills.

(d) Proof of individual customer notice regarding discontinuance of service.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

~~(4)(3)~~ Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS. History--New 2-23-87, Amended 3-13-96.

25-24.514 Cancellation of a Certificate.

(1) The Commission has the authority may to cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted.
- (b) Violation of Commission rules or orders;
- (c) Violation of Florida Statutes; or,
- (d) Failure to provide service for a period of six (6) months.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. Statement of intent and date to pay Regulatory Assessment Fee.

(b) Its current mailing address. Statement of why the certificate is proposed to be canceled.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

~~(4)(3)~~ Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.03, 364.285, 364.337, 364.345 FS. History--New 1-5-87, Amended.

25-24.572 Cancellation of a Certificate.

(1) The Commission has the authority to may cancel a company's certificate for any of the following reasons:

- (a) Violation of the terms and conditions under which the authority was originally granted;
- (b) Violation of Commission rules or orders; or
- (c) Violation of Florida Statutes

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:  
~~Cancellation of a certificate shall be ordered subject to the holder providing the following information:~~

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. Statement of intent and date to pay Regulatory Assessment Fee.

(b) Its current mailing address. Statement of why the certificate is proposed to be canceled.

(c) Proof of individual customer notice regarding discontinuance of service.

(d) Statement on treatment of customer deposits and final bills.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.339, 364.345 FS. History--New 1-28-91, Amended 7-29-97.

25-24.735 Cancellation of a Certificate.

(1) The Commission has the authority to may cancel an Alternative Access Vendor (AAV) service provider's certificate for any of the following reasons:

- (a) violation of the terms and conditions under which the authority was originally granted;
- (b) violation of Commission rules or orders;

- (c) violation of Florida statutes; or
- (d) failure to provide service for a period of 6 months.

(2) If a certificated AAV service provider seeks to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following ~~information~~ with its request:

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161, the date the final Regulatory Assessment Fee was paid;

(b) Its current mailing address, a statement of the reasons for cancellation;

(c) A statement on the treatment of customer deposits and final bills; and

(d) A representative copy of a customer notice regarding discontinuance of service.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 350.113, 350.127(1), 364.285, 364.337, 364.345 FS. History--New 1-8-95, Amended.

25-24.820 Revocation of a Certificate.

(1) The Commission has the authority ~~may~~ on its own motion, after notice and opportunity for hearing, to revoke a company's certificate for any of the following reasons:

- (a) Violation of a term or condition under which the authority was originally granted;
- (b) Violation of Commission rule or order;
- (c) Violation of Florida Statute; or
- (d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

(a) Payment of all delinquent regulatory assessment fees, penalties and interest. Fees due for the period during which the certificate is canceled shall be paid in accordance with Rule 25-4.0161. A statement of intent and date certain to pay regulatory assessment fee.

(b) Its current mailing address. A statement of why the certificate is proposed to be canceled.

(c) A statement as to how customer deposits and final bills will be handled.

(d) Proof of individual customer notice regarding discontinuance of service.

(3) The request for cancellation shall be filed with the Commission's Division of Records and Reporting.

(4) Cancellation of a certificate shall be ordered subject to the holder providing the information required by subsection (2).

(5) The effective date of the cancellation will be the later of the date requested, the date the request is postmarked, or the date received by the Commission if the request is hand delivered.

Specific Authority 350.127(2) FS. Law Implemented 364.335, 364.345 FS. History--New 12-26-95, Amended.

**DEPARTMENT OF ELDER AFFAIRS**

**Administration of Federal Aging Programs**

RULE TITLE:

RULE NO.:

Area Agency on Aging Functions and Responsibilities

58A-1.007

PURPOSE AND EFFECT: This notice is in addition to three previous notices regarding amending 58A-1.007 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 20.41, 430.101 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2053



**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE TITLE: Administration  
RULE NO.: 58C-1.003

PURPOSE AND EFFECT: This notice is in addition to three previous notices regarding amending 58C-1.003 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2053

**DEPARTMENT OF ELDER AFFAIRS**

**Administration of the Alzheimer's Disease Initiative**

RULE TITLE: Program Administration  
RULE NO.: 58D-1.005

PURPOSE AND EFFECT: This notice is in addition to three previous notices regarding amending 58D-1.005 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2053

**DEPARTMENT OF ELDER AFFAIRS**

**Home Care for the Elderly**

RULE TITLE: Administration  
RULE NO.: 58H-1.003

PURPOSE AND EFFECT: This notice is in addition to three previous notices regarding amending 58H-1.003 which incorporates by reference the Department of Elder Affairs (DOEA) Client Services Manual. DOEA Forms 701A and 701B, Risk Assessment and Comprehensive Assessment, will be revised as originally noticed. A prioritization methodology for serving clients on waiting lists for service will also be considered for development.

SUBJECT AREA TO BE ADDRESSED: Revision of risk and comprehensive assessment forms and the development of a waiting list prioritization of service methodology.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 FS.

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

TIME AND DATE: 10:00 a.m., Wednesday, May 12, 1999

PLACE: Department of Elder Affairs, Conf. Room 225F, 4040 Esplanade Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Dunn, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY CONTACTING: Jan Benesh, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone (850)414-2053

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE TITLE: Neonatal Intensive Care Services  
RULE NO.: 59C-1.042

PURPOSE AND EFFECT: The agency has scheduled a rule development workshop to consider changes in the methodology currently used to calculate need for additional Level II Neonatal Intensive Care Unit (NICU) beds. The methodology is being reviewed in response to provider requests.  
SUBJECT AREA TO BE ADDRESSED: The methodology used to determine need for additional Level II Neonatal Intensive Care Unit beds.

SPECIFIC AUTHORITY: 408.15(8), 408.034(5) FS.  
LAW IMPLEMENTED: 408.036(1)(a)(d)(g)(k) FS.

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

TIME AND DATE: 2:00 p.m., May 11, 1999  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room I, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elfie Stamm, Certificate of Need Office, 2727 Mahan Drive, Tallahassee, Florida

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of State Health Purchasing**

RULE TITLE: Outpatient Hospital Services  
RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate by reference the January 1999 update to the Florida Medicaid Hospital Coverage and Limitations Handbook. The effect is to furnish hospital providers the 1999 revised lists of covered codes in the appendices section of the Florida Medicaid Hospital Coverage and Limitations Handbook. Revisions were made to the following lists of codes: outpatient revenue center codes, laboratory and pathology codes, mammography diagnosis codes, elective surgery codes, procedures exempt from the \$1,000 outpatient cap, hysterectomy diagnosis codes, procedure and diagnosis codes requiring attachments, ultrasound diagnosis codes for high-risk pregnant women, and time and narrative corrections to Appendix J. The effect of the revision of the Florida Medicaid Hospital Coverage and Limitations Handbook, January 1999, is to provide hospital providers with the most recent code coverage and billing information affecting the payment of claims.

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services Program.

SPECIFIC AUTHORITY: 409.919 FS.  
LAW IMPLEMENTED: 409.905, 409.907(8)(a), 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., May 10, 1999  
PLACE: 2728 Fort Knox Boulevard, Building 3, Conference Room I, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ouida Mazzoccoli, Medical/Health Care Program Analyst, Medicaid Program Office, Agency for Health Care Administration, P. O. Box 12600, Tallahassee, FL 32317-2600, (850)922-7351

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 59G-4.160 Outpatient Hospital Services.
- (4) Reimbursable Outpatient Hospital Services.
  - (a) Outpatient hospital services are reimbursable within certain limitations.
    - 1. through 2. No change.
    - 3. Reimbursement for outpatient laboratory and pathology procedures shall be limited to the technical component identified on the fee schedule in Appendix C, Chapter 3, found in the Hospital Coverage and Limitations Handbook, updated January 1999 ~~March 1998~~. This handbook is incorporated in this rule by reference, and is available from the fiscal agent contractor.
    - 4. through 16. No change.
  - (b) No change.
  - (c) All hospital providers enrolled in the Medicaid program must be in compliance with the provisions of the Hospital Coverage and Limitations Handbook, updated January 1999 ~~March 1998~~, and the Medicaid Reimbursement Handbook, UB-92, October 1998, incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.
- (5) through (10) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907(8)(a), 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE TITLE: Salon Requirements  
RULE NO.: 61G5-20.002

PURPOSE AND EFFECT: The proposed rule will set forth the requirements for disinfectant solutions and procedures to be used in a cosmetology salon.

SUBJECT AREA TO BE ADDRESSED: Salon Requirements.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Broyles, Executive Director, Board of Cosmetology, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Foreign Degrees  
RULE NO.: 61G15-20.007

PURPOSE AND EFFECT: The Board proposes to update the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Foreign degrees.

SPECIFIC AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

TIME AND DATE: 9:00 a.m., May 19, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The Educational Advisory Committee in making its evaluation will consider the following elements: faculty, curricula, students, administration and commitment.

(a) through (b) No change.

(c) Transcripts of coursework completed, course content syllabi, notarized testimonials from employers, college level, advance placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper based version, or 213 in the computer based version, will be accepted as satisfactory evidence.

(5) through (9) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History--New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Areas of Competency and Grading Criteria  
RULE NO.: 61G15-21.002

PURPOSE AND EFFECT: The Board proposes to update the rule text by clarifying the areas of competency and the grading criteria.

SUBJECT AREA TO BE ADDRESSED: Areas of competency and grading criteria.

SPECIFIC AUTHORITY: 455.217(1)(c), 471.013 FS.

LAW IMPLEMENTED: 455.217(1)(c), 471.03 FS.

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

TIME AND DATE: 9:00 a.m., May 19, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-21.002 Areas of Competency and Grading Criteria.  
(1) through (2) No change.

(3) ~~It~~ Part Two of the examination has traditionally required the applicant ~~will usually be required~~ to solve from seven to ten problems which the applicant may choose from approximately twenty problems drawn from a test pattern. Effective October, 1999, the examinations in Agricultural, Environmental, Fire Protection, Industrial, and Petroleum will be offered in a 100% objectively scored (multiple choice) format. The competency areas in each discipline are generally set forth as follows:

(a) through (d) No change.

(e) Industrial – ~~Methods Design and Work Management, Production, Inventory and Distribution Systems, Facilities, Manufacturing, Production and Inventory Systems, Work Systems and Ergonomics, Planning and Design, Economics, Operations Research, Quality Assurance Management and Computer/Information Systems, Control and Industrial Statistics.~~

(f) through (n) No change.

(o) Fire Protection Engineering – Water Supplies, Building Systems, Water-Based Suppression Systems, Non-Water Based Suppression Systems, Detection and Alarm Systems, Fire Prevention, Implementation and Monitoring of Fire Prevention, Research and Development of Hazard and Risk Analysis, Hydraulics, Suppression Systems, Fire Behavior, Fire Communications, Hazards.

(p) Environmental – Water, Wastewater/Stormwater, Natural Water Systems; Solid and Hazardous Waste; Air, Pollution Source, Pollution Control Processes, Ambient Air Quality; Environmental Health, Safety and Welfare. Project implementation, operations and monitoring for health safety and environmental protection, emergency response, risk analysis, radiation protection, noise toxicology, industrial hygiene.

Specific Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), 471.013 FS. History—New 1-8-80, Amended 2-23-81, 8-25-81, 8-16-82, 4-30-85, 8-20-85, Formerly 21H-21.02, Amended 10-27-92, 1-10-93, Formerly 21H-21.002, Amended 2-14-95, 6-28-95, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLES:	RULE NOS.:
Education Requirements	61J1-4.001
Renewal of Inactive Registrations, Licenses and Certifications	61J1-4.007

PURPOSE AND EFFECT: The purpose and effect is for the Florida Real Estate Appraisal Board to review the current education requirements as they pertain to registered assistant appraisers. The Board will also determine if other aspects of the rules need to be updated.

SUBJECT AREA TO BE ADDRESSED: The Florida Real Estate Appraisal Board will be reviewing the education requirements for registered assistant appraisers to determine if the courses may only be used for a limited period of time for one to become registered.

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618, 475.619 FS.

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

TIME AND DATE: 9:00 a.m., June 1, 1999

PLACE: Office of Florida Real Estate Appraisal Board, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 97-17R

RULE TITLE:	RULE NO.:
Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters	62-302.700

PURPOSE AND EFFECT: To discuss and receive public comment on the proposed designation of Lake Disston and Little Haw Creek as Outstanding Florida Waters (OFW) under Rule 62-302.700, F.A.C. The primary intent of an OFW designation is to preserve existing ambient water quality. If designated as OFW, these waters would receive a high level of water quality protection.

SUBJECT AREA TO BE ADDRESSED: The Department received a petition to designate Lake Disston and Little Haw Creek as OFW under rule 62-302.700, F.A.C. The workshop listed below is being conducted as part of the Department's analysis of the proposal to designate Lake Disston and Little Haw Creek as OFW.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.088, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.062, 403.087, 403.088, 403.101, 403.141, 403.182, 403.502, 403.702, 403.708, 403.918 FS.

THE DEPARTMENT ALSO ANNOUNCES A PUBLIC WORKSHOP FOR RULE DEVELOPMENT TO BE HELD ON THE DATE, TIME, AND PLACE SHOWN BELOW:

TIME AND DATE: 7:00 p.m., Tuesday, June 22, 1999

PLACE: Flagler County Commission Chambers, Room 107, Flagler County Courthouse, 201 East Moody Blvd., Bunnell, Florida 32110

If an accommodation is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)487-1855 or (800)955-8771 (TDD), at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FROM WHOM A COPY OF THE WORKSHOP AGENDA MAY BE OBTAINED IS: Janet Klemm, Division of Water Facilities, Mail Station 3575, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9928

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

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: Mediation RULE NO.: 64B6-7.008

PURPOSE AND EFFECT: The Board proposes to add instances where mediation is appropriate for first time violations of the practice act.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 455.614 FS.

LAW IMPLEMENTED: 455.614 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists/MQA, 2020 Capital Circle, S. E., Bin #CO9, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENTS IS NOT AVAILABLE:

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Fees for Application, Initial and Renewal Registration RULE NO.: 64B8-71.004

PURPOSE AND EFFECT: The Respiratory Care Council proposes to recommend that the Board of Medicine approve an increase in the fee for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Increase in the fee for initial licensure.

SPECIFIC AUTHORITY: 455.641, 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 455.641, 468.364 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Respiratory Care Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-71.004 Fees for Application, Initial and Renewal Registration.

(1) No change.

(2) The initial licensure registration fee for a person who becomes licensed shall be ~~\$110.00~~ \$70.00.

(3) No change.

Specific Authority 455.641, 468.353(1), 468.364 FS. Law Implemented 455.641, 468.364 FS. History--New 4-29-85, Formerly 21M-34.04, 21M-34.004, Amended 2-15-94, Formerly 61F6-34.004, Amended 9-29-94, Formerly 59R-71.004, Amended

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Fees for Application, Examination, Initial and Renewal Registration RULE NO.: 64B8-72.006

PURPOSE AND EFFECT: The Respiratory Care Council proposes to recommend that the Board of Medicine approve an increase in the fee for initial licensure.

SUBJECT AREA TO BE ADDRESSED: Increase in the fee for initial licensure.

SPECIFIC AUTHORITY: 455.641, 468.353(1), 468.364 FS.

LAW IMPLEMENTED: 455.641, 468.364 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Respiratory Care Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-72.006 Fees for Application, Examination, Initial and Renewal Registration.

- (1) through (2) No change.
- (3) The initial licensure registration fee for a person who becomes licensed shall be \$70.00.
- (4) No change.

Specific Authority 455.641, 468.353(1), 468.364 FS. Law Implemented 455.641, 468.364 FS. History—New 4-29-85, Formerly 21M-35.05, 21M-35.005, Amended 9-21-93, 1-3-94, Formerly 61F6-35.005, Amended 9-29-94, Formerly 59R-72.006, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Fees  
RULE NO.: 64B8-73.004

PURPOSE AND EFFECT: The Respiratory Care Council proposes to recommend that the Board of Medicine approve increases for the biennial renewal fee for licensure, the delinquency fee, and the inactive license fee.

SUBJECT AREA TO BE ADDRESSED: Increase in the fees.  
SPECIFIC AUTHORITY: 455.587(6), 455.641, 455.711(7),(8), 468.353(1), 468.364 FS.  
LAW IMPLEMENTED: 455.587(6), 455.641, 455.711, 468.364 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Respiratory Care Council/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64B8-73.004 Fees.
- (1) The biennial renewal fee for licensure certification or registration shall be ~~\$110.00~~ \$70.00.
- (2) through (5) No change.
- (6) The delinquency fee shall be ~~\$110.00~~ \$70.00.
- (7) The application for inactive license fee shall be ~~\$50.00~~ \$35.00.
- (8) No change.

Specific Authority 455.587(6), 455.641, 455.711(7), (8), 468.353(1), 468.364 FS. Law Implemented 455.587(6), 455.641, 455.711, 468.364 FS. History—New 4-29-85, Formerly 21M-36.04, Amended 5-10-92, Formerly 21M-36.004, Amended 9-21-93, 1-3-94, Formerly 61F6-36.004, Amended 7-18-95, Formerly 59R-73.004, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE CHAPTER TITLE: Fee Schedule  
RULE CHAPTER NO.: 64B10-12

PURPOSE AND EFFECT: The Board proposes to discuss the rules within this chapter and determine if the rules will require amendments due to possible computer based testing in the future.

SUBJECT AREA TO BE ADDRESSED: Collection and payment of fees; application for licensure; payment for duplicating licenses, certificates, and permits; reexamination fee; renewal fee; provisional license application fee; endorsement fee; initial licensure fee; inactive status; change of status fee; temporary license; preceptor certification and recertification fee; administrator-in-training application fee; unauthorized practice fee; delinquency fee.

SPECIFIC AUTHORITY: 455.574(2), 455.587(6), 455.641, 455.711, 468.1685(1), 468.1695(2),(5), 468.1705(1), 468.1725(2), 468.1735 FS.

LAW IMPLEMENTED: 455.574(2), 455.587(6), 455.641, 455.711, 468.1685(1), 468.1695(3),(5), 468.1705(1),(4), 468.1715, 468.1725, 468.1735 FS.

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

TIME AND DATE: 9:00 a.m. or shortly thereafter on May 9, 1999

PLACE: Sheraton West Palm Beach, 630 Clearwater Park Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: Disciplinary Guidelines
RULE NO.: 64B20-7.001

PURPOSE AND EFFECT: The Board shall undertake a review of Rule 64B20-7.001 in its entirety for any technical, grammatical or substantial changes which the Board may deem necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 468.1295 FS.

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

TIME AND DATE: 9:00 a.m., Thursday, May 27, 1999

PLACE: Omni West Beach Hotel, 1601 Belvedere Road, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

amendments also include a change to address an issue raised by the Joint Administrative Procedures Committee and clarification of particular issues related to the issuance of Medicare Supplement Insurance.

SUMMARY: The proposed changes amend the minimum standards for Medicare Supplement Insurance in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC has been prepared.

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

SPECIFIC AUTHORITY: 624.308, 627.673, 627.674(2) FS.

LAW IMPLEMENTED: 624.307(1), 627.410, 627.411, 627.673, 627.674, 627.6741, 627.6745, 627.6746 FS.

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

TIME AND DATE: 10:00 a.m., May 18, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Actuary, Life & Health Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5014

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Liz Morris at (850)413-5112.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

RULE CHAPTER TITLE: Medicare Supplement Insurance
RULE CHAPTER NO.: 4-156, Part I

RULE TITLES: Definitions
RULE NOS.: 4-156.003

Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992
4-156.007

Standard Medicare Supplement Benefit Plans
4-156.008

Open Enrollment
4-156.009

Guaranteed Issue for Eligible Persons
4-156.0095

Loss Ratio Standards and Refund or Credit of Premium
4-156.011

Required Disclosure Provisions
4-156.014

PURPOSE AND EFFECT: This Medicare Supplement rule is amended to incorporate changes needed to bring this regulation into compliance with Federal standards. Additionally, the

THE FULL TEXT OF THE PROPOSED RULES IS:

4-156.003 Definitions.

For purposes of this rule regulation:

(1) No change.

(2) "Bankruptcy" means when a Medicare+Choice organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.

(3)(2) "Certificate" means any certificate delivered or issued for delivery in this state under a group Medicare supplement policy.

(4)(3) "Certificate Form" means the form on which the certificate is delivered or issued for delivery by the issuer.

(5) "Continuous period of creditable coverage" means the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than sixty-three (63) days.

(6) "Creditable coverage" means, with respect to an individual, coverage of the individual as defined in section 627.6561(5), Florida Statutes.

~~(7)~~(4) "Department" means the Florida Department of Insurance.

(8) "Employee welfare benefit plan" means a plan, fund or program of employee benefits as defined in 29 U.S.C. Section 1002 (Employee Retirement Income Security Act).

(9) "Insolvency" means that all the assets of the insurer, if made immediately available, would not be sufficient to discharge all its liabilities or that the insurer is unable to pay its debts as they become due in the usual course of business. When the context of any provision of the insurance code so indicates, insolvency also includes and is defined as impairment of surplus as defined in s. 631.011(10), F.S., and impairment of capital as defined in s. 631.011(9), F.S.

(5) through (6) renumbered (10) through (11) No change.

(12) "Medicare+Choice plan" means a plan of coverage for health benefits under Medicare Part C as defined in Section 1859 found in Title IV, Subtitle A, Chapter 1 of P.L. 105-33, and includes:

(a) Coordinated care plans which provide health care services, including but not limited to health maintenance organization plans (with or without a point-of-service option), plans offered by provider-sponsored organizations, and preferred provider organization plans;

(b) Medical savings account plans coupled with a contribution into a Medicare+Choice medical savings account; and

(c) Medicare+Choice private fee-for-service plans.

(7) through (11) renumbered (13) through (17) No change.

(18) "Secretary" means the Secretary of the United States Department of Health and Human Services.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History--New 1-1-81, Formerly 4-51.03, Amended 11-7-88, 9-4-89, 12-9-90, Formerly 4-51.003, Amended 1-1-92, 7-14-96, \_\_\_\_\_.

4-156.007 Benefit Standards for Policies or Certificates Issued or Delivered on or After January 1, 1992.

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this State on or after January 1, 1992. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this State as a Medicare supplement policy or certificate unless it complies with these benefit standards.

(1) General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this regulation.

(a) through (d) No change.

(e) Each Medicare supplement policy shall be guaranteed renewable and

1. through 2. No change.

3.a. If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Section 4-156.007(1)(e)5., the issuer shall offer certificateholders an individual Medicare supplement policy which, ~~at the option of the certificateholder;~~

~~(I)a.~~ Provides for continuation of the benefits contained in the group policy, or

~~(II)b.~~ Provides for such benefits as otherwise meets the requirements of this rule.

b. In either case the individual Medicare supplement policy is issued at the original issue age of the terminated certificateholder, and is at the duration of the terminated certificate at the time of conversion.

4. through 5. No change.

(f) through (g) No change.

(2) Standards for Basic ("Core") Benefits Common to All Benefit Plans.

(a) through (d) No change.

(f) Coverage for the coinsurance amount (or in the case of hospital outpatient department services under a prospective payment system, the copayment amount) of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

(3) No change.

Specific Authority 624.308, 627.674(2)(a) FS. Law Implemented 624.307(1), 627.410, 627.674, 627.6741 FS. History--New 1-1-92, Amended \_\_\_\_\_.

4-156.008 Standard Medicare Supplement Benefit Plans.

(1) through (4) No change.

(5) Make-up of benefit plans:

(a) through (f) No change.

(g) Standardized Medicare supplement benefit high deductible plan "F" shall include only 100% of covered expenses following the payment of the annual high deductible plan "F" deductible.

1. The covered expenses as defined in paragraphs 4-156.007(3)(a), (b), (e) and (h) respectively include:

a. The core benefit as defined in subsection 4-156.007(2);

b. The Medicare Part A deductible;

c. Skilled nursing facility care;

d. The Medicare Part B deductible;

e. One hundred percent (100%) of the Medicare Part B excess charges, and

f. Medically necessary emergency care in a foreign country.

2. The annual high deductible plan "F" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "F" policy, and shall be in addition to any other specific benefit deductibles.

3. The annual high deductible Plan "F" deductible shall be:



a. \$1,500 for 1998 and 1999, and shall be based on the calendar year;

b. Adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of \$10.

(g) through (j) are renumbered as (h) through (k) with no other changes.

(l) Standardized Medicare supplement benefit high deductible plan "J" shall include only 100% of covered expenses following the payment of the annual high deductible plan "J" deductible.

1. The covered expenses as defined in Rule 4-156.007(3)(a),(b),(c), (e), (g), (h), (i), and (j) respectively include:

- a. The core benefit as defined in subsection 4-156.007(2);
- b. The Medicare Part A deductible;
- c. Skilled nursing facility care;
- d. Medicare Part B deductible;
- e. One hundred percent (100%) of the Medicare Part B Excess Charges;
- f. Extended Outpatient Prescription Drug Benefit;
- g. Medically Necessary Emergency Care in a Foreign Country;
- h. Preventive Medical Care Benefit; and
- i. At-Home Recovery Benefit.

2. The annual high deductible plan "J" deductible shall consist of out-of-pocket expenses, other than premiums, for services covered by the Medicare supplement plan "J" policy, and shall be in addition to any other specific benefit deductibles.

- 3. The annual deductible shall be:
  - a. \$1,500 for 1998 and 1999 based on a calendar year;
  - b. Adjusted annually thereafter by the Secretary to reflect the change in the Consumer Price Index for all urban consumers for the twelve-month period ending with August of the preceding year, and rounded to the nearest multiple of \$10.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.674, 627.6741 FS. History--New 1-1-92, Amended 12-17-96.

4-156.009 Open Enrollment.

(1) No change.

(2)(a) If an applicant qualifies under subsection (1) and submits an application during the time period referenced in subsection (1) and, as of the date of application, has had a continuous period of creditable coverage of at least six (6) months, the issuer shall not exclude benefits based on a pre-existing condition.

(b) If the applicant qualifies under subsection (1) and submits an application during the time period referenced in subsection (1) and, as of the date of application, has had a continuous period of creditable coverage that is less than six

(6) months, the issuer shall reduce the period of any pre-existing condition exclusion by the aggregate of the period of creditable coverage applicable to the applicant as of the enrollment date. The Secretary shall specify the manner of the reduction under this subsection.

(3)(2) Rule 4-156.009(1) and Rule 4-156.019(1) shall not be construed as preventing the exclusion of benefits under a policy, during the first six (6) months, based on a preexisting condition for which the policyholder or certificateholder received treatment or was otherwise diagnosed during the six (6) months before it became effective.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.674(3), 627.6741, 627.6746 FS. History--New 1-1-92, Amended 7-14-96.

4-156.0095 Guaranteed Issue for Eligible Persons.

(1) Guaranteed Issue.

(a) Eligible persons are those individuals described in subsection (2) who:

1. Apply to enroll under the policy not later than sixty-three (63) days after the date of the termination of enrollment described in subsection (2); and

2. Submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

(b) With respect to eligible persons, an issuer shall not:

1. Deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection (3) that is offered and is available for issuance to new enrollees by the issuer;

2. Discriminate in the pricing of such a Medicare supplement policy because of

- a. health status.
- b. claims experience.
- c. receipt of health care, or
- d. medical condition; and

3. Impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

(2) Eligible Persons. An eligible person is an individual described in any of the following paragraphs:

(a) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare, which plan terminates or ceases to provide at least the minimum benefits as provided under a medicare supplement Plan "A" as defined in Rule 4-156.008(1) of the supplemental health benefits to the individual;

(b) The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under Part C of Medicare, and any of the following circumstances apply:

(1) The organization's or plan's certification [under this part] has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;

(II) The individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856), or the plan is terminated for all individuals within a residence area;

(III) The individual demonstrates, in accordance with guidelines established by the Secretary, that:

(A) The organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

(B) The organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

(C) The individual meets such other exceptional conditions as the Secretary may provide."

(c)1. The individual is enrolled with:

a. An eligible organization under a contract under Section 1876 (Medicare risk or cost);

b. A similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

c. An organization under an agreement under Section 1833(a)(1)(A) (Health care prepayment plan); or

d. An organization under a Medicare Select policy; and

2. The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage under Rule 4-156.0095(2)(b) and under Section 1851(e)(4) of the Federal Social Security Act.

(d) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because of:

1.a. The insolvency of the issuer or bankruptcy of the nonissuer organization; or

b. Other involuntary termination of coverage or enrollment under the policy;

2. The issuer of the policy substantially violated a material provision of the policy; or

3. The issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual.

(e)1. The individual was enrolled under a Medicare supplement policy and terminated enrollment and subsequently enrolled, for the first time, with:

a. Any Medicare+Choice organization under Medicare+Choice plan under part C of Medicare;

b. Any eligible organization under a contract under Section 1876 (Medicare risk or cost), any similar organization operating under demonstration project authority;

c. An organization under an agreement under section 1833(a)(1)(A) (health care prepayment plan); or

d. A Medicare Select policy; and

2. The subsequent enrollment under subparagraph 1. is terminated by the enrollee during any period within the first twelve (12) months of the subsequent enrollment (during which the enrollee is permitted to terminate the subsequent enrollment under section 1851(e) of the federal Social Security Act); or

(f) The individual, upon first becoming eligible for benefits under Part A of Medicare at age 65, enrolls in a Medicare+Choice plan under Part C of Medicare, and disenrolls from the plan by not later than twelve (12) months after the effective date of enrollment.

(3) Products to Which Eligible Persons Are Entitled. The Medicare supplement policy to which eligible persons are entitled under:

(a) Rule 4-156.0095(2)(a), (b), (c) and (d) is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, or F offered by any issuer.

(b) Rule 4-156.0095(2)(e) is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in paragraph (3)(a).

(c) Rule 4-156.0095(2)(f) shall include any Medicare supplement policy offered by any issuer.

(4) Notification provisions.

(a)1. At the time of an event described in subsection (2) of this rule because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection (1).

2. The notice shall be communicated contemporaneously with the notification of termination.

(b)1. At the time of an event described in subsection (2) of this rule because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of the individual's rights under this section, and of the obligations of issuers of Medicare supplement policies under subsection (1).

2. The notice shall be communicated within ten working days of the issuer receiving notification of disenrollment.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New

4-156.011 Loss Ratio Standards and Refund or Credit of Premium.

- (1) No change.
- (2) Refund or Credit Calculation

(a)1. An issuer shall collect and file with the Department, in compliance with the instructions to the form, by May 31 of each year the data contained in the "Medicare Supplement Refund Calculation Form", Form DI4-MSR (6/96), for each type in a standard Medicare supplement benefit plan, and each type of pre-standardized business.

2. Form DI4-MSR is hereby adopted and incorporated by reference, and Form DI4-MSR may be obtained by writing to the Department of Insurance, Division of Insurer Services, Bureau of Life and Health Forms and Rates, 200 East Gaines Street, Tallahassee, Florida 32399-03280300.

- (b)1. No change.
- 2. In particular, for policies and certificates issued as pre-standardized business:

a.(I) In the preparation of the "Reporting Form for the Calculation of the Benchmark Loss Ratio" (DI4-MSB) (rev. 6/96), the insurer shall consider January 1, 1992, to be the date of inception for all policies and certificates and first year premium shall be the 1992 earned premium.

(II) Form DI4-MSB is hereby adopted and incorporated by reference, and Form DI4-MSB may be obtained by writing the Department of Insurance, Division of Insurer Services, Bureau of Life and Health Forms and Rates, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-03280300.

- b. through c. No change.
- (c) No change.
- (3) Annual Filing of Premium Rates.

(a)1. An issuer of Medicare supplement policies and certificates issued before or after January 1, 1992 shall file annually its rates, rating schedule and supporting documentation including ratios of incurred losses to earned premiums by policy duration for approval by the Department in accordance with Section 627.410, Florida Statutes.

2. The supporting documentation shall also demonstrate in accordance with actuarial standards of practice using reasonable assumptions that the appropriate loss ratio standards can be expected to be met over the entire period for which rates are computed. The Such demonstration shall exclude active life reserves. An expected third-year loss ratio which is greater than or equal to the applicable percentage shall be demonstrated for policies or certificates in force less than three (3) years.

- (b) No change.
- (c) If an issuer fails to make premium adjustments necessary to meet or exceed the loss ratio required by this rule, the Department shall may order premium adjustments, refunds

or premium credits required to achieve the loss ratio specified in this rule and maintain compliance with rule 4-149, unless the premium adjustment does not exceeds a de minimis level of \$10 per policy for the average annual premium.

- (4) No change.

Specific Authority 624.308, 627.674(2) FS. Law Implemented 624.307(1), 627.410, 627.673, 627.674, 627.6745, 627.6746 FS. History—New 1-1-92, Amended 7-14-96, 12-17-96.

4-156.014 Required Disclosure Provisions.

- (1) through (2) No change.
- (3)(a) through (b) No change.
- (c) The outline of coverage shall be in the language prescribed in Form DI4-MSR (3/99 10/94) and formatted in no less than twelve (12) point type. All plans A-J shall be shown on the cover page, and the plan(s) that are offered by the issuer shall be prominently identified. Premium information for plans that are offered shall be shown on the cover page or immediately following the cover page and shall prominently displayed. The premium and mode shall be stated for all plans that are offered to the prospective applicant. All possible premiums for the prospective applicant shall be illustrated.
- (d) through (f) No change.

Specific Authority 624.308(1), 627.674(2) FS. Law Implemented 627.674 FS. History—New 1-1-81, Formerly 4-51.06, Amended 9-4-89, 3-13-90, 12-9-90, Formerly 4-51.006, Amended 1-1-92, 7-14-96, 12-17-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jim Bracher, Bureau Chief, Life & Health Forms & Rates, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328, (850)413-5110

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Deputy Division Director, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0328

DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD: April 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 1999

ALL WRITTEN COMMENTS MUST BE RECEIVED NO LATER THAN THE DATE OF THE PUBLIC HEARING.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLES:	RULE NOS.:
Variances from Water Well Construction Rules (Chapter 40D-3, F.A.C.)	40D-1.1001
Emergency Authorization of Permits for Activities Regulated Under Part IV of Chapter 373, F.S.	40D-1.1021

Emergency Authorization for Well Construction Permits 40D-1.1022  
 Emergency Authorization for Works of the District Permits 40D-1.1023

PURPOSE AND EFFECT: To revise certain of the District's Exceptions to the Uniform Rules of Procedure in response to comments provided by the Joint Administrative Procedures Committee, and to correct an error regarding authorization of Rule 40D-1.1002, F.A.C., by the Administration Commission.

SUMMARY: Revisions to Rule 40D-1.1001, F.A.C., remove redundant language regarding the submission of logs as part of an abandonment plan that is submitted with a request for a variance from water well construction rules. The revisions also repeal a procedure for orally requesting and receiving such variances under certain circumstances. The revisions to Rules 40D-1.1021, 40D-1.1022 and 40D-1.1023, F.A.C., specifically define the circumstances under which an emergency authorization for a permit may be granted by the District for activities requested under Part IV of Chapter 373, F.S.; for well construction, repair or abandonment; and for activities involving works of the District.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to Rules 40D-1.1001, 40D-1.1021, 40D-1.1022 and 40D-1.1023, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.308, 373.309 FS., 61-691, Laws of Florida.

LAW IMPLEMENTED: 373.084, 373.085, 373.103, 373.303, 373.306, 373.308, 373.309, 373.313, 373.316, 373.326, 373.342, 373.439 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

SUBPART A VARIANCE OR WAIVER

40D-1.1001 Variances from Water Well Construction Rules (Chapter 40D-3, F.A.C.).

- (1) No change.

(2) Any affected person may request a variance from any part of Chapter 40D-3, F.A.C., for an individual well by making written request which must include those specific requirements from which a variance is requested, any alternate or substitute methods or conditions considered appropriate, and reasons why the variance is considered necessary. When submitting an abandonment plan as part of a variance request to the District, the contractor shall supply any available logs, including but not limited to caliper, natural gamma and lithologic logs of the hole.

~~Other logs may be required based on well conditions.~~

~~(3) Oral variance requests from contractors will be received and decisions rendered by the District when, in the opinion of the District, an emergency situation exists and warrants such verbal request and decision. Approved oral variances must be detailed and submitted in writing by the applicant to the District along with a Well Completion Report form within 10 days of completion.~~

- (4) through (5) renumbered (3) through (4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.303, 373.308, 373.309, 373.313, 373.316, 373.326 FS. History-New 7-1-90, Amended 9-30-91, 12-31-92, Formerly 40D-3.501, Amended 7-2-98,\_\_\_\_\_.

SUBPART C LICENSING

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

(1) Permission to begin construction which requires a permit under Chapters 40D-4, 40D-40 and 40D-400, F.A.C., prior to the issuance of a permit may be applied for in writing, when emergency conditions 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 exist which would justify such permission. 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. ~~A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency.~~

(2) 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.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 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,\_\_\_\_\_.

40D-1.1022 Emergency Authorization for Well Construction Permits.

(1) Emergency well construction permits shall be issued by the Executive Director or the Executive Director's designee when one of the following conditions exist which justifies the issuance: (a) an existing well supplying a particular use has failed and must be immediately replaced;

(b) The health, safety, or general welfare of the people affected by said emergency would be jeopardized without such authorization; or

(c) emergency authorization is needed to immediately mitigate or resolve potentially hazardous degradation of water resources.

(2) If Chapter 40D-2, Consumptive Use of Water, also applies to the well, an emergency permit may issued only if, in addition to qualifying under (1) above, an application for a Water Use Permit (WUP) has been filed with the District. Issuance of an emergency permit will not be evidence of any entitlement to the WUP.

(3) The applicant for an emergency permit shall submit the application and fee in accordance with sections 40D-3.101 and 40D-3.201, F.A.C., along with any other requested information within 48 hours after making oral application.

(4) Section 40D-3.411, F.A.C., shall apply to all construction performed under an emergency permit.

~~Emergency permits may be issued by the Executive Director when conditions exist which justify such issuance. Emergency permits may be applied for and issued orally. However, a serious set of unforeseen or unforeseeable circumstances must exist to create the emergency. The applicant for an emergency permit shall reduce his application to writing in accordance with Rule 40D 3.101, F.A.C., within 48 hours after making oral application. Rule 40D 3.411, F.A.C., shall apply to construction performed under an emergency permit.~~

Specific Authority 373.044, 373.171, 373.308, 373.309, ~~373.326, 373.342~~ FS. Law Implemented 373.306, 373.308, 373.309, 373.313, 373.342 FS. History-Readopted 10-5-74, Formerly 16J-3.12, Amended 7-1-90, 9-30-91, Formerly 40D-3.451, Amended 7-2-98,\_\_\_\_\_.

40D-1.1023 Emergency Authorization for Works of the District Permits.

(1) Permission to begin construction, alteration, repair, or operation of the work or works which require a permit under Chapter 40D-6, F.A.C., prior to the issuance of a permit may be applied for in writing, when emergency conditions threaten public health, safety or welfare exist which would justify such permission. However, no such permission shall be granted unless the proposed activity is already under consideration for a permit under Rule 40D-6.041, F.A.C. ~~A serious set of unforeseen or unforeseeable circumstances must exist to create an emergency.~~

(2) 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.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS., Ch. 61-691, Laws of Florida. Law Implemented 373.084, 373.085, 373.103 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, Formerly 16J-1.14, Formerly 40D-6.451, Amended 7-2-98,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, Extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 1998

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 29, 1999

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Procedure RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions RULE NO.: 40D-1.659

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to adopt by reference District Form O&M/ASGN ( /99) for use by entities to transfer responsibility for the operation and maintenance of surface water management facilities associated with residential subdivisions or condominiums.

SUMMARY: The proposed form will be used by entities responsible for the operation and maintenance of surface water management systems associated with residential subdivisions or condominiums to transfer such responsibility to a homeowner's or condominium association, when there is a delayed transfer of responsibility in accordance with Section 2.6 of the Environmental Resource Permitting Basis of Review. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to 40D-1.659, F.A.C., will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.  
 LAW IMPLEMENTED: 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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. Copies of these forms ~~and~~ may be obtained from the District.

GROUND WATER – No change.

**SURFACE WATER**

Application for Permit – Used for Docks or Piers and Bulkheads

- (1) through (5) No change.
- (6) through (11) Reserved.

(12) TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT FOR RESIDENTIAL SUBDIVISIONS OR CONDOMINIUMS PREVIOUSLY TRANSFERRED TO OPERATION PHASE FORM O&M/ASGN (/99)

Specific Authority 373.044, 373.113 FS. Law Implemented 373.113, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen E. West, Senior Attorney, Office of General Counsel  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 1999  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 30, 1998

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Individual Environmental  
 RULE CHAPTER NO.: 40D-4

Resource Permits  
 RULE TITLE: Publications and Agreements  
 RULE NO.: 40D-4.091

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise Section 2.6, Legal Operation and Maintenance Entity Requirements, of the Basis of Review for Environmental Resource Permitting regarding the requirements for entities responsible for the operation and maintenance of surface water management system facilities.

SUMMARY: The proposed revisions to Section 2.6 of the Environmental Resource Permitting Basis of Review will provide greater flexibility to permittees regarding the transfer of operation and maintenance responsibility to property owners or condominium owners associations. Permittees will e able to delay transfer of responsibility until such time as the first successful reinspection of the surface water management system.

Revisions to Section 2.6.1(3), preclude the necessity of the formation of a property owners' associations as the responsible operation and maintenance entity for subdivisions consisting of 10 lots or less and relying on passive surface water management systems.

The amendments provide for the documentation necessary if operating entities other than associations and which are established via ordinances or other legislation are proposed. Further revisions clarify the requirements for submission of necessary documentation, provide a more complete definition of surface water management facilities, and specify requirements for the inclusion of a budget item in the association documents to ensure adequate funding for the replacement, operation and maintenance of surface water management facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost is not being prepared based on the District's determination that the proposed revisions to 40D-4.091, F.A.C., and Section 2.6 of the Basis of Review for Environmental Resource Permitting will not result in a substantial increase in costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.046, 373.103(8), 373.114, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Karen E. West, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, Florida 34609-6899, (352) 96-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) "Basis of Review for Environmental Resource Permit Applications within the Southwest Florida Water Management District, \_\_\_\_\_ July 2, 1998." This document is available from the District upon request.

(2) through (3) No change.

Specific Authority ~~120.54(8)~~, 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.046, 373.103(8), 373.114, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History--New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, \_\_\_\_\_.

ENVIRONMENTAL RESOURCE PERMITTING  
BASIS OF REVIEW

CHAPTER TWO – ADMINISTRATIVE CRITERIA

2.6 Legal Operation ~~and~~ Maintenance Entity Requirements

2.6.1 Acceptable Entities – ~~The District considers the following entities or persons are acceptable to satisfy the requirements of Rules condition for issuance of permits, 40D-4.301(1)(i) and (j), and limiting condition, 40D-4.381(1)(a)(o), F.A.C.:~~

a. Local governmental units, including counties or municipalities.

b. Active Chapter 298, F.S., drainage districts; drainage districts created by special act of the Legislature; or Chapter 190, F.S., Community Development Districts, or Chapter 170, F.S., special assessment districts.

c. Non-profit corporations, including homeowners' associations, property owners' associations (see 2.6.2), condominium owners' associations or master associations. Protective covenants, deed restrictions or a declaration of condominium must be recorded for this option in accordance with section 2.6.2.2.5 below.

d. Legally constituted communication, water, sewer, electrical or other public utilities.

e. State or federal agencies.

f. The permittee, provided that property owner or developer only in the following circumstances:

(1) The property is wholly owned by the permittee and ownership is intended to be retained. ~~This would apply to a farm, corporate office or single industrial facility, for example;~~ or

(2) The project is a residential subdivision, condominium, commercial subdivision or industrial park and responsibility for the operation and maintenance of the surface water management system facilities will be transferred to a homeowners' association, property owners' association, condominium owners' association or master association. The transfer of responsibility shall occur no later than the first reinspection of the surface water management system conducted pursuant to the permit following transfer to the operation phase. At the time of the first reinspection, the permittee may request, in writing, that the transfer of responsibility to the association occur at some specified later date. The District shall approve such request if the permittee demonstrates that it can perform all necessary operation and maintenance responsibilities during the extended time period. In any event, within thirty (30) days after the sale of the last lot, parcel or unit in the project, the permittee shall request the transfer of responsibility for the operation and maintenance of the surface water management system facilities to the association. The permittee must submit to the District, Form O&M/ASGN ( /99). This form is available upon request at any District service office. The District must approve the transfer in writing before the transfer of responsibility to the association is effective. Protective covenants, deed restrictions or a declaration of condominium must be recorded for this option in accordance with section 2.6.2.2.6 below; or The ownership of the property is retained by the permittee and is either leased or rented to third parties such as in shopping centers or mobile home parks.

(3) The project is a residential subdivision consisting of 10 lots or less and responsibility for the operation and maintenance of the surface water management system facilities will be transferred to the lot owners, jointly and severally. The transfer of responsibility shall occur following the first successful reinspection of the surface water management system pursuant to the permit. "First successful reinspection" means the first periodic reinspection of the surface water management system conducted pursuant to the permit following transfer to the operation phase, at which the District determines that the system is functioning properly and requires no corrective action. The transfer must be approved by the District in writing before the transfer of responsibility to the lot owners is effective. This option is available for residential subdivisions which have surface water management systems that are passively operated and maintained, and are designed to be dry except during and immediately following a rainfall event. This option is not available for residential subdivisions with surface water management systems containing any of the following features: exfiltration or effluent filtration stormwater treatment facilities or facilities that require specialized or

commercially conducted operation and maintenance, such as wet ponds with an orifice bleed down, pumps, on-site wetland mitigation areas, or operable discharge structures. Protective covenants or deed restrictions must be recorded for this option in accordance with section 2.6.2.3 below.

To satisfy these requirements, the permittee must provide written documentation. If the operation and maintenance entity is a governmental unit, prior to staff construction approval, the permittee must supply written proof in the appropriate form by either letter or draft resolution outlining the terms and conditions under which the governmental entity will accept the operation and maintenance of all of the surface water management system and related facilities including lakes, easements, etc. These documents are required to be finalized prior to issuance of the operation authorization.

#### 2.6.2 Operation and Maintenance Entity Documentation Association Requirements

2.6.2.1 Requirements for Governments and Utilities – If the applicant is not a governmental unit or a utility but proposes to transfer responsibility for the operation and maintenance of the surface water management system facilities to a governmental unit or a utility, the applicant shall submit with the permit application appropriate documentation, such as a resolution or an ordinance, from the governing body of the governmental unit or the utility outlining the terms and conditions under which it will accept responsibility to operate and maintain the surface water management system facilities. For those entities identified in subsections 2.6.1.b and d, the applicant shall also submit documentation regarding the establishment of the entity, such as a copy of the county or city ordinance, special act of the Legislature, Florida Land and Water Adjudicatory Commission rule or articles of incorporation. For entities identified in subsections 2.6.1.b and d that are not yet in existence, the applicant shall provide documentation, such as a letter, that the entity will be formed and will be responsible for operation and maintenance of the applicant's surface water management system facilities. An employee who has been authorized, in writing, by the governing body to act on behalf of the governmental unit or utility may accept the responsibility to operate and maintain the surface water management system facilities on behalf of that entity. For all of the entities addressed in this section, final documentation of acceptance of responsibility shall be submitted within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days. Failure to submit the appropriate final documents will result in the permittee remaining responsible for the operation and maintenance of the permitted system and all other permit conditions. If a Homeowners or Property Owners Association or Master Association is proposed, the applicant shall submit drafts of the Articles of Incorporation for the Association, and the Declaration of Protective Covenants or Deed Restrictions, as well as a

reference map if referred to in the documents, with the original permit application. The permittee shall submit copies of these documents in their final form either (1) within 180 days of beginning construction or with the as built construction plans if construction is completed prior to 180 days or (2) prior to lot sales, whichever occurs first. "Final form" as applied to the Articles of Incorporation for the Association means the documents as filed with the Department of State, Division of Corporations, including the Certificate of Incorporation. "Final form" as applied to the Declaration of Protective Covenants or Deed Restrictions means the documents as recorded in the official records for the county where the project is situated, including the clerk of court's official book and page numbers.

#### 2.6.2.2 Requirements for Associations

If a Condominium Association is proposed, the applicant shall submit draft Articles of Incorporation for the Condominium Association, and Declaration of Condominium with the original permit application. The applicant shall also submit a copy of the acceptance letter from the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, stating that the documents are proper for filing. The permittee shall submit copies of these documents in their final form either (1) within 180 days of beginning construction or with the as built construction plans if construction is completed prior to 180 days or (2) prior to unit sales, whichever occurs first. "Final form" as applied to the Articles of Incorporation for the Condominium Association means the documents as filed with the Department of State, Division of Corporations, including the Certificate of Incorporation. "Final form" as applied to the Declaration of Condominium means the documents as recorded in the official records for the county, including the clerk of court's official book and page numbers.

2.6.2.2.1 If a homeowners' association, property owners' association or master association is proposed, the applicant shall submit, with the permit application, draft copies of the articles of incorporation for the association, the declaration of protective covenants or deed restrictions, and a reference map or plat if referred to in the documents. Copies of these documents in their final form shall be submitted either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to lot or parcel sales, whichever occurs first. Where there will be a delayed transfer to the association, a copy of the association's articles of incorporation in final form shall be submitted to the District prior to transfer of operation and maintenance responsibility to the association. "Final form" as applied to the articles of incorporation for the association means the document as filed with the Florida Department of State, Division of Corporations, including the certificate of incorporation. "Final form" as applied to the declaration of



protective covenants or deed restrictions means the document as recorded in the official records for the county where the project is located, including the clerk of court's official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to sections 2.6.2.2.4, 2.6.2.2.5, and 2.6.2.2.6. The District's approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.2.2.2 If a condominium association is proposed, the applicant shall submit, with the permit application, draft copies of the articles of incorporation for the association and the declaration of condominium. The applicant shall also submit a copy of the acceptance letter from the Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, stating that the documents are proper for filing. Copies of these documents in their final form shall be submitted either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to unit sales, whichever occurs first. Where there will be a delayed transfer to the association, a copy of the association's articles of incorporation in final form shall be submitted prior to transfer of operation and maintenance responsibility to the association. "Final form" as applied to the articles of incorporation for the association means the document as filed with the Florida Department of State, Division of Corporations, including the certificate of incorporation. "Final form" as applied to the declaration of condominium means the document as recorded in the official records for the county where the project is located, including the clerk of court's official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to sections 2.6.2.2.4, 2.6.2.2.5, and 2.6.2.2.6. The District's approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.2.2.3 The Association whether a non-profit association or a condominium association, must comply with the applicable provisions of Florida law, including but not limited to such as Chapters 617, 718 and 719, F.S., as applicable.

2.6.2.2.4 The articles of incorporation for the association shall must provide reflect that the Association has the power to do the following:

- a. Own and convey property;
- b. Operate and maintain common property, specifically the surface water management system facilities, including all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain

compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas any mitigation areas as permitted by the Southwest Florida Water Management District including all lakes, retention areas, culverts and related appurtenances;

- c. Establish rules and regulations;
- d. Assess members and enforce said assessments;
- e. Sue and be sued;
- f. Contract for services to provide for operation and maintenance of the surface water management system facilities if the Association contemplates employing a maintenance company;
- g. Require all the homeowners, lot owners, property owners parcel owners, or unit owners to be members;
- h. Exist in perpetuity; however, the Articles of Incorporation shall must provide that if the Association is dissolved, the control or right of access to the property containing the property consisting of the surface water management system facilities shall be conveyed or dedicated to an appropriate governmental unit or public utility agency of local government, and that if not accepted, then the surface water management system facilities shall be conveyed dedicated to a similar non-profit corporation similar to the association; and
- i. Take any other action necessary for the purposes for which the Association is organized.

The articles of incorporation of a master association in existence as of [effective date of rule] shall not be amended to include the provisions required by section 2.6.2.2.4 if the master association is proposed as the operation and maintenance entity for a new phase of a multi-phase project. However, a copy of the association's articles of incorporation shall be submitted with the permit application for construction of the new phase.

2.6.2.2.5 The Declaration of Protective Covenants, Deed Restrictions or Declaration of Condominium shall provide all of must set forth the following:

a. A definition for the term "surface water management system facilities" substantially as follows: The surface water management system facilities shall include, but are not limited to: all inlets, ditches, swales, culverts, water control structures, retention and detention areas, ponds, lakes, floodplain compensation areas, wetlands and any associated buffer areas, and wetland mitigation areas. It is the responsibility of the Association to operate and maintain the surface water management system;

b. The surface water management system facilities are located on land that is designated common property on the plat, are located on land that is owned by the Association, or are located on land that is subject to an easement in favor of the association and its successors, described therein as common property;

c. No construction activities may be conducted relative to any portion of the surface water management system facilities. Prohibited activities include, but are not limited to: digging or excavation; depositing fill, debris or any other material or item; constructing or altering any water control structure; or any other construction to modify the surface water management system facilities. If the project includes a wetland mitigation area, as defined in section 1.7.24, or a wet detention pond, no vegetation in these areas shall be removed, cut, trimmed or sprayed with herbicide without specific written approval from the District. Construction and maintenance activities which are consistent with the design and permit conditions approved by the District in the Environmental Resource Permit may be conducted without specific written approval from the District.

d. The association is responsible for operation and maintenance of the surface water management system facilities. Operation and maintenance and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.

e. All the lot owners, parcel owners or unit owners must be members of the association.

~~f.e. There is a~~ A method of assessing funds and collecting the assessed funds by the association for operation, and maintenance and replacement of the surface water management system facilities.

g. The District has the right to take enforcement measures, including a civil action for injunction and/or penalties, against the association to compel it to correct any outstanding problems with the surface water management system facilities.

~~h.d. Any amendment of these declaration of protective covenants, deed restrictions or declaration of condominium documents which would affecting the surface water management system facilities or the operation and maintenance of the surface water management system facilities shall, including the water management portions of the common areas, must have the prior written approval of the Southwest Florida Water Management District, and~~

~~i.e. The restrictions Declaration of Covenants shall will be in effect for at least 25 years with automatic renewal periods thereafter.~~

j. If the association ceases to exist, all of the lot owners, parcel owners or unit owners shall be jointly and severally responsible for operation and maintenance of the surface water management system facilities in accordance with the requirements of the Environmental Resource Permit, unless and until an alternate entity assumes responsibility as explained in subsection 2.6.2.2.4.h.

k. For projects which have on-site wetland mitigation as defined in section 1.7.24 which requires ongoing monitoring and maintenance, the declaration of protective covenants, deed restrictions or declaration of condominium shall include a provision requiring the association to allocate sufficient funds in its budget for monitoring and maintenance of the wetland

mitigation area(s) each year until the District determines that the area(s) is successful in accordance with the Environmental Resource Permit.

2.6.2.2.6 For delayed transfers to associations, the articles of incorporation shall comply with section 2.6.2.2.4, and the declaration of protective covenants, deed restrictions or declaration of condominium shall comply with section 2.6.2.2.5, except that the provisions set forth in subsection "d" thereof shall not apply and, instead, the following provisions shall be substituted:

a. The permittee shall be responsible for operation and maintenance of the surface water management system facilities until responsibility is transferred to the association. The permittee shall submit to the District, Form O&M/ASGN (/99), which must be approved by the District, before the transfer of responsibility to the association is effective.

b. The association shall be responsible for operation and maintenance of the surface water management system facilities upon transfer of responsibility from the permittee.

c. Operation and maintenance and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.

~~2.6.2.6 Modification of the requirements of this section can only be based upon:~~

~~a. Intervening local government requirements of a more stringent nature such as the requirement of a maintenance agreement and posting of bond by the developer.~~

~~b. A unique project requiring an alternate entity. The alternate entity must be evaluated independently. All necessary agreements or easements must be documented in the file of record before approval will be given.~~

2.6.2.2.7 For projects which have on-site wetland mitigation as defined in section 1.7.24, which requires ongoing monitoring and maintenance, and a homeowners' association, property owners' association, condominium owners' association or master association is proposed as the operation and maintenance entity, the applicant shall submit, with the permit application, a proposed budget for the association. The budget shall specifically allocate sufficient funds for monitoring and maintenance of the Rutland mitigation area(s) for the first year. A copy of the final budget shall be submitted to the District with the copy of the association's final articles of incorporation. The final budget shall include, at a minimum, the sum of money allocated for monitoring and maintenance of the wetland mitigation area(s) approved by the District during the permit application review process. Sufficient funds shall be allocated in subsequent budgets for monitoring and maintenance until the District determines that the wetland mitigation is successful in accordance with the Environmental Resource Permit (see section 2.6.2.2.5.k.). If the funds allocated any year are less than the funds allocated in the

association's budget for its first year, the association shall so advise the District in writing within fifteen (15) days of adoption of the budget.

2.6.2.3 Requirements for Small Subdivisions with the Lot Owners as the Operation and Maintenance Entity – The declaration of protective covenants or deed restrictions for residential subdivisions consisting of 10 lots or less and for which the lot owners are proposed as the operation and maintenance entity shall contain the provisions in subsections 2.6.2.2.5 “a,” “c,” “h,” and “i,” and the following additional provisions:

a. The surface water management system facilities are located on land that is designated common property on the plat or are located on land that is subject to an easement in favor of all of the lot owners within the subdivision.

b. The permittee shall be responsible for operation and maintenance of the surface water management system facilities until the first successful reinspection conducted pursuant to the Environmental Resource Permit. The transfer of responsibility to the lot owners will not be effective until the District approves the transfer in writing.

c. The lot owners shall be jointly and severally responsible for operation and maintenance of the surface water management system facilities after the first successful reinspection.

d. Operation and maintenance, and reinspection reporting shall be performed in accordance with the terms and conditions of the Environmental Resource Permit.

e. The District has the right to take enforcement measures, including a civil action for injunction and/or penalties, against any lot owner(s) to compel such lot owner(s) to correct any outstanding maintenance problems with the surface water management system facilities.

The applicant shall submit, with the permit application, a draft copy of the declaration of protective covenants or deed restrictions, and a reference map or plat if referred to in the document. A copy of the declaration of protective covenants or deed restrictions in its final form shall be submitted, either: (1) within 180 days after beginning construction or with the Statement of Completion and as-built construction plans if construction is completed prior to 180 days, or (2) prior to lot sales, whichever occurs first. “Final form” as applied to the declaration of protective covenants or deed restrictions means the document as recorded in the official records for the county where the project is located, including the clerk of court’s official record book and page numbers. The final documents shall be the same as the draft documents approved by the District during the permit application review process with respect to the provisions required pursuant to this section. The District’s approval of any proposed changes to the final documents regarding these provisions must be obtained in writing prior to their inclusion in the final documents.

2.6.3 Future Operation and Maintenance – No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Karen E. West, Senior Attorney, Office of General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Governing Board of the Southwest  
Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 23, 1998

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103, Fax number (352)754-6878, Suncom 663-6878.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Medicaid**

RULE TITLE: Payment Methodology for Nursing  
RULE NO.: 59G-6.010

Home Services

PURPOSE AND EFFECT: The purpose of the proposed amendment is to provide for the phase-in of a case-mix reimbursement methodology for nursing home services as required by Specific Appropriation 255 of the 1998-99 General Appropriations Act, Chapter 98-46, Laws of Florida. Based on a case-mix index for each facility an additional payment will be calculated and added to the nursing facility’s patient care component of the per diem rate. The effect of the proposed amendment is to provide a detailed methodology for the calculation of the case-mix rate that will be added to the nursing facility’s patient care component of the per diem rate.

SUMMARY: The proposed amendment to rule 59G-6.010 incorporates revisions to the Plan with respect to Medicaid provider reimbursement. The amendment describes the methodology for calculating the case-mix add-on.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been 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.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED 409.908 FS.

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

TIME AND DATE: 10:00 a.m., May 17, 1999

PLACE: Room 2118, 2727 Fort Knox Boulevard, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, P. O. Box 12400, Tallahassee, Florida 32317-2400

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.010 Payment Methodology for Nursing Home Services.

Reimbursement to participating nursing homes for services provided shall be in accord with the Florida Title XIX Long-Term Care Reimbursement Plan, Version ~~XVI~~ ~~XV~~, Effective Date ~~February 14, 1999~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Director of Medicaid, P. O. Box 13000, Tallahassee, Florida 32317-3000. The plan incorporates Provider Reimbursement Manual (HCFA Pub. 15-1).

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 7-1-85, Amended 10-1-85, Formerly 10C-7.482, Amended 7-1-86, 1-1-88, 3-26-90, 9-30-90, 12-17-90, 9-15-91, 3-26-92, 10-22-92, 4-13-93, 6-27-93, Formerly 10C-7.0482, Amended 4-10-94, 9-22-94, 5-22-95, 11-27-95, 11-6-97, 2-14-99, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. John Owens

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Gary Crayton

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLE: Continuing Education Requirements for Reactivation of Inactive License

RULE NO.: 61G15-22.001

PURPOSE AND EFFECT: The Board proposes to amend the existing rule by updating the rule text.

SUMMARY: This rule amendment is for the purpose of updating the continuing education requirements for reactivation of an inactive license.

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

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

SPECIFIC AUTHORITY: 471.019(2) FS.

LAW IMPLEMENTED: 471.019(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.001 Continuing Education Requirements for Reactivation of Inactive License.

A license which has been inactive for more than one year may be reactivated upon application to FEMC and demonstration to the Board by the licensee of having attended twelve hours of engineering related education per inactive year. The education shall be related to the licensee's field of practice. Of the first twelve hours of such education, at least eight shall ~~involve~~ ~~be~~ ~~contact~~ ~~hours~~ ~~involving~~ engineering professionalism and ethics and the law and rules governing the practice of engineering in a course approved by the Board. Verification of the above-mentioned education shall be in the form of tuition or registration receipts, records, or letters of verification from the institutions or entities providing the training in question.

Specific Authority 471.019(2) FS. Law Implemented 471.019(2) FS. History--New 8-19-80, Formerly 21H-22.01, Amended 5-14-86, Formerly 21H-22.001, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 12, 1999

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 98-92R

RULE CHAPTER TITLE: Soil Treatment Facilities

RULE CHAPTER NO.: 62-713

RULE TITLES: Intent

RULE NOS.: 62-713.100

Definitions

62-713.200

Documents Incorporated by Reference

62-713.210

Approval of Alternate Procedures and Requirements

62-713.220

General Provisions

62-713.300

Stationary Soil Treatment Facility

62-713.400

Design Requirements

62-713.500

Operational Requirements

62-713.510

Soil Sampling and Analysis Plan

62-713.520

Evaluation and Use of Treated Soil

Stationary Soil Treatment Facility Closure and Financial Assurance	62-713.600
Mobile Soil Treatment Facilities	62-713.800
Forms	62-713.900

**PURPOSE AND EFFECT:** The Department is proposing in a separate rulemaking procedure to repeal Chapter 62-775, F.A.C., which regulates facilities which thermally treat petroleum-contaminated soil. In its place, the Department is proposing to create Chapter 62-713, F.A.C., which will regulate these same facilities, as well as facilities which use different technologies to treat soils contaminated with different constituents. At the same time, the Department is proposing to create in a separate rulemaking procedure Chapter 62-777, F.A.C., Contaminant Cleanup Target Levels, to establish certain cleanup target levels applicable to the rehabilitation of brownfields, petroleum and drycleaning sites and at soil treatment facilities.

The purpose of Chapter 62-713 is to set forth requirements for the proper design, operation and closure of facilities which treat contaminated soil, regardless of the treatment technology used, and to set forth criteria for evaluating when contaminated soil has been adequately treated so that it can be considered cleaned soil. This chapter also provides methods for evaluating and approving, on a case-by-case basis, the treatment of contaminated materials other than soil and the beneficial use of soil and other materials which have not been treated to meet the cleaned soil criteria.

Currently, facilities which thermally treat petroleum-contaminated soil operate under a general permit, which sometimes includes an approval of alternate procedures to treat similar materials. Facilities which treat other contaminated soils or similar media operate under a solid waste management facility permit for which there are only limited rule requirements. Different facilities are required to meet different criteria for determining when the treated soils are "clean" depending on when they were permitted and what sort of permit they received. Chapter 62-713 will, over a period of time, require all facilities which treat contaminated soil to operate under a specific, individual permit and to meet the same criteria for determining when soils are "clean."

**SUMMARY:** This rule chapter sets forth an intent section, a definitions section, and a section listing those documents incorporated by reference. It authorizes the Department to approve alternate procedures and requirements which provide an equivalent degree of protection for public health and the environment, and also authorizes the Department's District offices to approve some alternate procedures for treating materials other than soil, or for using treated soil which does not meet the criteria for cleaned soil. The applicability section sets out a compliance schedule for existing facilities, clarifies that some portions of Chapter 62-701 will apply to soil

treatment facilities, authorizes blending of soils under some conditions, sets out general requirements for permit applications, and establishes fees.

The rule sets out facility design requirements which require a detailed description of the facility and the proposed treatment processes. It requires a leachate control system, and a ground water monitoring system which is similar to that required of landfills but with several specified differences. An operation plan is required as part of the permit application, and recordkeeping requirements are designated. A soil sampling and analysis plan is required, and includes details on the pre-treatment and post-treatment testing needed. Testing requirements for petroleum-contaminated soil are different from the requirements for non-petroleum contaminated soil.

The rule sets out criteria for evaluating whether the soil has been adequately treated so that it can be distributed as "cleaned" soil. In general, cleaned soil must meet the target levels set forth in Chapter 62-777 for residential direct exposure and leachability, or the permittee must establish appropriate cleanup levels on a case-by-case basis. The rule also provides management options for soil which does not meet the criteria as cleaned soil.

Criteria for closure of soil treatment facilities, and requirements for financial assurance to cover the costs of closure, are provided. Long term care of at least five years must be provided unless the permittee can demonstrate that the facility has been closed so that violations of ground water standards or criteria is unlikely. A general permit for mobile soil treatment facilities, which is currently provided in Chapter 62-775, is established with few changes. Finally, forms are incorporated by reference.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**SPECIFIC AUTHORITY:** 403.061, 403.704, 403.814 FS.

**LAW IMPLEMENTED:** 403.0877, 403.707, 403.814 FS.

**A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m., May 26-27, 1999

**PLACE:** Department of Environmental Protection, Twin Towers Building, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Mary Jean Yon, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0300

THE FULL TEXT OF THE PROPOSED RULES IS:

62-713.100 Intent.

(1) Prior to adoption of this chapter, facilities which thermally treat petroleum-contaminated soil were regulated by Chapter 62-775, F.A.C. It is the intent of the Department to repeal Chapter 62-775, F.A.C., and promulgate this chapter in its place. It is also the intent of the Department to replace other rule provisions which cross-reference Chapter 62-775, F.A.C., so that they correctly reference this chapter.

(2) The purpose of this chapter is to set forth requirements for the proper design, operation and closure of facilities which treat various kinds of contaminated soil, regardless of the treatment technology used. This chapter also sets forth criteria for evaluating when contaminated soil has been adequately treated, so that it can be considered cleaned soil.

(3) This chapter provides methods for approving the treatment of contaminated materials other than soil, and for approving the beneficial use of soil and other materials which have not been treated to meet the cleaned soil criteria. These methods are intended to be applied on a case-by-case basis as part of a permit or permit modification.

(4) This chapter is intended to apply to stationary soil treatment facilities that accept contaminated soils from more than one off-site location and to mobile soil treatment facilities operated at contaminated sites prior to approval of remedial action plans. This chapter does not apply to on-site treatment at a contaminated site if the on-site treatment at the site: (a) has been previously approved by the Department as part of a remedial action activity; or (b) is allowed according to the source removal provisions of Rule 62-770.300, F.A.C.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.707 FS. History--New.

62-713.200 Definitions.

In addition to the definitions in Rule 62-701.200, F.A.C., and solely for the purposes of this chapter, the following words, phrases or terms shall have the following meaning:

(1) "Background concentrations" means concentrations of contaminants that are naturally occurring in the ground water, surface water, soil or sediment in the vicinity of the site.

(2) "Cleaned soil" means soil which has been treated at a soil treatment facility, which has received a completed post-treatment analysis, and which meets all of the criteria specified in Rule 62-713.520(2), F.A.C.

(3) "Contaminated soil" means soil that has become contaminated with concentrations of chemical constituents that: (a) are in excess of the Residential Direct Exposure soil cleanup target levels in Table II of Chapter 62-777, F.A.C.; (b) are in excess of the soil cleanup target levels calculated in accordance with Rule 62-713.520(2)(c), F.A.C.; or (c) are expected to result in exceedances of the Department's ground water or surface water standards or criteria as evaluated in Rule 62-713.510(6)(d), F.A.C.

(4) "Mobile soil treatment facility" means a soil thermal treatment facility which is transported to a soil contamination site for the sole purposes of treating petroleum contaminated soil from that specific site.

(5) "Non-petroleum contaminated soil" means contaminated soil which does not meet the definition of petroleum contaminated soil.

(6) "Petroleum contaminated soil" means soil which has become contaminated with one or more of the following liquid products made from petroleum: all forms of fuel known as gasoline, diesel fuel, jet fuel, kerosene, grades 2 through 6 fuel oils, crude oil, bunker C oil, residual oils; and non-hazardous petroleum based lubricating, hydraulic, and mineral oils. This definition includes soil which, although predominately contaminated with petroleum, also contains small amounts of volatile organic halocarbons provided the total weight of the volatile organic halocarbons in the soil is less than one percent of the total weight of petroleum contamination in the soil as determined by a total recoverable petroleum hydrocarbon analysis.

(7) "Soil treatment facility" means either a stationary or mobile facility designed, constructed or utilized, and permitted by the Department to handle, store, and treat or process contaminated soil. The term does not include electrical power plants in which thermal treatment of contaminated soil from its own property results in ash which is disposed of in accordance with Chapters 62-701 or 62-702, F.A.C., and it does not include facilities which treat hazardous wastes.

(8) "Stationary soil treatment facility" means a facility which treats soil contaminated with petroleum or other chemical contaminants which is generated at off-site locations and transported to the facility.

(9) "Treated soil" means soil which has undergone treatment at a soil treatment facility to reduce the levels of contaminants in the soil. Treated soil includes cleaned soil, soil which has undergone treatment but has not yet been analyzed, and soil which has undergone treatment but does not meet the definition of cleaned soil. Treated soil does not include soil which has been blended but not undergone any other treatment or processing at the facility.

(10) "Volatile organic aromatics" means the contaminants benzene, toluene, total xylenes and ethylbenzene in petroleum contaminated soil.

(11) "Volatile organic halocarbons" means organic compounds which are chemically combined with one or more of the following halogens: fluorine, chlorine, bromine or iodine. The total weight of volatile organic halocarbons in a soil sample shall be the sum of the concentrations of the individual volatile organic halocarbons listed in and determined by EPA Method 8021B or EPA Method 8260B.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.707 FS. History--New.

62-713.210 Documents Incorporated by Reference.

(1) EPA Publication SW-846, Chapter Nine "Sampling Plan", Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, 1982, Third Edition, as amended by Final Update III, May 1997.

(2) Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final report, dated May 26, 1999.

(3) The following EPA test methods found in EPA Document SW-846, Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, 1982, Third Edition, as amended by Final Update III, May 1997:

(a) Method 1311, Toxicity Characteristic Leaching Procedure;

(b) Method 1312, Synthetic Precipitation Leaching Procedure.

(c) Method 8021B, Aromatic and Halogenated Volatiles by Gas Chromatography Using Photoionization and/or Electrolytic Conductivity Detectors; and

(d) Method 8260B, Volatile Organic Compounds by Gas Chromatography/Mass Spectrometry (GC/MS).

Specific Authority 403.061, 403.704 FS. Law Implemented 403.707 FS. History--New \_\_\_\_\_.

62-713.220 Approval of Alternate Procedures and Requirements.

(1) The owner or operator of a facility may request alternate procedures and requirements in accordance with Rule 62-701.310, F.A.C.

(2) In addition, the owner or operator may request alternate procedures and requirements from the appropriate District office of the Department. Such a request shall be included as part of a permit application or modification, and need not be accompanied by any additional fee; however, all of the other criteria of Rule 62-701.310, F.A.C., must be met. Requests under this subsection shall be limited to the following:

(a) Treatment of materials other than soil. The Department shall approve a request to treat other soil-like materials, such as sludges, tank residues, and sorbent materials, upon a demonstration that the facility will be designed and operated to properly treat such materials, and that the materials will be evaluated and either used or disposed of in accordance with the provisions of this chapter.

(b) The beneficial use of treated soil which does not meet the criteria for cleaned soil. The Department shall approve such a request upon a demonstration that the proposed use of the treated soil will not pose a significant threat to public health or the environment. In making this demonstration for the proposed use, the owner or operator may consider background concentrations of receiving soils, whether the material will be blended with other materials, the potential pathways of exposure to the contamination, the use of institutional and

engineering controls to reduce the potential for exposure, and the likelihood that the material may have unlimited distribution or come into direct contact with the public.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.707 FS. History--New \_\_\_\_\_.

62-713.300 General Provisions.

(1) Applicability.

(a) This chapter applies only to soil treatment facilities. Nothing in this chapter shall be construed to authorize the disposal of solid waste at soil treatment facilities.

(b) No person shall construct or operate a soil treatment facility without a permit issued by the Department. Persons operating soil treatment facilities under a permit (including a general permit) issued by the Department prior to [effective date], may continue to operate that facility under the terms of their existing permit until it expires except that the treated soil shall meet the requirements of Rule 62-713.520, F.A.C., by [effective date plus 180 days]. All modifications or renewals of existing permits, and all new construction or operation permits issued on or after [effective date] for soil treatment facilities shall comply with this rule.

(c) The design requirements of Rules 62-713.400(1)(e) and (2), F.A.C., shall not apply to any facility for which construction was complete prior to [effective date]. These design requirements will apply to any lateral expansion of such a facility.

(d) Ground water monitoring plans which had been approved by the Department prior to [effective date] will be considered to meet the requirements of Rule 62-713.400(3), F.A.C., providing the facility has not significantly changed its operations or types of materials accepted since that approval was given.

(e) For facilities operating under a general permit, a timely and sufficient application for an operation permit for a soil treatment facility will be considered a renewal application for purposes of Section 120.60(4), F.S.

(2) Other requirements.

(a) Soil treatment facilities are considered solid waste management facilities, and contaminated soil is considered solid waste. The following provisions of Chapter 62-701, F.A.C., will apply to such facilities unless otherwise specified herein.

1. Rule 62-701.200 Definitions.

2. Rules 62-701.300(1) and (2)(c)-(h) Prohibitions.

3. Rule 62-701.310 Approval of Alternate Procedures and Requirements.

4. Rule 62-701.320 Solid Waste Management Facility Permit Requirements, General. Rule 62-701.320(12), F.A.C., regarding setbacks from airports, does not apply to soil treatment facilities unless the facility accepts soil contaminated with putrescible wastes.

(b) For stationary facilities, stormwater shall be controlled in accordance with Chapters 62-25 and 62-330, F.A.C. A copy of any permit for stormwater control issued by the Department, or documentation that no such permit is required, shall be submitted to the Department before the facility receives waste. Applicants should be aware that other government agencies may also regulate stormwater management and may require separate permits.

(c) Nothing in this chapter shall be construed to exempt a facility from compliance with local zoning or land use ordinances, or with any other laws, rules, or ordinances. Applicants should also be aware that other Department permits, including permits for air or surface water discharges or solid waste disposal, may be required for soil treatment facilities.

(d) No hazardous waste shall be accepted for treatment at a soil treatment facility unless such a facility is permitted to treat hazardous waste pursuant to Chapter 62-730, F.A.C.

(e) The blending of soils, either before or after treatment, is allowed if the activity will enhance treatment or beneficial use of the soils and if it is included in the facility's operation plan, with the following exceptions:

1. The blending of contaminated soil with uncontaminated soil to avoid treating the contaminated soil is prohibited; and

2. Soil which exhibits the characteristic of toxicity for metals (EPA HW No. D004-D011) as established in 40 CFR 261.24 may not be blended.

(f) The owner or operator of the facility shall maintain records of blending procedures used both before and after treatment. Either records of blending ratios with calculations to estimate total metals concentrations of blended soil or resampling and analysis of blended soil are acceptable.

(3) Permit application. A permit application to construct or operate a stationary soil treatment facility shall be submitted on Form 62-713.900(1) and shall be signed, dated and sealed by a professional engineer registered under Chapter 471, F.S. It shall provide the information required in Rules 62-701.320(5), (6), (7), (8)(a) and (14), F.A.C. and shall also include the following information:

(a) A site plan, of a scale not greater than 200 feet to the inch, which shows the facility location and identifies the proposed treated and untreated soil storage areas, total acreage of the site, and any other features which are relevant to the prohibitions or location restrictions in this rule, such as water bodies or wetlands on or within 200 feet of the site, and potable water wells on or within 500 feet of the site;

(b) A detailed description of how the applicant will comply with the facility design requirements contained in Rule 62-713.400, F.A.C.;

(c) A hydrogeological investigation which meets the criteria of Rule 62-701.410, F.A.C. and a certification signed and sealed by a professional engineer registered under Chapter 471, F.S. or a professional geologist registered under 492, F.S.

that the location of the facility is not reasonably subject to sinkhole formation and has adequate subsurface strength to support the weight of the facility;

(d) A ground water monitoring plan which meets the criteria set forth in Rule 62-713.400(3), F.A.C.

(e) An operation plan which describes how the applicant will comply with Rule 62-713.500, F.A.C.;

(f) A soil sampling and analysis plan which describes how the applicant will comply with Rule 62-713.510, F.A.C.;

(g) A detailed description of how the applicant will comply with the use of treated soil requirements contained in Rule 62-713.520, F.A.C.;

(h) A closure and long term care plan which describes how the applicant will comply with Rules 62-713.600(1) through (5), F.A.C.;

(i) The financial assurance documentation required by Rule 62-713.600(6), F.A.C.; and

(j) Documentation that the applicant either owns the land or has legal authorization from the land owner to use the land for a soil treatment facility and to conduct long-term care.

(4) Fees. The fee for a permit to construct, operate, and close a soil treatment facility is \$2000. The fee for renewing a permit which does not involve additional construction or a significantly different treatment process is \$1000. The fee for renewing a permit involving only long-term care is \$250. The fee for a general permit to operate a mobile soil treatment facility is \$250.

(5) There are several requirements throughout this chapter that requests or demonstrations must be approved by the Department. Unless otherwise specifically stated, this means that the requests or demonstrations must be submitted to the appropriate Department District Office as part of a permit application or request for permit modification. The Department will evaluate such requests or demonstrations in accordance with the applicable criteria set forth in this chapter, and will approve or modify permit conditions if those criteria are met.

(6) Solely for the purposes of this chapter, the management of treated soil will not be considered to pose a "significant threat to public health or the environment" if it is used, stored, or disposed of so that:

(a) The excess lifetime cancer risk level is less than or equal to  $1.0 \times 10^{-6}$ , or is not calculable because all potential exposure pathways have been eliminated, or is no greater than background concentrations of receiving soils;

(b) The hazard index (sum of the hazard quotients) is less than or equal to 1.0, or is not calculable because all potential exposure pathways have been eliminated, or is no greater than background concentrations of receiving soils; and

(c) The Department's ground water and surface water standards or criteria will not be violated.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.707 FS. History--New \_\_\_\_\_.



62-713.400 Stationary Soil Treatment Facility Design Requirements.

(1) Soil treatment facilities shall be designed to manage both contaminated and treated soils and to minimize their threat to public health and the environment. The design of soil treatment facilities shall be based upon technologies which can reasonably be expected to produce a treated soil which, if managed in accordance with this chapter, will not pose a significant threat to public health or the environment. A permit application for a soil treatment facility shall include the following design requirements:

(a) A description of the likely sources of the contaminated soils which are proposed to be managed and treated by the facility and identification of the contaminants of concern expected to be present in the soils from the sources described;

(b) A description of the maximum capacity of contaminated soil the facility is designed to process, either in tons per day for a continuous flow treatment process (such as thermal treatment) or total tons for a batch treatment process (such as bioremediation);

(c) A detailed description of the treatment technology and functions of all processing equipment that will be used. The description shall explain the flow of contaminated soil through all the proposed unit operations, explain the associated equipment operations in detail, and shall include:

1. Regular facility operations as they are expected to occur;

2. Procedures for start up operations, and scheduled and unscheduled shut down operations;

3. Potential safety hazards and control methods, including fire detection and control;

4. A description of any expected air emissions and wastewater discharges from the facility which may be potential pollution sources;

5. The chemical composition and usage rate of any chemical additives that will be used in the treatment process;

6. A description and usage rate of any biological additives that will be used in the treatment process;

7. Process flow diagrams for the facility operations;

8. For continuous flow treatment processes, a description of the equipment design criteria and critical operating parameters for the unit operations selected, including maximum design flowrates, required heat inputs, minimum required residence times, minimum required treatment temperatures, and expected equipment performance;

9. For batch treatment processes, a description of the design criteria and critical operating parameters, including minimum required soil holding times, minimum area requirements for treatment, maximum soil pile height, minimum distance allowed between contaminated soil windrows, minimum and maximum allowed temperatures and air flowrates, and orientation of nutrient addition or aeration piping; and

10. For treatment technologies other than thermal treatment of petroleum soil, results of studies from pilot projects or actual operating facilities which demonstrate the feasibility of the technology proposed for treating the contaminated soils expected at the facility, and which support the proposed design criteria and operating parameters;

(d) A description of loading, unloading, and processing areas; and

(e) A description of the leachate control system which is designed to prevent discharge of leachate and mixing of leachate with stormwater. All areas where contaminated soil is stored, where any processing takes place which could result in the release of leachate, and where treated soil which has not met the criteria as cleaned soil is stored must have an impervious surface with a leachate collection system and a cover or roof designed to prevent the contact of rainfall with the soil. For the purposes of this rule, an impervious surface means a poured concrete pad having a minimum thickness of four inches, or an asphalt concrete paving with a minimum thickness of one and one-half inches, with an additional component to restrict leaching to ground water such as a soil cement sub-base, an epoxy seal or a geomembrane.

(2) Certification. After completion of construction of a soil treatment facility, and before acceptance of any contaminated soil, the engineer of record shall certify to the Department on Form 62-701.900(2) that the permitted construction is complete and that it was done in accordance with the plans and design submitted to the Department except where minor deviation was necessary. All deviations shall be described in detail and the reasons therefore enumerated. The applicant shall provide at least seven days advance notice to the Department prior to accepting contaminated soil so that the Department has the opportunity to inspect the facility.

(3) Water quality monitoring plan. A water quality monitoring plan which meets the requirements of Rule 62-701.510 and Chapter 62-522, F.A.C. and is based upon the hydrogeological investigation required in Rule 62-713.300(3)(c), F.A.C., shall be included with the permit application, and shall be implemented and maintained by the owner or operator, with the following additions and exceptions:

(a) All areas where contaminated soil or treated soil which has not met the criteria as cleaned soil are stored, as well as the processing area, must be located within the ground water monitoring system.

(b) The well spacing requirements of Rule 62-701.510(3)(d)3., F.A.C., do not apply. A minimum of one upgradient and two downgradient wells is required, as specified in Chapter 62-522, F.A.C.

(c) The water quality parameters of Rule 62-701.510(8), F.A.C., do not apply to routine testing except as described below. Rather, the routine water quality parameters for ground water sampling, surface water sampling and leachate sampling shall be based upon the types of contaminated soil the facility

will treat, shall include the field parameters listed in Rules 62-701.510(8)(a), (b) and (c), F.A.C. for ground water, surface water and leachate, respectively, and shall also include the following test parameters:

1. For petroleum contaminated soil:
  - a. Volatile organic aromatics;
  - b. Polynuclear aromatic hydrocarbons; and
  - c. Arsenic, cadmium, chromium, and lead.
2. For non-petroleum contaminated soil:
  - a. Volatile organic compounds;
  - b. Semi-volatile organic compounds;
  - c. Pesticides; and
  - d. Arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver.

(d) For routine sampling, representative samples of ground water from background well(s) and detection wells and of surface water and leachate shall be collected and analyzed at least semi-annually.

(e) Background water quality shall be sampled and analyzed in accordance with the provisions of Rule 62-701.510(6)(a), F.A.C. In addition, all background and detection wells shall be sampled and analyzed at least once prior to permit renewal for those parameters listed in Rule 62-701.510(8)(a), F.A.C.

(f) The owner or operator of the facility may request a permit modification from the appropriate District Office of the Department to delete specific water quality parameters from routine analyses of samples from detection wells, surface water, and leachate. The Department will grant a request for a permit modification upon a demonstration that these parameters are not reasonably expected to be in or derived from the waste which was received at the facility or generated as part of the treatment process. Leachate sampling may be used to support this demonstration.

(g) The leachate sampling requirements of Rule 62-701.510(6)(b)2., F.A.C. shall not apply.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.707 FS. History—New \_\_\_\_\_.

#### 62-713.500 Operational Requirements.

Owners and operators of stationary soil treatment facilities shall comply with the following operational requirements:

(1) An operation plan for the facility shall be prepared which includes:

(a) A description of general facility operations, the number of personnel responsible for the operations including their respective job descriptions, and the types of equipment that will be used at the facility;

(b) Procedures to chemically test the contaminated soil received by the facility and to properly manage or dispose of unauthorized soil;

(c) Procedures to ensure the pretreatment and post-treatment testing requirements of Rule 62-713.510, F.A.C. are properly implemented;

(d) A contingency plan to cover operation interruptions and emergencies such as fires, explosions, or natural disasters;

(e) A description of where all the contaminated soil and treated soil will be stored at the facility;

(f) Procedures to ensure operational records required in subsection (5) of this rule are adequately prepared and maintained; and

(g) Procedures to ensure each batch of contaminated soil shall be clearly identified by source and stockpiled separately until all pretreatment sampling and analyses required by Rule 62-713.510, F.A.C. are complete.

(2) All activities at the facility shall be performed in accordance with the operation plan, the facility's permit conditions and the requirements of this chapter. The operation plan shall be updated as operations change but no less frequently than upon renewal of the permit. The Department shall be notified of changes to the operation plan other than those required for routine maintenance.

(3) Unless an alternate quantity is included in the operation plan submitted with the permit application, which includes a demonstration that a larger volume of untreated soil can be properly managed at the facility, the maximum quantity of untreated soil stored at the facility shall be limited to:

(a) Thirty times the average daily through-put of the treatment equipment being used for continuous flow treatment processes; and

(b) The amount of contaminated soil that can be treated based upon the minimum area and maximum soil height requirements in Rule 62-713.400(1)(c)9., F.A.C. for batch treatment processes.

(4) Contaminated soil shall be physically screened, or otherwise processed, in order to ensure that particles greater in size than what can be properly treated are prevented from entering into the treatment units. The allowable particle size is two inch mesh (diameter) or smaller, unless a demonstration is provided in the permit application that the treatment units can adequately process larger particles sizes. All non-treatable materials physically screened from the contaminated soil shall be disposed of at a permitted Class I landfill or Waste-to-Energy facility if allowed under that facility's permit or certification.

(5) All operational records shall be maintained and kept at the facility for a minimum of five years and shall be available for inspection by the Department. These records shall include the following:

(a) Tonnages of soils received on a per-job basis along with the required pretreatment analytical records;

(b) Daily operating logs demonstrating that the critical operational parameters contained in Rules 62-713.400(1)(c)8, and 9., F.A.C., are being achieved;

(c) Blending records required in Rule 62-713.300(2)(f), F.A.C.:

(d) Soil testing records required on Form 62-713.900(3); and

(e) The results of any additional soil laboratory analyses required in Rules 62-713.510 and .520, F.A.C. which are needed to operate the facility and manage the treated soil.

(6) Any hazardous waste that is inadvertently accepted or is generated at the facility as a result of the treatment process shall be managed as a hazardous waste pursuant to Chapter 62-730, F.A.C.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.707 FS. History—New.

62-713.510 Soil Sampling and Analysis Plan.

The permit application for a stationary soil treatment facility shall include a soil sampling and analysis plan which describes the sampling procedures necessary to properly characterize both contaminated and treated soils managed at the facility. The plan shall ensure that representative samples of the soils are obtained which exhibit the chemical concentrations of contaminants in the soils and that a sufficient number of these samples are collected to represent the variability of the contaminants in the soils.

(1) The plan shall include documentation that all sampling and analyses under this rule shall be performed in accordance with Chapter 62-160, F.A.C., and that all analyses shall be conducted with detection limits which are at or below both the relevant soil cleanup target levels in Table II of Chapter 62-777, F.A.C. and the applicable ground water or surface water standards or criteria for the chemicals of concern in the soil.

(2) The plan shall include a detailed description of the procedures which will be used to obtain representative soil samples and of the planned sample collection frequencies. This description shall apply to soil both before and after treatment. Unless otherwise specified in this section or in the soil sampling and analysis plan, the procedures contained in EPA Publication SW-846, Chapter Nine, Sampling Plan shall be used.

(3) General plan requirements. The plan shall include a detailed description of the contaminants reasonably expected to be present in the contaminated soils which will be treated by the facility and the test methods that will be used to analyze the soils for these parameters both before and after treatment. Unless otherwise specified in this chapter, both the pretreatment and post-treatment testing requirements shall be based upon the contaminants reasonably expected to be present in the contaminated soils.

(4) Pretreatment testing for petroleum contaminated soil. In the description of the pretreatment testing planned for petroleum contaminated soil, the following apply:

(a) For petroleum contaminated soil from sites which have an approved Site Assessment Report according to the requirements of Chapter 62-770, F.A.C., existing data from the site assessment may be used, if documented on Form 62-713.900(3), F.A.C., in lieu of separate pretreatment analyses; or

(b) The sampling frequency contained in Table A shall be the minimum allowed, analyses shall be documented with the laboratory reports, and the following test parameters shall be included:

1. Volatile organic halocarbons;

2. Total recoverable petroleum hydrocarbons;

3. Total analyses for arsenic, cadmium, chromium, and lead; and.

4. For soils contaminated with used oil, analysis for total organic halogens shall also be required.

(5) Pretreatment testing for non-petroleum contaminated soil. In the description of the pretreatment testing planned for non-petroleum contaminated soil, the following apply:

(a) For non-petroleum contaminated soil from a site which has a Site Assessment Report previously approved by the Department, or a similar site assessment document previously approved by the Department, existing data from the site assessment may be used, if documented on Form 62-713.900(3), F.A.C., in lieu of separate pretreatment analyses; or

(b) In the description of the pretreatment testing planned for non-petroleum contaminated soil, the sampling frequency contained in Table A shall be the minimum allowed, analyses shall be documented with the laboratory reports, and the following test parameters shall be included, unless the facility owner or operator demonstrates that one or more of these parameters are not reasonably expected to be present in the contaminated soil:

1. Volatile organic compounds;

2. Semi-volatile organic compounds;

3. Pesticides; and

4. Total analyses for arsenic, barium, cadmium, chromium, lead, mercury, selenium and silver.

(6) Post-treatment testing. Post-treatment testing shall be designed to ensure the facility is achieving the requirements for evaluation and use of treated soil in Rule 62-713.520, F.A.C. In the description of the post-treatment testing, the following apply:

(a) The following sampling frequencies shall be used:

1. For volatile organic compounds, at least one discrete soil sample shall be collected every 400 tons of treated soil; and

2. For all other chemicals or compounds, when continuous flow treatment processes are used, a treated soil sample shall be collected at least hourly and composited over an eight operational hour maximum time interval or at least once every

400 tons, whichever is less. If batch treatment processes are used, then a treated soil composite sample, consisting of at least four randomly selected sub-samples, shall be collected no less than once every 400 tons of treated soil.

(b) For petroleum contaminated soil, the following test parameters shall be included and all analyses shall be documented with the laboratory reports:

1. Volatile organic aromatics;
2. Total recoverable petroleum hydrocarbons;
3. Polynuclear aromatic hydrocarbons; and
4. Total analyses for arsenic, cadmium, chromium, and lead.

(c) For non-petroleum contaminated soil, the same test parameters as are required in paragraph (b) of subsection (5) shall be included and all analyses shall be documented with the laboratory reports.

(d) Leachability impacts. In addition to the testing requirements above, post-treatment testing shall include an analysis of the potential leachability impacts from the treated soil and all analyses shall be documented with the laboratory reports. When evaluating leachability impacts from a treated soil, the concentrations of contaminants detected in the post-treatment analysis of the treated soil shall be compared to the corresponding soil cleanup target levels for leachability based on ground water and surface water criteria identified in Table II of Chapter 62-777, F.A.C. As an alternative, leachability of treated soil can also be evaluated using the Synthetic Precipitation Leaching Procedure (SPLP), EPA Method 1312, or the Toxicity Characteristic Leaching Procedure (TCLP), EPA Method 1311 for soil which was contaminated with used oil or similar petroleum products, and extracts generated by using these procedures shall be analyzed for the contaminants detected in the post-treatment analysis of the treated soil. Results of the analysis of the extracts shall be compared to the ground water and surface water criteria columns in Table I of Chapter 62-777, F.A.C.

(7) Polychlorinated biphenyls. Soil contaminated with used oil, used hydraulic oil, or used mineral oil may contain polychlorinated biphenyls (PCB). Applicants should be aware that such contaminated soil may be regulated by the U.S. Environmental Protection Agency under 40 CFR Part 761. Such soil containing PCBs shall not be treated pursuant to this chapter at a soil treatment facility unless the following conditions are met:

(a) Soil contaminated with used oil, used hydraulic oil, or used mineral oil shall be analyzed for PCB concentrations. Soil PCB concentrations must be less than 50 ppm. Such soil shall not be blended, mixed or diluted to meet this specification.

(b) If the analytical results obtained pursuant to paragraph (a) above are equal to or greater than 2 ppm, a sample of the used oil, used hydraulic oil, or used mineral oil source must be shown to have a PCB concentration of less than 50 ppm. If a sample of the used oil, used hydraulic oil, or used mineral oil is

not available, a previous record of laboratory data and analytical results may be utilized to show the PCB concentration in the used oil, used hydraulic oil, or used mineral oil. If, after a reasonable effort, a previous record of laboratory data and analytical results can not be located, and the basis for not being able to obtain this information is documented in writing and maintained with the facility's operational records, then the soil may be treated in accordance with paragraph (a) above.

(8) Additional metals leachability testing. If the total concentration of a metal in a soil sample, which has been analyzed according to the requirements of Rule 62-713.510, F.A.C., exceeds its corresponding total metal concentration in Table B, then a TCLP test shall be required for the metal in that soil.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.707 FS. History—New \_\_\_\_\_.

#### 62-713.520 Evaluation and Use of Treated Soil.

(1) The permit application for a stationary soil treatment facility shall include a description of how the treated soils will be properly used or managed so they will not pose a significant threat to public health or the environment.

(2) Cleaned soil can be land applied or used without further restrictions, except that the cleaned soil shall not be deposited in surface waters or wetlands unless it can be demonstrated that the cleaned soil is not expected to cause surface water violations or to be toxic to aquatic life and do not contain other chemicals or materials which could cause nuisance odors if saturated. Cleaned soil is treated soil which meets all of the following criteria:

(a) The concentrations of all contaminants detected in the treated soil are at or below the corresponding concentrations for Residential Direct Exposure soil cleanup target levels contained in Table II of Chapter 62-777, F.A.C. or as provided in paragraph (2)(c) below;

(b) The concentrations of all contaminants detected in the treated soil are at or below the corresponding soil cleanup target levels for leachability identified in Table II of Chapter 62-777, F.A.C. The applicant may use leachability determinations based on SPLP test results, or on TCLP test results for soil which was contaminated with used oil or similar petroleum products, in lieu of some or all of the values in Table II to demonstrate that the Department's ground water and surface water standards or criteria will not be violated; and

(c) For contaminants detected in the treated soil but not listed in Table II of Chapter 62-777, F.A.C., the soil cleanup target levels for those contaminants shall be decided on a case-by-case basis and shall be calculated using the following:

1. An excess lifetime cancer risk level less than or equal to  $1.0 \times 10^{-6}$ ;
2. A hazard index (sum of the hazard quotients) less than or equal to 1.0;

3. The equations provided in Figures 4, 5, 6, 7, 8, and 9, of Chapter 62-777, F.A.C., as applicable; and

4. Best achievable detection limits for the chemicals of concern in the soil.

(3) When providing the demonstrations or calculations required in subsection (2) above, the applicant may use information contained in "Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report" dated May 26, 1999.

(4) Treated soil which does not meet the criteria for cleaned soil shall be managed in one of the following manners:

(a) It may be treated again;

(b) It may be blended in accordance with Rule 62-713.300(2)(e), F.A.C., so that it meets the criteria for cleaned soil;

(c) It may be disposed of in a Class I landfill or Waste-to-Energy facility if allowed under that facility's permit or certification; or

(d) It may be beneficially used in accordance with an approval of alternate procedures and requirements as provided in Rule 62-713.220, F.A.C.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.707 FS. History--New

62-713.600 Stationary Soil Treatment Facility Closure and Financial Assurance.

(1) Closure. The permit application shall include a closure plan that identifies the steps needed to close the facility. The closure plan shall demonstrate how the facility will be closed to meet the following requirements:

(a) There will be no need for further facility maintenance;

(b) Contaminants from soils accepted by the facility will not be expected to cause violations of Department water quality standards;

(c) All tanks, piping, secondary containment and ancillary equipment will be emptied and cleaned or removed from the site;

(d) Storage and process tanks and integral piping shall be closed in accordance with Chapter 62-761, F.A.C.; and

(e) Any contaminated soil or leachate on the site, including in situ soil that has become contaminated during facility operations, will be removed or treated so that it poses no significant threat to human health or the environment.

(2) At least 90 days prior to the date when contaminated soil will no longer be accepted, the owner or operator of the facility shall submit an updated and detailed closure plan to the Department to reflect any changes in the closure plan due to actual operational conditions at the facility. This updated plan shall be signed, dated and sealed by a professional engineer registered under Chapter 471, F.S.

(3) Within 90 days after receiving the final shipment of contaminated soil, the owner or operator shall remove or otherwise dispose of all soil in accordance with the approved closure plan.

(4) Closure shall be completed within 180 days after receiving the final shipment of contaminated soil. When closure is completed, the owner or operator shall provide a written certification to the Department that closure is complete. This closure certification shall be signed, dated and sealed by a professional engineer registered under Chapter 471, F.S. The Department will make an inspection within 30 days to verify the closure and advise the owner or operator of the closure status.

(5) Long term care. The owner or operator of the soil treatment facility shall continue to monitor and maintain the facility for five years from the date of closing. This time period shall be extended if assessment monitoring or corrective action is required in accordance with Rule 62-701.510(7), F.A.C., or if site-specific conditions make it likely that any contamination which may emanate from the storage areas would not be detected within five years. Long term care shall not be required if the owner or operator can demonstrate that all contaminated soil, as well as treated soil which has not met the criteria as cleaned soil, has been removed from the site and that site-specific conditions make it unlikely that any ground water or surface water standards or criteria will be violated. This demonstration shall be signed, dated and sealed by a professional engineer registered under 471, F.S., or a professional geologist registered under Chapter 492, F.S. Upon such a demonstration, the owner and operator of the facility shall have no further financial assurance obligations pursuant to Rule 62-713.600(6), F.A.C.

(6) Financial assurance.

(a) The owner or operator of a soil treatment facility shall provide the Department with proof of financial assurance issued in favor of the State of Florida in the amount of the closing and long-term care cost estimates for the facility. This proof, along with the closing and long-term care cost estimates, shall be submitted to the Department as part of the permit application for the facility. Proof of financial assurance shall consist of one or more of the following financial instruments which comply with the requirements of Rule 62-701.630(6), F.A.C.: trust fund; surety bond guaranteeing payment; surety bond guaranteeing performance; irrevocable letter of credit; insurance; and financial test and corporate guarantee. If the owner or operator of the facility is a local government, an escrow account which complies with the requirements of Rule 62-701.630(5), F.A.C., may be used to provide proof of financial assurance. Financial documents shall be submitted on Form 62-701.900(5)(a), (b), (c), (d), (e), (f), (g), or (h), as appropriate.

(b) For the purposes of determining the amount of proof of financial assurance that is required, the owner or operator shall estimate the total cost of closure for the facility. The annual cost of long-term care shall be estimated and listed separately and multiplied by 5 years. The owner or operator shall submit the estimates to the Department along with the proof of financial assurance. The costs shall be estimated by a professional engineer registered under Chapter 471, F.S. for a third party performing the work, on a per unit basis, with the source of estimates indicated.

1. Closing costs shall include the estimated costs of compliance with subsection (1) above, assuming that the maximum amount of treated and untreated soils specified in the permit are stored at the facility.

2. Long-term care costs shall include the costs of ground water monitoring, collection and analysis.

(c) Closure cost estimates shall be updated annually in accordance with the provisions of Rules 62-701.630(4)(a) through (d), F.A.C.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.707 FS. History—New

#### 62-713.800 Mobile Soil Treatment Facilities.

A general permit is hereby granted to any person for the operation of a mobile soil treatment facility for thermal treatment of petroleum contaminated soil that will be operated in accordance with the standards and criteria set forth in Part III of Chapter 62-4, F.A.C., and this rule. The owner or operator of the mobile soil treatment facility shall notify the Department on Form 62-713.900(2) of the intent to use this general permit, and shall comply with the following requirements:

(1) A mobile soil treatment facility owner or operator who intends to thermally treat petroleum contaminated soil shall notify the appropriate District office of the Department by registered mail at least three days prior to initiating operation at a contaminated site. The Department recommends, but does not require, that the owner or operator also provide at least three days notice to the local City and County governments and local environmental agency.

(2) Any owner or operator of a permitted mobile soil treatment facility shall take appropriate measures to assure protection of the general public including the following:

(a) A security fence shall surround all areas where contaminated soil is being processed, including stockpiling, handling, and treatment areas. The fence shall extend at least six feet above ground surface. In lieu of a security fence, surveillance personnel on-site at all times is an acceptable alternative;

(b) Gate access shall be locked when no attendant is present; and

(c) Appropriate warning notices shall be clearly posted; for example, notices should warn of the presence of contaminated soil, the presence of excavations, or the presence of equipment.

(3) Mobile soil treatment facilities shall be operated only at sites with confirmed contaminated soil and shall treat only soil native to the site.

(4) Unless transported off-site to a permitted Class I landfill, stationary soil treatment facility or Waste-to-Energy facility, soil which is excavated shall remain on-site and within the area of suspected ground water contamination until the soil has been treated so that it meets the criteria as cleaned soil in Rule 62-713.520(2)-(4), F.A.C.

(5) Excavated soil shall be stockpiled on an impermeable surface or a liner with a minimum thickness of five mils. The stockpile shall be covered by a secured plastic cover with a minimum thickness of five mils until treatment in the soil treatment unit commences.

(6) The Department recommends, but does not require, that soil treated by mobile facilities should be returned to the original excavation pit.

(7) The stockpile area for untreated soil shall be graded to direct leachate flow to return to the original excavation pit.

(8) The treatment of any non-petroleum contaminated soil is prohibited at mobile soil treatment facilities.

(9) The treatment of soil contaminated with polychlorinated biphenyls (PCBs) is prohibited at mobile soil treatment facilities.

(10) For thermal treatment technologies other than rotary kiln thermal treatment units, the results of studies from pilot projects or actual operating facilities which demonstrate the feasibility of the technology proposed for treating the petroleum contaminated soil shall be included as part of the notification to use this general permit.

Specific Authority 403.061, 403.704, 403.814 FS. Law Implemented 403.707, 403.814 FS. History—New

#### 62-713.900 Forms.

The forms used by the Department for soil treatment facilities are adopted and incorporated by reference in this section. The form is listed by rule number, which is also the form number, and with the title, subject and effective date. Copies of forms may be obtained from a local District Office or by writing to the Florida Department of Environmental Protection, Solid Waste Section, MS 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Form 62-713.900(1): Application to Construct or Operate a Stationary Soil Treatment Facility, effective \_\_\_\_\_.

(2) Form 62-713.900(2): Notification of Intent to Use a General Permit to Construct or Operate a Mobile Soil Treatment Facility, effective \_\_\_\_\_.

(3) Form 62-713.900(3): Soil Testing Reporting Form, effective \_\_\_\_\_.

Specific Authority 403.061, 403.704 FS. Law Implemented 403.0877, 403.707 FS. History—New

Table A. Minimum Number of Soil Samples Required

<u>Amount of Soil by Volume.</u> yd <sup>3</sup>	<u>Amount of Soil by Weight.</u> tons	<u>Number of Discrete Samples Required for Volatile Organics</u>	<u>Number of Composite Samples Required for non-Volatile Organics</u>
<100	<140	1	1
100 to <500	140 to <700	3	3
500 to <1000	700 to <1400	5	5
For each additional 500 yd <sup>3</sup>	For each additional 700 tons	1	1

Table B. Total Metals Analysis and TCLP Test Requirements

<u>If</u>	<u>Exceeds</u>	<u>TCLP Test Criteria</u>
<u>Total Arsenic</u>	<u>100 mg/kg</u>	<u>5.0 mg/L</u>
<u>Total Barium</u>	<u>2000 mg/kg</u>	<u>100.0 mg/L</u>
<u>Total Cadmium</u>	<u>20 mg/kg</u>	<u>1.0 mg/L</u>
<u>Total Chromium</u>	<u>100 mg/kg</u>	<u>5.0 mg/L</u>
<u>Total Lead</u>	<u>100 mg/kg</u>	<u>5.0 mg/L</u>
<u>Total Mercury</u>	<u>4 mg/kg</u>	<u>0.2 mg/L</u>
<u>Total Selenium</u>	<u>20 mg/kg</u>	<u>1.0 mg/L</u>
<u>Total Silver</u>	<u>100 mg/kg</u>	<u>5.0 mg/L</u>

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Bill Hinkley, Chief, Bureau of Solid and Hazardous Waste  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: John Ruddell, Director, Division of  
 Waste Management  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: April 5, 1999  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: December 11, 1998

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 98-75R

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:  
 Petroleum Contamination Site

Cleanup Criteria	62-770
RULE TITLES:	RULE NOS:
Referenced Guidelines	62-770.140
Applicability	62-770.160
Definitions	62-770.200
Contamination Reporting	62-770.250
Source Removal	62-770.300
Quality Assurance Requirements	62-770.400
Professional Certifications	62-770.490
Site Assessment	62-770.600
Fate and Transport Model Requirements	62-770.610
Risk Assessment	62-770.650
No Further Action	62-770.680
Natural Attenuation	62-770.690
Active Remediation	62-770.700
Post Active Remediation Monitoring	62-770.750
Time Schedules	62-770.800
Notices	62-770.830
Alternative Procedures and Requirements	62-770.890
Forms	62-770.900

PURPOSE AND EFFECT: The Department is proposing amendments to the Petroleum Contamination Site Cleanup Criteria rules, Chapter 62-770, Florida Administrative Code (F.A.C.), to make clarifications to the rules, to update the rule chapter due to emerging science, and to address a concern raised by the Joint Administrative Procedures Committee regarding approval criteria for groundwater fate and transport models proposed under the rule chapter. The Department is also proposing to delete obsolete EPA analytical test methods from the rule and to add new EPA test methods.

SUMMARY: The proposed amendments would repeal Tables IV through IX, which set forth certain contaminant cleanup target levels applicable to the cleanup of petroleum contaminated sites. Simultaneously with the proposed repeal, the Department is proposing to create a new rule chapter, Chapter 62-777, F.A.C., Contaminant Cleanup Target Levels, to establish certain cleanup target levels applicable to the rehabilitation of brownfields, petroleum and drycleaning sites and to contaminated soil treated at soil treatment facilities. The

proposed new rule chapter would also set forth methodologies for use in establishing alternate cleanup target levels for petroleum products chemicals of concern. Proposed amendments to the petroleum contaminated site cleanup rule chapter will reference the Chapter 62-777, F.A.C., cleanup target levels and figures applicable to rehabilitation of petroleum contaminated sites. It is anticipated that some of the cleanup target levels now contained in Chapter 62-770, F.A.C., will change when they are included in the proposed new Chapter 62-777, F.A.C. The proposed cleanup target levels were recalculated to refine the numbers based on rounding conventions and to emerging science. The proposed amendments to Chapter 62-770, F.A.C., and simultaneous adoption of proposed rule Chapter 62-777, F.A.C., are intended to result in a structural change in the way the rules are applied to cleanup of petroleum contaminated sites. Additionally, the proposed amendments to Chapter 62-770, F.A.C., will address a concern raised by the Joint Administrative Procedures Committee regarding approval criteria for groundwater fate and transport models that may be proposed for conducting risk assessments, and proposals for natural attenuation and no further action at petroleum sites. Certain obsolete EPA analytical test methods will be deleted and new test methods will be added to the rule chapter.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:**

The Department has in accordance with the requirements of Chapter 120, F.S., prepared a Statement of Economic Cost, which is summarized as follows:

The cleanup target levels now contained in Chapter 62-770, F.A.C., that change after inclusion in Chapter 62-777, F.A.C., Contaminant Cleanup Target Levels, are not expected to provide adverse economic impacts either to the Department or stakeholders of the regulated community (please see the Statement of Estimated Regulatory Cost for Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria dated May 1997). Some of the cleanup target levels are more stringent and some are less stringent. Nevertheless, the changes do not seem sufficient enough to offset the significant estimated net savings from the previous inclusion of Risk-Based Corrective Action principles and the application of natural attenuation with monitoring.

The estimated net savings for Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria, utilizing a discount rate of 8% over ten (10) years were estimated at: (1) sites eligible for a cleanup program, estimated net savings of one (1) billion dollars; and (2) sites not eligible for a cleanup program, estimated net savings in excess of one hundred (100) million dollars.

A copy of the Statement of Estimated Regulatory cost may be obtained by contacting the person designated below as the proposed rule contact. 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.

RISK IMPACT STATEMENT: A Risk Impact Statement prepared in accordance with 120.81, F.S., is available. A copy may be obtained by contacting the Bureau of Petroleum Storage Systems.

SPECIFIC AUTHORITY: 376.3071 FS.

LAW IMPLEMENTED: 376.3071 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., May 26-27, 1999

PLACE: Room 609, Twin Towers Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), Florida 32399-2400 at least seven days before the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Guillermo Wibmer, Department of Environmental Protection, Bureau of Petroleum Storage Systems, Mail Station 4520, Twin Towers, 2600 Blair Stone Road, Tallahassee, (850)921-0891 or at the e-mail address: "wibmer\_g@dep.state.fl.us"

THE FULL TEXT OF THE PROPOSED RULES IS:

62-770.140 Referenced Guidelines.

Specific references to the guidelines listed below are made within this chapter. The guidelines are not standards as defined in Section 403.803, F.S. Use of the guidelines is not mandatory; the guidelines are included for informational purposes only.

(1) Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999.

(2) Development and Evaluation of Sediment Quality Assessment Guidelines, Volumes 1-4, dated November 1994.

(3) RBCA Fate and Transport Models: Compendium and Selection Guidance, dated 1999.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History--New

62-770.160 Applicability.

(1) through (1)(b) No change.

(c) To any discharge of petroleum or petroleum products of less than 25 gallons onto a pervious surface, as long as the discharge is removed and properly treated or properly disposed, or otherwise remediated, so that no contamination from the discharge remains on-site.

(2) through (5) No change.

(6) Petroleum products' contaminants of concern are listed in Table A of this chapter. Chapter 62-777, F.A.C., provides soil, surface water and groundwater cleanup target levels, as well as natural attenuation default concentrations, a listing of soil properties and test methods, a listing of site-specific conditions and geochemical parameters, and default parameters and equations that may be used to establish alternative soil and groundwater cleanup target levels for identified petroleum products' contaminants of concern listed in Table A.

(7)(6) Cleanup target levels for petroleum products' contaminants of concern found in groundwater, as specified in Chapter 62-777, F.A.C., Table I, or alternative cleanup target levels that may be established pursuant to Rules 62-770.650 or 62-770.680, F.A.C., are enforceable under this chapter and apply only in the rehabilitation of sites contaminated with petroleum or petroleum products. Cleanup target levels for petroleum products' contaminants chemicals of concern found in groundwater shall be the applicable State water quality standards, except where alternative cleanup target levels are ~~have been~~ established pursuant to this chapter. This chapter is not intended to create any new water quality standards pursuant to Chapters 62-520 or 62-550, F.A.C. The ~~current~~ numerical standards promulgated in Chapters 62-520 and 62-550, F.A.C., or cleanup target levels based on the minimum criteria specified in Chapters 62-520 or 62-550, F.A.C., are the cleanup target levels ~~referenced~~ ~~utilized~~ in Chapter 62-777, F.A.C., ~~Table I Tables V and VI, as applicable.~~ In establishing the applicable minimum criteria for groundwater, the following factors were considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient ~~index~~ of 1 or less; the best achievable detection limits; ~~the naturally occurring background concentrations;~~ ~~and~~ or nuisance, organoleptic, ~~and~~ or aesthetic considerations. Site-specific groundwater cleanup target levels may be justified based on background concentrations. Where groundwater contaminated with petroleum or petroleum products' contaminants chemicals of concern is discharging into surface water or when available information (for example, monitoring well data, groundwater flow rate and direction, or fate and transport modeling) indicates that it may discharge into surface water in the future, the cleanup target levels for the petroleum products' contaminants chemicals of concern shall also be based on the surface water standards and criteria. The ~~current~~ numerical standards promulgated in Chapter 62-302, F.A.C., or cleanup target levels based on the toxicity criteria specified in Chapter 62-302, F.A.C., are ~~referenced~~ ~~utilized~~ in Chapter 62-777, F.A.C., ~~Table I Tables VI and VII, as applicable.~~

(8)(7) Cleanup target levels for petroleum products' contaminants chemicals of concern found in soil, as specified in Chapter 62-777, F.A.C., Table II ~~Table IV,~~ or alternative cleanup target levels that may be established pursuant to Rules

62-770.650 or 62-770.680, F.A.C. ~~this chapter~~, are enforceable under this chapter and apply only in the rehabilitation of a site contaminated with petroleum or petroleum products. In establishing soil cleanup target levels, the methodology presented in the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, was utilized. In establishing soil cleanup target levels for human exposure to each petroleum products' contaminant of concern found in soil, the following factors were considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; and the best achievable detection limits. Site-specific soil cleanup target levels may be justified based on background concentrations. In establishing leachability-based soil cleanup target levels for protection of the groundwater, the soil cleanup target levels shall be based on the groundwater cleanup target levels or the alternative cleanup target levels for groundwater established pursuant to Rules 62-770.650 or 62-770.680, F.A.C., as appropriate.

(9) This chapter is established for the purposes of protecting the public health and the environment and for determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program and the levels at which a rehabilitation program task and site rehabilitation program may be deemed complete. In establishing this chapter, risk-based corrective action principles were incorporated to the maximum extent feasible, to achieve protection of human health, public safety and the environment in a cost-effective manner. Therefore, this chapter references both default cleanup target levels and a process for the derivation of site-specific alternative cleanup target levels that are protective of human health, public safety and the environment.

(10)(8) For sites where a Site Rehabilitation Completion Order was issued for every known discharge prior to [the effective date of this chapter] September 23, 1997, the cleanup target levels for petroleum products' contaminants chemicals of concern shall be those that were in effect at the time of issuance of the Order(s). If a subsequent discharge of petroleum or petroleum products occurs at the site after issuance of the Order(s), site rehabilitation may be required under applicable provisions of this chapter, to reduce concentrations of petroleum products' contaminants chemicals of concern resulting from the subsequent discharge, to the cleanup target levels specified in Chapter 62-770, F.A.C., subject to the provisions of Rule 62-770.160(4), F.A.C.

(11) Receipt of approval under this chapter does not relieve the responsible party from the obligation to comply with other Department rules (for example, Chapters 62-701, 62-713, 62-730, 62-782 and 62-785, F.A.C.) regarding off-site disposal, relocation or treatment of contaminated media. Responsible parties are advised that other federal or local requirements may apply to these activities.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History—New 11-1-87, Formerly 17-70.004, Amended 2-21-90, Formerly 17-770.160, Amended 7-30-96, 9-23-97, \_\_\_\_\_.

#### 62-770.200 Definitions.

All words and phrases defined in Section 376.301, F.S., shall have the same meaning when used in this chapter unless the context clearly indicates otherwise. The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Action levels" means a specified concentrations of a petroleum products' contaminant chemicals of concern that, if ~~when~~ exceeded during natural attenuation monitoring or post active remediation monitoring, may require initiation of additional site assessment or active remediation. Action levels are established during the approval process for Natural Attenuation Monitoring Plans pursuant to Rule 62-770.690, F.A.C., and Post Active Remediation Monitoring Plans pursuant to Rule 62-770.750, F.A.C., and are not equivalent to cleanup target levels.

(2) "Additive effect" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which an individual is exposed.

(3) "Antagonistic effect" means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which an individual is exposed.

~~(4)~~(2) "Background concentrations" means concentrations of petroleum products' contaminants chemicals of concern that are naturally occurring in the groundwater, surface water, soil or sediment in the vicinity of the site.

(5) "Contaminated" means the presence of petroleum or petroleum products or their chemical constituents in surface water, groundwater, soil, sediment, or upon the land, in quantities or concentrations that may result in exceedances of the applicable cleanup target levels specified in Chapter 62-777, F.A.C., or water quality standards in Chapters 62-3, 62-302, 62-520 or 62-550, F.A.C., or in quantities or concentrations that may result in contaminated sediment.

~~(6)~~(3) "Contaminated sediment" means sediment that is contaminated with petroleum or petroleum products or their chemical constituents to the extent that contamination may be harmful to human health or the environment ~~result in an adverse human health or biological effect~~ as determined by the concentrations of the petroleum or petroleum products' contaminants chemicals of concern, actual circumstances of exposure, diversity studies, or toxicity testing or other evidence of harmful effects, as applicable. (Refer to the Development and Evaluation of Sediment Quality Assessment Guidelines, Volumes 1-4, dated November 1994, for guidance on the evaluation of concentrations of petroleum products' contaminants of concern and sediment quality conditions.)

(7)(4) "Contaminated soil" means soil that is contaminated with petroleum or petroleum products or their chemical constituents to the extent that applicable soil cleanup target levels specified in Chapter 62-777, F.A.C., in this chapter are exceeded.

(8)(5) "Contamination" refer to the definition for or "contaminated" means the presence of petroleum or petroleum products or their chemical constituents in surface water, groundwater, soil, sediment, or upon the land, in quantities that may result in exceedances of the applicable cleanup target levels in this chapter or water quality standards in Chapters 62-3, 62-302, 62-520 or 62-550, F.A.C., or in quantities that may result in contaminated sediment.

(9)(6) No change.

(10)(7) No change.

(a) through (c) No change.

(d) Results of analytical test on a groundwater sample that exceed the cleanup target levels referenced utilized in Chapter 62-777, F.A.C., Table I, groundwater criteria column Table V; or

(e) Results of analytical test on a soil sample that exceed the lower of the direct exposure residential cleanup target levels I and leachability based on groundwater criteria Table V cleanup target levels specified in Chapter 62-777, F.A.C., Table II Table IV.

(11) "Engineering control" means a modification to a site to reduce or eliminate the potential for migration of, and exposure to, petroleum products' contaminants of concern. Examples of modifications include physical or hydraulic control measures, capping, point-of-use treatments, or slurry walls.

(12)(8) "Excessively contaminated soil" for the purposes of Section 376.3071(11)(b)2., F.S. (unless laboratory results verify that the organic vapor analysis data are not relevant), means soil saturated with petroleum or petroleum products or soil that causes a total corrected hydrocarbon measurement of 500 parts per million (ppm) or higher for Gasoline Analytical Group or 50 ppm or higher for Kerosene Analytical Group. Readings shall be obtained at the site on an organic vapor analysis instrument with a flame ionization detector in the survey mode upon sampling the headspace in half-filled, eight-ounce or 16-ounce jars. Each soil sample shall be split into two jars, the two samples shall be brought to a temperature of between 20°C. (68°F.) and 32°C. (90°F.) and the readings shall be obtained five minutes thereafter. One of the readings shall be obtained with the use of an activated charcoal filter unless the unfiltered reading is non-detect. The total corrected hydrocarbon measurement shall be determined by subtracting the filtered reading from the unfiltered reading. Instruments with a photo ionization detector may be used after a determination is made of that instrument's equivalent response to an instrument with a flame ionization detector. Photo ionization detectors shall not be used in situations where

humidity will interfere with the instruments' sensitivity (including periods of rain, measuring wet or moist soil). Analytical instruments shall be calibrated in accordance with the manufacturer's instructions.

(13)(9) No change.

(14)(10) No change.

(15)(11) No change.

(16) "Innovative technology" means a process that has been tested and used as a treatment for contamination, but lacks an established history of full-scale use and information about its cost and how well it works sufficient to support prediction of its performance under a variety of operating conditions. An innovative technology is one that is undergoing pilot-scale treatability studies, which usually are performed in the field or the laboratory and require installation of the technology, and which provide performance, cost, and design objectives for the technology prior to full scale use.

(17) "Institutional control" means a restriction on use of, or access to, a site to eliminate or minimize exposure to petroleum products' contaminants of concern. Examples of institutional controls include deed restrictions, use restrictions, or restrictive zoning.

(18)(12) No change.

(19)(13) No change.

(20)(14) No change.

(21) "Natural attenuation" means an approach to site rehabilitation that allows natural processes to contain the spread of contamination and reduce the concentrations of petroleum products' contaminants of concern in contaminated groundwater and soil. Natural attenuation processes may include the following: sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization.

(22) "Petroleum contamination site" means any contiguous land, surface water, and groundwater areas upon or into which a discharge of petroleum or petroleum products has occurred or for which evidence exists that such a discharge has occurred.

(23)(15) "Petroleum products' contaminants chemicals of concern" means the contaminants listed in Table A of this chapter constituents of petroleum or petroleum products, including, but not limited to, Benzene, Ethylbenzene, Toluene, Xylenes, Naphthalene, and similar chemicals, and constituents in petroleum products, including, but not limited to, Methyl Tert Butyl Ether (MTBE), Lead, and similar chemicals found in additives, provided the contaminants chemicals of concern are present as a result of a discharge of petroleum or petroleum products.

(24)(16) "Piezometer" means a permanent or temporary well that may ~~not~~ be designed and constructed without the surface sealing or sand filter pack requirements of a monitoring

well. This type of well is primarily used to detect the presence of free product or collect water-level elevation data to aid in determining the direction of groundwater flow.

(25)(17) “Plume” means the portion of ~~an~~ the aquifer or aquifers in which groundwater contamination by petroleum products’ ~~contaminants~~ chemicals of concern above applicable cleanup target levels and background concentrations has been detected.

(26)(18) No change.

(27)(19) No change.

(28)(20) “Quiescent sampling technique” is a sampling method for groundwater that consists of a low flow purge (less than or equal to one liter per minute) and collection of samples at the same low flow within six hours of purging. The purging and sampling shall be performed with pumps that cause the least disturbance to the groundwater during installation, use and removal (for example, bladder pumps, peristaltic or variable speed submersible pumps).

(29)(21) No change.

(30)(22) No change.

(31)(23) No change.

(32)(24) “Site” ~~refer to the definition for~~ or “petroleum contamination site” ~~means any contiguous land, surface water, and groundwater areas upon or into which a discharge of petroleum or petroleum products has occurred or for which evidence exists that such a discharge has occurred.~~

(33) “Site rehabilitation” means the assessment of site contamination and the remediation activities that reduce the levels of contaminants of concern at a site through accepted treatment methods to meet the cleanup target levels established for that site.

(34)(25) No change.

(35)(26) “Surface water” ~~shall~~ includes rivers, lakes, streams, springs, impoundments, canals and all other water upon the surface of the earth, whether contained in bounds created naturally or artificially, or diffused. Stormwater and wastewater process water retention or treatment facilities, and canals and trenches that are integral to such facilities, that are not connected to other surface water, are ~~shall~~ not be included in the definition of surface water.

(36) “Synergistic effect” means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which an individual is exposed.

(37) “Temporary point of compliance” is the boundary represented by one or more designated monitoring wells at which groundwater cleanup target levels may not be exceeded while site rehabilitation under an approved Natural Attenuation Monitoring Plan is proceeding.

(38)(27) No change.

(39)(28) No change.

(40)(29) No change.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History—New 11-1-87, Formerly 17-70.003, Amended 2-21-90, Formerly 17-770.200, Amended 9-23-97, \_\_\_\_\_.

62-770.250 Contamination Reporting.

(1) Upon discovery of contamination (unless the contamination is the result of a previously reported discharge for which site rehabilitation completion has not been achieved or the contamination is known to be from a non-petroleum product source) or upon a discharge of petroleum or petroleum products, notification shall be submitted using the Discharge Report Form [~~Form Number 62-761.900(1)~~].

(a) If the discharge was from a storage tank system regulated pursuant to Chapters 62-761 ~~or 62-762~~, F.A.C., the discharge must be reported by the facility owner or operator pursuant to the applicable requirements of Chapters 62-761 ~~and 62-762~~, F.A.C.; or

(b) For all other discharges of petroleum or petroleum products, the discharge must be reported within one week of discovery. However, discharges to the surface of lands or to surface waters must be reported to the State Warning Point as soon as possible but no later than 24 hours after occurrence. The discharge must be reported by:

1. through 2. No change.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.305, 376.3071 FS. History—New 2-21-90, Formerly 17-770.250, Amended 9-23-97, \_\_\_\_\_.

62-770.300 Source Removal.

(1) No change.

(a) Except for those sites described in paragraph (1)(g) of this rule, within three days of discovery of free product the responsible party shall take steps to obtain cleanup services for product recovery or initiate product recovery. Product recovery shall be performed in accordance with Rule 62-770.300(1)(b), F.A.C. The county tank compliance program must be contacted by the responsible party within 24 hours of the discovery of free product from a new discharge. If state funding assistance from the Inland Protection Trust Fund will be sought, product recovery authorized under this paragraph and in accordance with the Department’s preapproval program procedures established pursuant to Section 376.30711, F.S., may only be performed for up to five days from the date of commencement of product recovery of the new discharge. If product recovery is not complete pursuant to Rule 62-770.300(1)(d), F.A.C., at the end of the five days, or the scope of activities specified in Rule 62-770.300(1)(b), F.A.C., will be exceeded, the responsible party shall request written authorization for additional product recovery from the Department or from the local program, in accordance with the Department’s preapproval program procedures. The responsible party is required to complete product recovery (~~applicable federal, state, or local authorization, certification or permits may need to be obtained before product recovery~~) provided that:

1. No change.
2. product recovery does not spread contamination into previously uncontaminated or less contaminated areas through untreated discharges, improper treatment, improper disposal or improper storage;
3. No change.
4. all sampling and analyses are performed in accordance with Rule 62-770.400 Chapter 62-160, F.A.C.

(b) The following passive and active methods of product recovery may be implemented without requesting approval from the Department or local program approval:

1. through 3. No change.
4. fluid vacuum techniques (for example, vacuum pump trucks) or total fluid displacement pumps, as long as: when
  - a. the technique used does not smear or spread free product or result in contaminating previously uncontaminated media; and
  - b. the volume of groundwater recovered is not greater than two times the volume of free product recovered, except that the first 1,000 gallons of the total fluid recovered per discharge are exempt from meeting the required ratio of groundwater to free product.

(c) In addition to the recovery methods specified in Rule 62-770.300(1)(b), F.A.C., other product recovery methods may be evaluated, proposed and submitted by the responsible party to the Department or to the local program for approval pursuant to Rule 62-770.890, F.A.C., prior to implementation. During the submittal and approval process, implementation of one or more of the collection methods specified in Rule 62-770.300(1)(b), F.A.C., is required. The submittal must include the results of the evaluation performed to determine the potential for product spreading or smearing, and the potential for air emissions, and a justification as to the environmental and economical benefits of the selected recovery method. The product recovery methods proposed may include:

1. excavation of soil saturated with petroleum or petroleum products' contaminants chemicals of concern into or below the water table;
2. through (e) No change.

(f) Unless a different reporting period is approved under the provisions of Rule 62-770.800(5), F.A.C., an annual status report documenting the recovery progress and summarizing all ~~the~~ recovery activities shall be submitted by the responsible party to the Department or to the local program for review.

(g) At petroleum contamination sites eligible for state funding assistance under the Inland Protection Trust Fund where the discharge occurred prior to March 29, 1995, product recovery shall commence in accordance with the ranking established pursuant to Chapter 62-771, F.A.C., and shall be performed in accordance with Rules 62-770.300(1)(b) and (c), F.A.C., and pursuant to Section 376.30711, F.S.

- (2) through (a) No change.

1. contamination is not spread into previously uncontaminated or less contaminated areas through untreated discharges, improper treatment, improper disposal or improper storage;

2. No change.
3. when a soil vacuum extraction system is necessary to abate an imminent threat to human life, health, safety or welfare within a structure or utility conduit, then the vacuum extraction system must be designed and operated only to abate the imminent threat. The Department or the local program must be notified, within 24 hours, of the imminent threat and the intent to use a soil vacuum extraction system. The air emissions monitoring and frequency of monitoring shall be performed in accordance with Rule 62-770.700(10)(9)(i), F.A.C.;

4. when excavated soil is temporarily stored or stockpiled on-site, the soil shall be secured in a manner that prevents human exposure to contaminated soil and prevents soil exposure to precipitation that may cause surface runoff, and any excavation shall be secured to prevent accidental or intentional entry by the public. Excavated contaminated soil (including excessively contaminated soil) may be returned to the original excavation when petroleum storage tank systems have been removed or replaced, or if contaminated soil was encountered during construction activities; and

5. excavated contaminated soil (including excessively contaminated soil) is not stored or stockpiled on-site for more than 60 days, unless it is stockpiled on a right-of-way, in which case it must be removed for proper treatment or proper disposal as soon as practical but no later than 30 days after excavation, or unless it is being land farmed in accordance with Rule 62-770.300(2)(b), F.A.C., at which time the soil must be returned to the original excavation or removed and properly treated or properly disposed. Contaminated soil (including excessively contaminated soil) may be containerized in water tight drums and stored on-site for 90 days, after which time proper treatment or proper disposal of the contaminated soil shall occur ~~in accordance with applicable rules of the Department,~~ or land farmed as specified in Rule 62-770.300(2)(b), F.A.C.

- (b) through 9. No change.

10. land farmed soil that does not exceed the lower of the direct exposure residential cleanup target levels † and leachability based on groundwater criteria ~~Table V~~ cleanup target levels specified in Chapter 62-777, F.A.C., Table II ~~Table IV~~ may be disposed on-site or off-site, ~~as appropriate.~~ Responsible parties are advised that other federal or local requirements may apply to these activities. Land farmed soil that exceeds the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table II ~~Table IV~~ may not be disposed or returned to the original excavation without obtaining approval from the Department or from the local program, pursuant to the provisions of Rule 62-770.890, F.A.C.

(c) through (d) No change.

(3) Authorizations.

Authorization or receipt of approval under Rule 62-770.300, F.A.C., does not relieve the responsible party from the obligation to comply with other Department rules (for example, Chapters 62-701 and 62-730, F.A.C.) for product recovery, product disposal, or the handling, storage, disposal or treatment of contaminated media. Responsible parties are advised that other federal or local requirements may apply to these activities.

~~(4)~~(3) No change.

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

5. the disposal methods for other contaminated media and any investigation-derived waste;

6. through 7. No change.

8. the type of field screening instrument, analytical methods or other method used;

9. through 10. No change.

11. a table indicating the identification, depth and field soil screening results or laboratory analyses of each sample collected;

12. through (c) No change.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071, 376.30711 FS. History—New 11-1-87, Formerly 17-70.006, Amended 2-21-90, Formerly 17-770.300, Amended 9-3-96, 9-23-97,\_\_\_\_\_.

62-770.400 Quality Assurance Requirements.

(1) through (2)(a) No change.

(b) Copies of the completed chain of custody record form(s) [~~{~~Form 62-770.900(2)~~}]~~;

(c) Copies of the completed water sampling log form(s) [~~{~~Form 62-770.900(3)~~}]~~; and

(d) Results from screening tests or on-site analyses performed pursuant to this chapter.

Specific Authority 376.303, 376.3071, 403.0877 FS. Law Implemented 376.3071 FS. History—New 11-1-87, Formerly 17-70.007, Amended 2-21-90, Formerly 17-770.400, Amended 9-23-97,\_\_\_\_\_.

62-770.490 Professional Certifications.

Applicable portions of technical documents submitted to the Department or to the local program shall be signed and sealed by a Professional Engineer registered under Chapter 471, F.S., or a Professional Geologist registered under Chapter 492, F.S., certifying that the applicable portions of the technical document and associated work comply with standard professional practices, the rules of the Department and any other laws and rules governing the profession. If a laboratory report is submitted separately from any other technical document submittal, this requirement shall not apply to the laboratory report.

Specific Authority 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History—New \_\_\_\_\_.

62-770.600 Site Assessment.

(1) through (2) No change.

(a) To determine or confirm the source(s) of contamination to the extent practicable and to estimate the volume of petroleum or petroleum products that was released. That confirmation may include a determination of the structural integrity, in accordance with the testing procedures specified in Chapters 62-761 ~~or 62-762~~, F.A.C., of any petroleum storage tank system that exists at the site and is likely to be the source of the contamination;

(b) To establish the horizontal extent and thickness of free product. If the soil concentration of a petroleum products' contaminant of concern is above its soil saturation concentration (C<sub>sat</sub>), free product may be present [refer to the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, for a discussion of C<sub>sat</sub> methodology];

(c) through (h) No change.

(i) To describe geologic and hydrogeologic characteristics of the site that influence migration and transport of petroleum products' contaminants chemicals of concern, unless the site meets the No Further Action criteria in Rule 62-770.680(1), F.A.C.;

(j) To determine the rate and direction of groundwater flow (at all affected depths, as appropriate), to determine the extent of water table fluctuation, to evaluate the potential effect of seasonal variations on the rate and direction of groundwater flow, and to determine whether there are any tidal effects in sites located near marine surface water, unless the site meets the No Further Action criteria in Rule 62-770.680(1), F.A.C.;

(k) To determine other mechanisms of transport of petroleum products' contaminants chemicals of concern in the immediate vicinity of the site, including rate and direction of movement of petroleum products' contaminants chemicals of concern in sewer lines, subsurface utility conduits or vaults, soil and surface water, as applicable, unless the site meets the No Further Action criteria in Rule 62-770.680(1), F.A.C.;

(l) To determine by means of a well survey whether any municipal or public water supply wells are present within a 1/2 mile radius of the site, whether ~~or~~ the site is located within the regulated wellhead protection zone of a municipal wellfield or public water supply well, and whether any private water supply wells (including potable, irrigation and industrial) ~~water supply wells~~ are present within a 1/4 mile radius of the site, unless the site meets the No Further Action criteria in Rule 62-770.680(1), F.A.C.;

(m) No change.

(n) If non-petroleum products' contaminants chemicals of concern are detected during the assessment, to identify the general location of the source in relation to the site and to evaluate whether the non-petroleum products' contaminants chemicals of concern may have an effect on future rehabilitation activities of the petroleum contamination;

(o) To report any off-site activities (for example, dewatering, active remediation, or flood control pumping) in the immediate vicinity of the site that may have an effect on the groundwater flow at the site (~~for example, dewatering, active remediation, or flood control pumping~~), unless the site meets the No Further Action criteria in Rule 62-770.680(1), F.A.C.;

(p) through (q) No change.

(r) To Unless No Further Action is deemed appropriate under the provisions of Rule 62-770.680, F.A.C., to facilitate the selection of the most cost-effective remediation strategy for the site that is protective of human health and the environment, unless No Further Action is deemed appropriate under the provisions of Rule 62-770.680, F.A.C.

(3) The site assessment shall include tasks that are necessary to achieve objectives described in Rules 62-770.600(2)(a)-(r), F.A.C., and may include the following:

(a) through (b) No change.

(c) Sampling of undisturbed soil above and below the water table using hand-augering, drilling or direct push technology to obtain information on site stratigraphy and on product entrapped below the water table, to determine for geotechnical parameters determination and to for assessing the appropriateness of monitoring natural attenuation;

(d) No change.

(e) Use of field soil screening techniques that must be demonstrated to be appropriate for the site conditions, to determine the optimal locations for collection of samples for laboratory analyses. The laboratory analyses specified in Table B I shall be performed to confirm the screening results. These analyses shall be performed on a minimum of three grab samples with high, medium and low screening results for the site. These analyses shall be performed per source area and per sampling event, except that only one representative sample shall be sufficient if the field screening results indicate that contaminated soil is not present. The actual number of laboratory samples shall be based on the horizontal and vertical extent of contamination and the degree of correlation between field soil screening and laboratory results;

(f) Use of visual observations to determine whether soil contaminated or saturated with used oil is present. If the presence of soil contaminated or saturated with used oil is identified, at least one sample from the most visibly stained area shall be collected for analyses for the used oil parameters as listed in Table C H. If soil visually stained or saturated with used oil is excavated in accordance with Rule 62-770.300(2)(a), F.A.C., at least one sample from the bottom of the excavation, if the water table was not reached, and at least one sample from the wall of the excavation at an equivalent depth of the soil visually stained or saturated with used oil that was removed, shall be collected for analyses for contaminants chemicals of concern detected in the sample collected in the most visibly stained area or during pre-burn analyses, to confirm that all contaminated soil was removed;

(g) No change.

(h) Use of monitoring wells, piezometers or other sampling and measurement techniques to obtain a three-dimensional evaluation of the source of contamination, of the migration of petroleum products' contaminants chemicals of concern below the water table, of groundwater flow and of relevant hydrologic parameters;

(i) through (j) No change.

(k) Use of field screening techniques (for example, use of temporary wells, piezometers or direct push technology to obtain groundwater samples for on-site analyses using gas chromatography); to optimize monitoring well placement;

(l) No change.

1. drill cuttings and drilling mud generated during monitoring well installation shall be handled and disposed of in such a manner that contamination is not spread into previously uncontaminated or less contaminated areas; and

2. development water and purge water shall be handled and disposed of in such a manner that contamination is not spread into previously uncontaminated or less contaminated areas;

(m) through (n) No change.

(o) If the possibility exists that the contamination may have impacted public or private water supply wells, sampling of the well or wells for the appropriate laboratory analyses, with the consent of the owner(s), to determine whether any contamination is present;

(p) Performance of slug tests or a pumping test, if appropriate, on different strata of the surficial aquifer or of different aquifers, if applicable, using water-table monitoring wells, intermediate depth monitoring wells and vertical extent monitoring wells, ~~or a pump test, if appropriate~~. Performance of a pumping pump test may be deferred until the Remedial Action Plan phase if groundwater extraction is proposed in accordance with the provisions of Rule 62-770.700, F.A.C. If a pumping test is performed within the plume, at least one sample of the groundwater withdrawn during the test shall be collected at the end of the pumping test and analyzed for the appropriate petroleum products' contaminants of concern and physical properties (for example, Hardness, Iron, Total Dissolved Solids and Total Suspended Solids) that may affect the treatment system and disposal options;

(q) Use of available and appropriate literature in conjunction with site-specific lithologic logs to identify aquifers present beneath the site. An analysis for Total Dissolved Solids shall be used if it is chosen to demonstrate that the natural background quality of the groundwater on-site would allow it to be classified as an area of G-III groundwater;

(r) Review of historical land use records and existing aerial photographs;

(s) Sampling of soil for USEPA Test Method 1312, Synthetic Precipitation Leaching Procedure (SPLP) analyses, or for USEPA Test Method 1311, Toxicity Characteristic

Leaching Procedure (TCLP) analyses if the (except for contamination is derived from used oil or similar petroleum products or if the information available indicates that the soil has the potential to be a hazardous waste,) or for the analyses of the physical parameters listed in Chapter 62-777, F.A.C., Table III, (see Tables I, II or III, as appropriate) required to support a recommendation for performing a risk assessment; and

(t) No change.

(4) The analyses for petroleum products' contaminants chemicals of concern in surface water, groundwater, soil and sediment samples, as applicable, shall be performed using the analytical procedures listed in Tables B, C and D I, II and III. The type of petroleum or petroleum products causing the contamination will determine which table is appropriate. Equivalent methods may be used if approved through protocols described in Rules 62-160.400(6), (7) and (8), F.A.C.

(a) If petroleum product discharges are from the Gasoline or Kerosene Analytical Groups, analyses shall be performed as described in Table B I, except that:

1. if the site is anticipated to meet the No Further Action criteria in Rule 62-770.680, F.A.C., and the site is contaminated by products solely from the Gasoline Analytical Group, analytical screening of the monitoring wells for Benzene, Ethylbenzene, Toluene, total Xylenes, MTBE and Polycyclic Aromatic Hydrocarbons (PAHs) (using applicable methods in Table B I) may be performed; or

2. if the site is anticipated to meet the No Further Action criteria in Rule 62-770.680, F.A.C., and the site is contaminated by products from the Kerosene Analytical Group, analytical screening of the monitoring wells for Benzene, Ethylbenzene, Toluene, total Xylenes, MTBE, PAHs and Total Recoverable Petroleum Hydrocarbons (TRPHs) (using applicable methods in Table B I) may be performed.

(b) If petroleum product discharges are from used oil, from an identified product not listed in the Gasoline or Kerosene Analytical Groups, or ~~are~~ from a product for which the specific identity is unknown, analyses shall be performed as described in Table C H.

(c) If the contamination is derived from petroleum as defined in Section 376.301, F.S., analyses shall be performed as described in Table D H.

(5) If initial testing of representative monitoring well(s), performed pursuant to Rule 62-770.600(4), F.A.C., does not indicate the presence of any petroleum products' contaminants chemicals of concern within a specific analytical procedure, or indicates that the presence of a contaminant chemical of concern is due to a background concentration, subsequent testing at the site need not include that analytical procedure.

(6) Within 270 days of discovery of contamination, two copies of a Site Assessment Report (that may reference previously submitted documents) shall be submitted by the responsible party to the Department or to the local program for

review. Applicable portions of the Site Assessment Report shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-770.490, F.A.C. a registered Professional Engineer or a registered Professional Geologist authorized by Chapters 471 or 492, F.S.

(7) No change.

(a) Summarize all tasks that were implemented pursuant to Rules 62-770.600(2) and (3), F.A.C., and summarize the results obtained. All maps shall be in black and white, except the topographic map required by Rule 62-770.600(7)(a)2., F.A.C. (if a color map is submitted, a duplicate black and white map is required), and all site maps shall indicate the North direction, be drawn to scale and include a graphical representation of the scale used. The following shall be included when applicable:

1. through 2. No change.

3. a vicinity map showing pertinent features, particularly any potential sources of petroleum or petroleum products contamination (such as former or current gas stations), and non-petroleum product sources (such as former or current dry cleaners) if non-petroleum products' contaminants chemicals of concern were detected during the assessment. The FDEP facility identification numbers shall be provided if available. If the subject site meets the No Further Action criteria in Rule 62-770.680(1), F.A.C., a vicinity map is not required;

4. through 8. No change.

9. site maps illustrating the water-level elevations calculated at each monitoring well or piezometer, and depicting the estimated elevation contours and an interpretation of groundwater flow direction. If different strata of the same aquifer(s), or if different aquifers, are affected, separate figures must be submitted for each date on which measurements were recorded, depicting flow in each stratum or aquifer; if the site's groundwater is tidally-influenced, separate figures must be submitted depicting flow at high and low tide;

10. through 11. No change.

12. the results from slug tests performed on a minimum of three monitoring wells or from a pumping pump test, performed to determine aquifer properties, including a description of methods used, assumptions made, field data and calculations, unless the site meets the No Further Action criteria in Rule 62-770.680(1), F.A.C., or the Natural Attenuation criteria in Rules 62-770.690(1)(a)-(f)(e), F.A.C. ~~If a pump test is performed within the plume, at least one sample of the groundwater withdrawn during the test shall be collected and analyzed for the appropriate parameters, including aquifer characterization of parameters that may affect the treatment system (for example, Hardness, Iron, Total Dissolved Solids and Total Suspended Solids);~~

13. the result of a calculation of horizontal groundwater flow velocity (v) for the site, using the formula  $v=KI/n$ , where K is the average hydraulic conductivity, I is the average horizontal hydraulic gradient, and n is the estimated effective



soil porosity, unless the site meets the No Further Action criteria in Rule 62-770.680(1), F.A.C., or the Natural Attenuation criteria in Rules 62-770.690(1)(a)-(f)(e), F.A.C.;

14. No change.

15. a description of the site-specific stratigraphy, based on the lithologic boring logs prepared during monitoring well installation and during drilling of standard penetration test borings (including composition, thickness and continuity of various lithologic units);

16. at least one cross-section illustrating the site-specific stratigraphy and approximate concentrations of applicable petroleum products' contaminants ~~chemicals~~ of concern;

17. No change.

18. a table summarizing the field soil screening results obtained at each sampling location and depth, ~~and listing the date(s) the work was performed,~~ as well as a summary of the results of any laboratory analyses performed and a listing of the date(s) the work was performed;

19. No change.

20. piezometer, monitoring well and recovery well construction details and construction diagrams, including methods and materials (~~information may be summarized in the form of schematic diagrams~~), field sampling data sheets, lithologic boring logs and volumes of groundwater removed during well development;

21. through 24. No change.

25. at least one table summarizing the groundwater and surface water analytical results (with the most recent sampling of representative monitoring wells having occurred within 270 days of Site Assessment Report submittal), detection limits used, and analyses performed (listing all contaminants ~~chemicals~~ of concern detected and their corresponding cleanup target levels); and

26. one or more site maps showing any areas excavated, and all groundwater and surface water sampling locations, and illustrating the degree and extent of groundwater and surface water contamination (separate maps for Benzene, for Total Volatile Organic Aromatics, and for all other significant/widespread petroleum products' contaminants ~~chemicals~~ of concern).

(b) Summarize conclusions regarding site assessment objectives outlined in Rules 62-770.600(2)(a)-(r), F.A.C., and include one of the following:

1. a No Further Action Proposal without conditions shall be included if the site meets the applicable No Further Action criteria in Rule 62-770.680(1), F.A.C., or ~~and~~ a No Further Action Proposal with conditions such as institutional and engineering controls may be included if the site meets the applicable No Further Action criteria in Rule 62-770.680(2), F.A.C.;

2. a ~~Monitoring Only Proposal~~ for Natural Attenuation Monitoring Plan may ~~shall~~ be included if the site meets the Natural Attenuation criteria in Rule 62-770.690, F.A.C.;

3. No change.

4. a recommendation to prepare a Remedial Action Plan pursuant to Rule 62-770.700, F.A.C., shall be included if the site does not meet the No Further Action criteria in Rule 62-770.680(1), F.A.C., unless a proposal for a No Further Action with conditions such as institutional and engineering controls pursuant to Rule 62-770.680(2), F.A.C., or a the Natural Attenuation Monitoring Plan pursuant to criteria in Rule 62-770.690, F.A.C., or unless a recommendation to prepare a risk assessment pursuant to Rule 62-770.650, F.A.C., or a proposal for a No Further Action with conditions pursuant to Rule 62-770.680(2), F.A.C., is included.

(8) No change.

(a) Provide the responsible party with written approval of ~~Approve~~ the Site Assessment Report and the proposal or recommendation submitted pursuant to Rule 62-770.600(7)(b), F.A.C.; or

(b) Notify the responsible party in writing, stating:

1. the reason(s) why that the Site Assessment Report does not contain information adequate to support the conclusions regarding the site assessment objectives outlined in Rules 62-770.600(2)(a)-(r), F.A.C.; or

2. the reason(s) why that the information provided in the proposal or recommendation submitted pursuant to Rule 62-770.600(7)(b), F.A.C., is not supported by the applicable criteria.

(c) No change.

Specific Authority 376.303, 376.3071, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History--New 11-1-87, Amended 2-4-88, Formerly 17-70.008, Amended 2-21-90, Formerly 17-770.600, Amended 9-3-96, 9-23-97, \_\_\_\_\_.

62-770.610 Fate and Transport Model Requirements.

(1) A model used to support an evaluation in accordance with the provisions of Rules 62-770.650, 62-770.680 or 62-770.690, F.A.C., must be a fate and transport model with the ability to adequately simulate movement and degradation of petroleum products' contaminants of concern in the aquifer over time and distance, taking into account attenuation mechanisms including biological, physical, and chemical processes. The model must be appropriate for site conditions and selected from the ASTM RBCA Fate and Transport Modeling Guidance, or from the list of approved models maintained by the Department, a copy of which is available upon request. Models not listed in the ASTM RBCA Fate and Transport Modeling Guidance or in the list of approved models maintained by the Department may be submitted to the Department for approval and for inclusion on the list of approved models maintained by the Department. To be considered for approval by the Department, documentation which adequately demonstrates that the above criteria have been met must be submitted to the Bureau of Petroleum Storage Systems. Any such request for Department approval shall set forth at a minimum the following information:

- (a) The model type;
  - (b) The name and address of the developer;
  - (c) The model description;
  - (d) A list of input parameters;
  - (e) The applicable boundary conditions and limitations on the appropriate use of the model;
  - (f) A description of the methods available for model calibration and examples with empirical evidence of calibration of the model with measured site data;
  - (g) Documentation of code testing that has been done (for example, hand calculations to demonstrate the model formulas were programmed without mistakes);
  - (h) At least one independent reference knowledgeable with the theory, or experienced in the use, of fate and transport models, which must be a Professional Engineer registered under Chapter 471, F.S., or a Professional Geologist registered under Chapter 492, F.S.; and
  - (i) Any approvals or denials of the model received from other states.
- (2) Within 60 days of the receipt of a request for approval of a model, the Department shall issue an Order:
- (a) Providing the requester with approval of the model; or
  - (b) Notifying the requester, stating the reason(s) why the request does not adequately demonstrate that the requirements of Rule 62-770.610(1), F.A.C., have been met.
- (3) The Department's Order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History--New

62-770.650 Risk Assessment.

- (1) No change.
- (2) The following ~~are potential~~ risk assessment task elements may be performed, as appropriate:
  - (a) An exposure assessment that identifies pathways and routes by which human and environmental receptors may be exposed to petroleum products' contaminants chemicals of concern and determines levels of these to which receptors may be exposed. The exposure assessment ~~shall may~~:
    1. identify concentrations of petroleum products' contaminants chemicals of concern found at the site in all contaminated media [refer to Appendix C of the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, for guidance on the derivation of alternative cleanup levels for TRPHs based on a sub-classification methodology];
    2. identify background concentrations of petroleum products' contaminants chemicals of concern found at the site and in the aquifer as a whole;
    3. determine soil properties (for example, texture, moisture content, dry bulk density, organic carbon content and infiltration rate) using methods listed in Chapter 62-777,

F.A.C., Table III Tables I, II or III, as appropriate, or leaching potential as determined using a test such as USEPA Test Method 1312 (SPLP) in which leachate concentrations are compared with applicable groundwater cleanup target levels;

- 4. identify actual and potential exposure pathways and routes;
- 5. identify actual and or potential human and environmental receptors for each exposure pathway, and any sensitive sub-populations route;
- 6. determine expected concentrations of petroleum products' contaminants chemicals of concern to which actual and or potential human and environmental receptors may be exposed;
- 7. determine exposure factors (exposure duration and frequency) based on site-specific characteristics, including consideration of-- Site specific factors protective under both current and plausible future land uses, Institutional and engineering controls may be proposed in order to ensure that exposure factors do not change may be used with appropriate documentation and institutional controls in place; and
- 8. identify established health-based values for all petroleum products' contaminants chemicals of concern found at the site.

(b) A toxicity assessment that determines human health and environmental criteria for petroleum products' contaminants chemicals of concern found at the site. The criteria, taking into consideration acute and chronic health effects associated with short-term and long-term exposure, may be developed for applicable exposure pathways and routes identified in the exposure assessment and shall may include:

- 1. No change.
- 2. non-potable domestic water exposure from dermal contact, inhalation of vapors and mists, ingestion of food crops irrigated with such water, lawn watering, and other related exposures, and exposures to ingestion by pets and livestock from ingestion, and other related exposures;
- 3. No change.
- 4. non-potable surface water exposure from ingestion, dermal contact, and inhalation of vapors and mists. Adverse effects on freshwater or marine biota (including any bio-accumulative effects in the food chain)- and on humans (for example, through incidental ingestion and dermal contact while using the resource for recreational purposes or fish consumption) should be considered.

(c) A risk characterization that utilizes the results of the exposure assessment and the toxicity assessment to characterize cumulative risks to the affected population(s) and the environment from petroleum products' contaminants chemicals of concern found at the site, ~~to the affected population(s) and the environment.~~ Based on the concentrations of petroleum products' contaminants chemicals of concern found at the site, the characterization shall include may consider:

1. risks to human health and safety from exposure to the contamination;

~~2. effects on the public welfare from exposure to the contamination; and~~

~~2.3. risks from the contamination to non-human species and ecosystems; and.~~

3. derivation of alternative cleanup target levels such that: for non-carcinogenic petroleum products' contaminants of concern that affect the same organ(s), the hazard index (sum of the hazard quotients) is 1 or less; and for carcinogens, the cumulative lifetime excess cancer risk level is 1.0E-6, as applicable [refer to Appendix C of the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, for guidance on the derivation of alternative cleanup target levels for TRPHs based on a sub-classification methodology; and to Chapter 62-777, F.A.C., Table III for methods to be used in determining soil properties for the derivation of alternative cleanup target levels based on site-specific soil characteristics]. In developing alternative cleanup target levels, when scientific data are available, the potential for additive, synergistic, or antagonistic interactions among petroleum products' contaminants of concern and the potential for exposure to petroleum products' contaminants of concern via multiple pathways shall be considered based on target organ(s) affected, mechanism(s) of toxicity, and empirical observations from clinical and laboratory studies. The default assumptions shall be that non-carcinogenic chemicals affecting the same target organ(s) have additive effects and that carcinogenic risk, regardless of target organ, is additive.

(d) A justification for alternative cleanup target levels for groundwater or soil. The justification for the alternative cleanup target levels shall be based upon the conditions affecting the site and the degree to which the desired cleanup target levels are achievable and can be cost-effectively implemented within available technologies or engineering and institutional control strategies. In establishing the alternative cleanup target levels for groundwater or soil, the following factors shall be used, as applicable: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limits; the naturally occurring background concentrations; and (for groundwater only) of nuisance, organoleptic, and of aesthetic considerations.

1. through 1.b. No change.

c. ~~individual~~ site soil characteristics; and

d. No change.

2. fate and transport models for petroleum products' contaminants ~~chemicals~~ of concern may be employed, in accordance with Rule 62-770.610, F.A.C., to document that human health and environmental risks from the establishment of alternative cleanup target levels are acceptable. If a fate and transport models for petroleum products' contaminants

~~chemicals~~ of concern is ~~are~~ utilized, the model shall be validated, and adjusted refined accordingly, using empirical data as the data are obtained during subsequent monitoring to validate a No Further Action Proposal or during natural attenuation monitoring or active remediation monitoring.

(3) The Risk Assessment Report shall contain a description of the task elements undertaken, ~~and~~ summarize the conclusions obtained, and include one of the following:

(a) A No Further Action Proposal without conditions shall be included if the site meets the applicable No Further Action criteria in Rule 62-770.680(1), F.A.C., or and a No Further Action Proposal with conditions, such as institutional and engineering controls, may be included if the site meets the applicable No Further Action criteria in Rule 62-770.680(2), F.A.C.;

(b) A ~~Monitoring Only Proposal for~~ Natural Attenuation Monitoring Plan may ~~shall~~ be included if the site meets the Natural Attenuation criteria in Rule 62-770.690, F.A.C.; or

(c) A recommendation to prepare a Remedial Action Plan pursuant to Rule 62-770.700, F.A.C., shall be included if the site does not meet the No Further Action criteria in Rule 62-770.680(1), F.A.C., unless a proposal for a No Further Action with conditions such as institutional and engineering controls pursuant to Rule 62-770.680(2), F.A.C., or a Natural Attenuation Monitoring Plan pursuant to Rule 62-770.690, F.A.C., is included requirements for No Further Action or Natural Attenuation.

(4) No change.

(a) Provide the responsible party with written approval of ~~Approve~~ the Risk Assessment Report and the proposal or recommendation submitted by the responsible party pursuant to Rule 62-770.650(3), F.A.C.; or

(b) Notify the responsible party in writing, stating:

1. the reason(s) why that the Risk Assessment Report does not contain information adequate to support the proposed alternative cleanup target levels; or

2. the reason(s) why that the proposal or recommendation submitted pursuant to Rule 62-770.650(3), F.A.C., is not supported by the applicable criteria.

Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.3071, 403.021, 403.061, 403.062 FS. History--New 9-23-97, Amended \_\_\_\_\_.

62-770.680 No Further Action.

(1) A No Further Action without conditions ~~or restrictions~~ shall apply if:

(a) through (b) No change.

(c) Contaminated soil is not present in the unsaturated zone, as demonstrated by the analyses of soil samples collected from representative sampling locations that show that concentrations of all of the applicable petroleum products' contaminants ~~chemicals~~ of concern do not exceed are less than:

1. the background concentrations; or

2. the lower of the direct exposure residential cleanup target levels † or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II Table IV or, if only leachability cleanup target levels are exceeded, then direct leachability testing results may be used to demonstrate that does not result in leachate concentrations do not that exceed the applicable groundwater cleanup target levels. Leachability testing pursuant to USEPA Test Method 1312 (SPLP), or USEPA Test Method 1311 (TCLP) if the ~~(except for~~ contamination is derived from used oil or similar petroleum products, must be performed on a minimum of three representative grab soil samples from each source area that exceed leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II Table IV, with the actual number of samples based on the horizontal and vertical extent of contamination and the site-specific stratigraphy; or

3. alternative cleanup target levels for TRPHs established in accordance with Rules 62-770.650(2)(a)1. and 62-770.650(2)(c)3., F.A.C.; or

~~4.3.~~ alternative cleanup target levels established using appropriate site-specific soil parameters of the contaminated soil in accordance with Rule 62-770.650(2)(a)3., F.A.C.;

(d) Concentrations of All the petroleum products' contaminants ~~chemicals~~ of concern ~~analyzed for~~ in groundwater samples do not exceed are less than the higher of the background concentrations or ~~less than~~ the applicable cleanup target levels referenced specified in Chapter 62-777, F.A.C., Table I, groundwater criteria column Table V, except that if the site's groundwater contamination is affecting or may potentially affect a freshwater surface water body based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling, then the cleanup target levels referenced specified in Chapter 62-777, F.A.C., Table I, freshwater surface water criteria column Table VI shall also apply to groundwater; and

(e) Concentrations of All the petroleum products' contaminants ~~chemicals~~ of concern ~~analyzed for~~ in surface water samples do not exceed are less than the higher of the background concentrations or ~~less than~~ the applicable cleanup target levels referenced specified in Chapter 62-777, F.A.C., Table I, freshwater surface water criteria column or marine surface water criteria column, as applicable Table VII.

(2) A No Further Action with conditions ~~or restrictions~~ such as institutional ~~and~~ or engineering controls ~~strategies~~ shall apply if the conditions ~~or restrictions~~ are protective of human health, public safety and the environment in a cost-effective manner and are agreed to by the real property owner(s) of all affected properties. Fate and transport models as defined in Rule 62-770.610, F.A.C., may be utilized to demonstrate that conditions are protective, and the The following conditions must be are met:

(a) through (b) No change.

(c) Alternative soil cleanup target levels have been established may be justified by the real property owner(s) by agreeing to:

1. the enactment of an institutional control, in which case the concentrations of the petroleum products' contaminants chemicals of concern must not exceed be less than the lower of background concentrations or less than the direct exposure commercial/industrial † cleanup target levels or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II Table IV, as applicable. The soil leachability cleanup target levels may be exceeded if it is can be demonstrated to the Department, based upon individual site characteristics and the restrictions specified in the institutional control, that petroleum products' contaminants chemicals of concern will not leach into the groundwater at concentrations that exceed applicable groundwater cleanup target levels referenced specified in Chapter 62-777, F.A.C., Table I Table V. ~~(If~~ soil that exceeds direct exposure residential cleanup target levels † or applicable leachability Table V cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-770.300(2) and (3), F.A.C., shall apply if the contaminated soil is later excavated);

2. the enactment of an institutional control, in which case the concentrations of the petroleum products' contaminants chemicals of concern in soil below two feet below land surface may exceed the direct exposure residential † cleanup target levels but may not exceed the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II Table IV. The leachability cleanup target levels may be exceeded if it is can be demonstrated to the Department, based upon individual site characteristics and the restrictions specified in the institutional control, that petroleum products' contaminants chemicals of concern will not leach into the groundwater at concentrations that exceed applicable groundwater cleanup target levels referenced specified in Chapter 62-777, F.A.C., Table I Table V. ~~(If~~ soil that exceeds direct exposure residential cleanup target levels † or leachability Table V cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-770.300(2) and (3), F.A.C., shall apply if the contaminated soil is later excavated, or exposed due to a change in site conditions);

3. the enactment of an institutional control, in which case the concentrations of the petroleum products' contaminants chemicals of concern must not exceed be less than the alternative soil cleanup target levels justified pursuant to Rule 62-770.650, F.A.C. If soil that exceeds direct exposure residential cleanup target levels or leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-770.300(2) and (3), F.A.C., shall apply if

the contaminated soil is later excavated. The enactment of an institutional control is not necessary if the alternative soil cleanup target levels were justified solely using appropriate site-specific soil parameters of the contaminated soil in accordance with Rule 62-770.650(2)(a)3., F.A.C.; or

4. the implementation of engineering controls, such as permanent cover material, that prevents human exposure and limits water infiltration, in conjunction with institutional controls. If soil that exceeds direct exposure residential cleanup target levels or leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-770.300(2) and (3), F.A.C., shall apply if the contaminated soil is later excavated, or exposed due to a change in site conditions; and

(d) Alternative groundwater cleanup target levels have been established ~~may be justified~~ by the real property owner(s) depending on the current or projected use of groundwater and surface water in the vicinity of the site and by agreeing to:

1. the enactment of an institutional control to ensure that the contaminated groundwater will not be utilized ~~consumed~~, in accordance with the following:

a. for contamination of groundwater of low yield (average hydraulic conductivity of less than one foot per day, determined by performing slug tests on a minimum of three monitoring wells; and a maximum yield of 80 gallons per day, determined by pumping a four inch well screened across the cross-section of the plume, for a minimum of two hours) or with background concentrations that exceed Florida's Primary and Secondary Drinking Water Standards, then the cleanup target levels referenced listed in Chapter 62-777, F.A.C., Table I, groundwater of low yield/poor quality criteria column ~~Table VIII~~ shall apply to groundwater;

b. for groundwater contamination that is affecting or may potentially affect a marine surface water body with no other property or properties located between the source property boundary and the marine surface water body, then the applicable cleanup target levels referenced specified in Chapter 62-777, F.A.C., Table I, marine surface water criteria column ~~Table VII~~ shall apply to groundwater;

c. for groundwater contamination that is limited to the immediate vicinity of the source area and the area of groundwater contamination is less than 1/4 acre, where it has been demonstrated by a minimum of one year of groundwater monitoring that the groundwater contamination is not migrating away from such localized source area, then the alternative cleanup target levels shall be established through a scientific evaluation. The scientific evaluation (historical data or modeling results, as applicable; ~~the model used must be appropriate for the site conditions and selected from a list maintained by the Department~~) must demonstrate that the concentrations of petroleum products' contaminants chemicals of concern in groundwater at the property boundary of the real

property on which the petroleum contamination originates shall not exceed the background concentrations or the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I ~~Tables V, VI or VIII~~; or

d. if alternative cleanup target levels have been justified pursuant to Rule 62-770.650, F.A.C., the concentrations of petroleum products' contaminants chemicals of concern do not exceed those alternative cleanup target levels; or

2. the implementation of engineering controls, such as a permanent containment (for example, a slurry wall), that prevents migration of the plume, in conjunction with institutional controls.

(3) Unless the No Further Action Proposal is included in a Site Assessment Report pursuant to Rule 62-770.600(7)(b)1., F.A.C., two copies of the No Further Action Proposal shall be submitted by the responsible party to the Department or to the local program for review when the criteria for No Further Action have been met. If applicable, documentation of the agreement with the real property owner(s) for a No Further Action with conditions ~~or restrictions~~ shall be attached. Applicable portions of the No Further Action Proposal shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-770.490, F.A.C. a registered Professional Engineer or a registered Professional Geologist authorized by Chapters 471 or 492, F.S.

(4) Within 60 days of receipt of a No Further Action Proposal or of additional information pursuant to Rule 62-770.800(4), F.A.C., the Department or the local program shall:

(a) Provide the responsible party with a Site Rehabilitation Completion Order approving ~~approve~~ the No Further Action Proposal; or

(b) Notify ~~notify~~ the responsible party in writing, stating the reasons(s) why ~~that~~ the No Further Action Proposal does not contain information adequate to support the conclusion that the applicable No Further Action criteria in Rule 62-770.680, F.A.C., have been met.

(5) ~~The~~ If the No Further Action Proposal meets the criteria in Rule 62-770.680, F.A.C., then a Site Rehabilitation Completion Order shall be issued. This Order shall constitute final agency action regarding cleanup activities at the site.

Specific Authority 376.303, 376.3071, 403.061, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History—New 9-23-97, Amended.

62-770.690 Natural Attenuation.

(1) Depending on the individual site characteristics ~~current or projected use of groundwater in the vicinity of the site~~, monitoring of natural attenuation is an appropriate strategy for site rehabilitation, provided human health, public safety and the environment are protected. The individual site characteristics may include the current and projected use of the affected groundwater and surface water in the vicinity of the site, the current and projected land use of the area affected by

the contamination, the exposed population, the location of the plume, the degree and extent of contamination, the rate of migration of the plume, the apparent or potential rate of degradation of petroleum products' contaminants of concern through natural attenuation, and the potential for further migration in relation to the site's property boundary. Fate and transport models as defined in Rule 62-770.610, F.A.C., may be utilized to support the appropriateness of natural attenuation monitoring. Monitoring of natural ~~Natural~~ attenuation is appropriate if the following criteria are met:

(a) No change.

(b) Contaminated soil is not present, except that applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II ~~Table IV~~ may be exceeded if it is demonstrated to the Department or to the local program that the soil does not constitute a continuing source of contamination to the groundwater at concentrations that pose a threat to human health, public safety or the environment, and it is demonstrated that the rate of natural attenuation of contaminants of concern in the groundwater exceeds the rate at which contaminants of concern are leaching from the soil, and that the presence of contaminated soil will not to the extent that it may result in increased cleanup cost. The determination shall be based upon individual site characteristics and, as demonstrated by USEPA Test Method 1312 (SPLP), or USEPA Test Method 1311 (TCLP) if the ~~(except for~~ contamination is derived from used oil or similar petroleum products), and based upon groundwater modeling, site stratigraphy or site assessment results;

(c) Petroleum products' contaminants ~~chemicals~~ of concern present in the groundwater above background concentrations or applicable cleanup target levels are not migrating beyond the temporary point of compliance, or migrating vertically that may contaminate other aquifers or surface water resources or result in increased cleanup cost;

(d) The physical, chemical and biological characteristics of each petroleum products' contaminant of concern are conducive to natural attenuation;

~~(e)(d)~~ No change.

~~(f)(e)~~ The site is anticipated to meet ~~achieve~~ the applicable No Further Action criteria in Rule 62-770.680, F.A.C., as a result of natural attenuation in five years or less, the background concentrations or the applicable cleanup target levels are not exceeded at the temporary point of compliance as established pursuant to Rules 62-770.690(2) or (3), F.A.C., and the concentrations of petroleum products' contaminants ~~chemicals~~ of concern do not exceed the criteria specified ~~listed~~ in Chapter 62-777, F.A.C., Table V ~~Table IX~~; or

~~(g)(f)~~ If the criteria in Rule 62-770.690(1)~~(f)(e)~~, F.A.C., are not met, the cost-effectiveness of natural attenuation monitoring may be demonstrated, based on:

1. a technical evaluation of groundwater and soil characteristics, chemistry, and biological activity that verifies that the petroleum products' contaminants of concern have the capacity to degrade under the site-specific conditions;

2. a scientific evaluation (historical data or modeling results, as appropriate; ~~the model used must be demonstrated to be appropriate for the site conditions and selected from a list maintained by the Department~~) of the plume migration in relation to the temporary point of compliance as established pursuant to Rules 62-770.690(2) or (3), F.A.C., an estimation of annual milestone reductions of concentrations of petroleum products' contaminants of concern in monitoring wells, and an estimation of the time required to achieve the applicable No Further Action criteria in Rule 62-770.680, F.A.C. Available technical information (including historical water quality data) shall be used for model calibration; and

3. a life-cycle cost analysis of remedial alternatives.

(2) Provided human health, public safety and the environment are protected, the point of compliance may be temporarily moved to the property boundary, to the edge of the plume when the plume is within the property boundary, or beyond the property boundary if such extension is needed to facilitate monitoring of natural attenuation or to address the current conditions of the plume. The responsible party shall identify to the Department the owners of any property into which the point of compliance is allowed to temporarily extend and any county or municipality having jurisdiction over the area. Prior to extending the point of compliance beyond the property boundary, notice shall be provided to the identified local governments and to the real property owners of any property into which the point of compliance is allowed to extend. Such notice shall be in the format specified in Rule 62-103.150(3), F.A.C. The location of the temporary point of compliance shall be based on the individual site characteristics listed in Rule 62-770.690(1), F.A.C.:

~~a. the current and projected use of the affected groundwater in the vicinity of the site;~~

~~b. the current and projected land use of the area affected by the contamination;~~

~~e. the exposed population;~~

~~d. the location of the plume;~~

~~e. the degree and extent of contamination;~~

~~f. the rate of migration of the plume;~~

~~g. the apparent or potential rate of degradation of petroleum products' chemicals of concern through natural attenuation; and~~

~~h. the potential for further migration in relation to the site's property boundary.~~

(3) Where surface water is or may be exposed to groundwater contaminated with petroleum products' contaminants ~~chemicals~~ of concern (based on monitoring well data, groundwater flow rate and direction, or fate and transport

modeling), the point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body.

(4) Unless the ~~Monitoring Only Proposal~~ for Natural Attenuation Monitoring Plan is included in a Site Assessment Report pursuant to Rule 62-770.600(7)(b)2., F.A.C., two copies of the ~~Monitoring Only Proposal~~ for Natural Attenuation Monitoring Plan shall be submitted by the responsible party to the Department or to the local program for review when the criteria for Natural Attenuation have been met. Applicable portions of the Natural Attenuation Monitoring Plan ~~Only Proposal~~ shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-770.490, F.A.C. a registered Professional Engineer or a registered Professional Geologist authorized by Chapters 471 or 492, F.S.

(5) Within 60 days of receipt of a ~~Monitoring Only Proposal~~ for Natural Attenuation Monitoring Plan or of additional information pursuant to Rule 62-770.800(4), F.A.C., the Department or the local program shall:

(a) Provide the responsible party with written approval of approve the Natural Attenuation Monitoring Plan ~~Only Proposal~~; or

(b) Notify notify the responsible party in writing, stating the reasons(s) why that the Natural Attenuation Monitoring Plan ~~Only Proposal~~ does not contain information adequate to support the conclusion that the applicable Natural Attenuation criteria in Rule 62-770.690, F.A.C., have been met.

(6) ~~If the Monitoring Only Proposal for Natural Attenuation meets the criteria in Rule 62-770.690(1), F.A.C., then a Monitoring Only Plan approval shall be issued.~~ The objective of the monitoring program shall be to meet achieve the applicable No Further Action criteria in Rule 62-770.680, F.A.C.

(7) The monitoring program shall be performed as specified in the Natural Attenuation Monitoring ~~Only~~ Plan approval, as follows:

(a) A minimum of two monitoring wells are is required:

1. at least one well shall be located at the downgradient edge of the plume downgradient from the area(s) of maximum concentrations of petroleum products' chemicals of concern; and

2. at least one well shall be located in the area(s) of maximum concentrations of petroleum products' contaminants chemicals of concern or directly adjacent to it if the area of highest groundwater contamination is inaccessible (for example, under a structure);

(b) The monitoring period shall be a minimum of one year, unless two consecutive quarterly sampling events have indicated that applicable cleanup target levels have been met, in which case the requirements of paragraph (8) shall apply;

(c) The designated monitoring wells shall be sampled for analyses of applicable petroleum products' contaminants chemicals of concern at a frequency specified in the Natural Attenuation Monitoring ~~Only~~ Plan approval;

(d) Water-level measurements in all designated wells shall be made immediately prior to each sampling event;

(e) The analytical results (laboratory report), chain of custody record form [Form 62-770.900(2)], table summarizing the analytical results, site map(s) illustrating the analytical results, and the water-level elevation information (summary table and flow map), shall be reported by the responsible party to the Department or to the local program in a Natural Attenuation Monitoring Report within 60 days of sample collection;

(f) If analyses of groundwater samples indicate that concentrations of applicable petroleum products' contaminants chemicals of concern exceed any action levels specified in the Natural Attenuation Monitoring ~~Only~~ Plan approval, the well or wells shall be resampled no later than 30 days after the initial positive result is known. If the results of the resampling confirm the exceedance(s), then a proposal shall be submitted by the responsible party to the Department or to the local program to:

1. through 3. No change.

(g) The annual milestone reductions of concentrations of petroleum products' contaminants chemicals of concern in monitoring wells, that shall be used to verify annual progress of site rehabilitation cleanup by natural attenuation, shall be achieved during the monitoring program. If the annual rate of expected cleanup progress is not achieved, then the Natural Attenuation Monitoring Report ~~monitoring report~~ described in Rule 62-770.690(7)(e), F.A.C., shall include a proposal to:

1. through 3. No change.

(8) Following completion of natural attenuation monitoring, two copies of a Site Rehabilitation Completion Report shall be submitted by the responsible party to the Department or to the local program for review when the criteria for No Further Action pursuant to Rule 62-770.680, F.A.C., have been met. Applicable portions of the Site Rehabilitation Completion Report shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-770.490, F.A.C. a registered Professional Engineer or a registered Professional Geologist authorized by Chapters 471 or 492, F.S. The Site Rehabilitation Completion Report shall contain documentation adequate to support supporting the opinion that site cleanup objectives have been achieved.

(9) Within 60 days of receipt of the Site Rehabilitation Completion Report or of additional information pursuant to Rule 62-770.800(4), F.A.C., the Department or the local program shall:

(a) Provide the responsible party with a Site Rehabilitation Completion Order approving approve the Site Rehabilitation Completion Report; or

(b) ~~Notify~~ notify the responsible party in writing, stating the reasons(s) why ~~that~~ the Site Rehabilitation Completion Report does not contain information adequate to support the opinion that cleanup objectives have been achieved.

(10) ~~The~~ Upon approval of the Site Rehabilitation Completion Report, the Department shall issue a Site Rehabilitation Completion Order. This Order shall constitute final agency action regarding cleanup activities at the site.

Specific Authority 376.303, 376.3071, 403.061, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History—New 9-23-97, Amended \_\_\_\_\_.

62-770.700 Active Remediation.

(1) Within 90 days of approval of a Site Assessment Report (unless a No Further Action Proposal, a ~~Monitoring Only Proposal~~ Monitoring Plan for Natural Attenuation Monitoring Plan or a recommendation to prepare a risk assessment was approved), two copies of a Remedial Action Plan shall be submitted by the responsible party to the Department or to the local program for review. Applicable portions of the Remedial Action Plan shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-770.490, F.A.C. a registered Professional Engineer or a registered Professional Geologist authorized by Chapters 471 or 492, F.S. The objective of the active remediation shall be to meet ~~achieve~~ the applicable No Further Action criteria in Rule 62-770.680, F.A.C., or the Natural Attenuation criteria in Rule 62-770.690, F.A.C. The Remedial Action Plan must provide a design that addresses cleanup of all soil, sediment, groundwater or surface water found to be contaminated. If one or more of the contaminated media is not addressed, a recommendation and justification for that decision must be included.

(2) through (3)(a) No change.

(b) Summarize the Site Assessment Report conclusions and any additional data obtained subsequent to Site Assessment Report approval since that time;

(c) If groundwater contamination is present, include results from a round of groundwater sampling and analyses from a number of monitoring wells adequate to determine the highest concentrations of petroleum products' contaminants chemicals of concern, to verify the horizontal and vertical extent perimeter of the plume and to provide design data for the Remedial Action Plan. The sampling and analyses shall be performed after approval of the Site Assessment Report, unless the most recent groundwater analytical results submitted in the complete Site Assessment Report are from a round of groundwater sampling and analyses performed less than 270 days before submittal of the Remedial Action Plan. If the results from the confirmatory round of sampling contradict earlier results, then supplemental site assessment shall be required;

(d) through (e)2. No change.

a. long-term and short-term human health and environmental impacts;

b. through (g)1. No change.

2. the expected concentrations of petroleum products' contaminants chemicals of concern in the effluent;

3. the method of air emissions treatment and the expected quantities in pounds per day of any petroleum products' contaminants chemicals of concern discharged into air as a result of all on-site active remediation systems. A separate air permit will not be required if the mass of total petroleum hydrocarbons in the air emissions from all on-site remediation equipment system(s) does not exceed 13.7 pounds per day. For on-site remediation equipment system(s) located at a facility that is a Title V source pursuant to Chapter 62-213, F.A.C., a separate permit under that chapter may be required; and

4. No change.

(h) If groundwater contamination is present, include a list of petroleum products' contaminants chemicals of concern to be monitored in the recovery well(s) and in the effluent from the treatment system (based on the type of treatment employed and disposition of the effluent) or other chemical indicators to aid in the evaluation of the appropriateness of natural attenuation monitoring pursuant to Rule 62-770.690(1)(g)(f)1., F.A.C., or an in situ method of site rehabilitation. Contaminants After three consecutive quarters in which monitoring data indicate that any chemical(s) of concern that do not exceed is less than the background concentrations or the applicable cleanup target levels in samples from the recovery wells or monitoring wells for three consecutive quarters, such chemical(s) of concern may be excluded from subsequent monitoring events;

(i) If groundwater contamination is present, include the designation of a number of monitoring wells and a proposal for their sampling frequency adequate to monitor the cleanup progress during active remediation, and the description of the methodology proposed to evaluate the effectiveness and efficiency of the remediation system. The designated wells shall include at least one well located at the a downgradient edge of the plume well and one a well in the area(s) of maximum concentrations of petroleum products' contaminants of concern highest groundwater contamination or directly adjacent to it if the area of highest groundwater contamination is inaccessible (for example, under a structure). Consideration shall be given to the expected duration of cleanup when specifying monitoring frequency. For cleanups expected to last greater than two years, wells shall be sampled quarterly for the first year and semiannually thereafter. For cleanups expected to last less than two years, wells shall be sampled quarterly. A representative number of previously contaminated monitoring wells shall be sampled once a year, and the samples analyzed for the applicable petroleum products' contaminants chemicals of concern, in order to redefine the plume and fully evaluate the effectiveness and efficiency of the remedial system. The selection of the representative monitoring wells shall be included in the Remedial Action Plan; and



(j) Provide the details of any proposed treatment or disposition of contaminated soil or sediment. If contaminated soil exists at the site and active remediation does not include treatment or removal of such soil, the basis for the decision to forego treatment or removal shall be provided and the Remedial Action Plan shall ~~may~~ include a proposal to implement the enactment of an engineering or institutional control, or both an institutional and when an engineering control, pursuant to Rule 62-770.680(2), F.A.C. is included.

(4) The remedial action plan summary form [~~Form 62-770.900(4)~~], shall be completed and submitted as part of the Remedial Action Plan. The information provided in the remedial action plan summary form shall be resubmitted to be consistent ~~coincide~~ with the final approved Remedial Action Plan and any subsequent modifications to the approved Remedial Action Plan.

(5) Other requirements to be included in the Remedial Action Plan, if applicable, include the following:

(a) Vacuum extraction systems shall be equipped with a means of air emissions treatment for at least the first 30 days of system operation. Air emissions treatment may be discontinued after the first 30 days of system operation if the mass of total petroleum hydrocarbons ~~volatile organic compounds~~ in the emissions from all on-site ~~the remediation equipment does not exceed on site is less than~~ 13.7 pounds per day;

(b) Bioventing systems shall be equipped with a means of air emissions treatment unless the Remedial Action Plan design is based on respiration rates and optimum ~~optimal~~ air flow that result in soil remediation primarily by bioremediation with minimal volatilization of hydrocarbons. This objective shall be confirmed by a pilot study or by emissions sampling during startup;

(c) In situ air sparging systems shall be designed and operated in conjunction with air emissions treatment system(s) unless the Remedial Action Plan design is based on sparging rates and optimum air flow with minimal volatilization of hydrocarbons. This objective shall be confirmed by emissions sampling during startup, where applicable. If a vacuum extraction system is used, the vacuum extraction system shall operate at an air flow rate at least 50% greater than the sparging air flow rate, and the vacuum extraction system shall be provided with air emissions control as described in Rule 62-770.700(5)(a), F.A.C.;

(d) Biosparging systems shall be equipped with a means of air emissions control unless the Remedial Action Plan design is based on the optimum air sparging rates that promote biological activity with minimal ~~minimum~~ volatilization of hydrocarbons. This objective shall be confirmed by a pilot study or by emissions sampling during startup;

(e) Multi-phase extraction systems shall be equipped with a means of air emissions treatment during system operation. Air emissions system operation may be discontinued if the mass of total petroleum hydrocarbons ~~volatile organic~~

~~compounds~~ in the emissions from all on-site ~~the remediation equipment does not exceed on site is less than~~ 13.7 pounds per day;

(f) through (g) No change.

(6) The most cost-effective and appropriate strategy for some sites may be active remediation followed by the monitoring of natural attenuation. The active remediation may consist solely of soil remediation, short-term or intermittent groundwater remediation, or other remedial enhancements, or combinations of these. The discontinuation of active remediation may be appropriate at any time depending on the site-specific characteristics and conditions. The Remedial Action Plan shall include a discussion of when the active remediation will be discontinued. When the natural attenuation criteria in Rule 62-770.690, F.A.C., have been met achieved, natural attenuation monitoring shall be performed pursuant to Rule 62-770.690(7), F.A.C.

(7) The Remedial Action Plan may propose the use of new and innovative technologies or strategies that meet the criteria in Rule 62-770.700, F.A.C., and that are cost-effective in meeting the No Further Action criteria in Rule 62-770.680, F.A.C., or the Natural Attenuation criteria in Rule 62-770.690, F.A.C. These technologies or strategies may include low-cost enhancements to natural attenuation.

(8) Within 60 days of receipt of a Remedial Action Plan or of additional information pursuant to Rule 62-770.800(4), F.A.C., the Department or the local program shall:

(a) Provide the responsible party with written approval of ~~approve~~ the Remedial Action Plan; or

(b) Notify ~~notify~~ the responsible party in writing, stating the reasons(s) why that the Remedial Action Plan does not contain information adequate to support the conclusions that the active remediation will be cost-effective and will comply with all applicable requirements in Rule 62-770.700, F.A.C.

(9) Active remediation activities shall not be implemented until the Remedial Action Plan is approved. The approval of the Remedial Action Plan shall constitute all necessary Departmental approvals, except that separate permits such as underground injection of treated water, National Pollutant Discharge Elimination System or air emissions are required if not included in the Remedial Action Plan approval.

~~(10)(9)~~ No change.

(a) Water-level data collected each time monitoring wells and recovery wells are sampled. If operational parameters remain unchanged, the responsible party may propose, pursuant to Rule 62-770.700~~(12)(44)~~, F.A.C., that the requirement be modified or discontinued;

(b) through (c) No change.

(d) Concentrations of applicable petroleum products' contaminants ~~chemicals~~ of concern based on analyses performed on the effluent from the treatment system, daily for

the first three days with a 24 hour turnaround on analytical results, monthly for the next two months, and quarterly thereafter;

(e) Concentrations of applicable petroleum products' contaminants chemicals of concern based upon analyses performed on the untreated groundwater from the individual recovery well(s) as proposed in the approved Remedial Action Plan, daily for the first three days, monthly for the next two months, ~~first six months~~ and quarterly thereafter;

(f) through (h) No change.

(i) Concentrations of recovered vapors from a vacuum extraction system, and post-treatment air emissions if air emissions treatment is provided, weekly for the first month, monthly for the next two months, and quarterly thereafter (for activated carbon off-gas treatment, additional sampling events may be performed based on the estimated time of breakthrough), unless two consecutive monthly or quarterly sampling events do not show exceedances of applicable air quality standards, as follows:

1. concentrations of recovered vapors from individual wells shall be determined using an organic vapor analyzer with a flame ionization detector, or other applicable field detection device, in order to optimize the air flow rate and hydrocarbon recovery;

2. through 6. No change.

(j) Percentage of system operation time runtime and treatment efficiency for all operating treatment systems; and

(k) Results of analyses of soil samples taken to verify that the applicable No Further Action criteria in Rule 62-770.680, F.A.C., or the applicable Natural Attenuation criteria in Rule 62-770.690, F.A.C., have been met achieved, based on one of the following:

1. when both field screening and laboratory results using the most sensitive method for the constituent(s) being analyzed for vacuum extraction systems indicate no detectable concentrations of contaminants of concern in the recovered vapors;

2. No change.

3. if alternative soil cleanup target levels were established pursuant to Rule 62-770.650, F.A.C., when system performance or monitoring using the applicable analytical methods for the appropriate constituents indicates that the alternative soil cleanup target levels have been achieved.

~~(11)(40)~~ No change.

~~(12)(44)~~ During implementation of the Remedial Action Plan, status reports of remedial action shall be submitted by the responsible party to the Department or to the local program, annually unless a greater frequency is specified in the approved Remedial Action Plan. The status reports shall be submitted within 60 days after the anniversary date of initiating operation of the active remediation system and shall contain the following information, as applicable:

(a) A summary of the data requested in Rules 62-770.700~~(10)(9)~~(a)-(k), F.A.C.;

(b) Concentrations of petroleum products' contaminants chemicals of concern as specified in Rule 62-770.700~~(16)(15)~~, F.A.C., if applicable;

(c) A summary of the estimated mass of petroleum hydrocarbons recovered in all phases, including free product, dissolved and vapors, by all on-site remediation equipment ~~on site~~, and a comparison to the original estimate of mass of petroleum products' contaminants chemicals of concern on-site;

(d) through (f) No change.

~~(13)(42)~~ If effluent concentrations or air emissions ~~exceeding~~ those in the approved Remedial Action Plan, or excessive plume migration, occurs during remediation system startup or during operation of the treatment system, corrective actions shall be taken and the Department or the local program shall be notified by the responsible party within seven days. If the condition may represent a threat to human health, public safety or the environment, the Department or the local program shall be notified within 24 hours. Details of all such incidents shall be included in the annual status report described in Rule 62-770.700~~(12)(44)~~, F.A.C.

~~(14)(43)~~ No change.

(a) Supplemental ~~Further~~ assessment to determine alternative cleanup target levels pursuant to Rule 62-770.650, F.A.C. During the supplemental ~~such~~ assessment, active remediation shall continue;

(b) Modifications to existing treatment or recovery system(s) pursuant to Rule 62-770.700~~(12)(44)~~, F.A.C.; or

(c) Alternative technologies pursuant to Rule 62-770.700~~(7)~~, F.A.C.

~~(15)(44)~~ No change.

~~(16)(45)~~ No change.

(a) Contaminated soil has been properly removed and disposed, or treated in situ, so that the applicable soil cleanup target levels are met or addressed by the enactment and implementation of institutional controls or both institutional and engineering controls.

(b) After a minimum of one year of groundwater treatment, concentrations of petroleum products' contaminants chemicals of concern in designated monitoring wells and recovery wells have leveled off. This demonstration must be based on subsequent monthly sampling results obtained for a minimum of 180 days, unless an alternative frequency has been approved. "Leveling off" shall mean that the graph of Total Volatile Organic Aromatics versus time generally fits a curve defined by the equation  $C=C_f+C_o e^{-kt}$ , that the lower limb of the curve is substantially linear, and that the slope of the final portion of the curve approaches zero. If the petroleum contamination does not contain a representative amount of Total Volatile Organic Aromatics, then an alternative petroleum

products' ~~contaminant chemical~~ of concern shall be designated for application to the curve. Applicable statistical methods shall be applied to demonstrate this conclusion.

1. No change.

a. C: concentration of the applicable petroleum products' ~~contaminant chemical~~ of concern at time t;

b. through d. No change.

e. k: coefficient representing the exponential factor that indicates how fast the concentration approaches  $C_f$ ;

f. No change.

2. the one year minimum treatment period may be shortened if, based on the criteria in Section 376.3071, F.S., it ~~is can be~~ demonstrated to the Department or to the local program that a shorter time period is appropriate.

(c) No change.

1. the technical feasibility of other proven groundwater or soil treatment techniques to further reduce the concentrations of applicable petroleum products' ~~contaminants chemicals~~ of concern at the site;

2. the costs and time frames involved to further reduce the concentrations of applicable petroleum products' ~~contaminants chemicals~~ of concern employing the alternative method(s) proposed;

3. the effects on the designated or potential use of the water resource if petroleum products' ~~contaminants chemicals~~ of concern remain at existing concentrations;

4. the effect on  $\alpha$  and any protection that may be required of  $\alpha$  surface water resources;

5. the effect on human health, public safety health and the environment if petroleum products' ~~contaminants chemicals~~ of concern remain at existing concentrations;

6. No change.

7. institutional controls or both institutional and engineering controls that may be necessary to ensure protection of the public and the environment from future use of contaminated groundwater.

(d) No change.

~~(17)(16)~~ The results of the demonstration and analyses described in Rules 62-770.700~~(16)(15)~~(a), (b) and (c), F.A.C., shall be compiled in a report and submitted by the responsible party to the Department or to the local program for review. The Department or the local program shall determine, using the criteria specified in Rule 62-770.700~~(16)(15)~~(c), F.A.C., whether modifications to the Remedial Action Plan are required pursuant to paragraph (14) alternative methods should be employed to effect further treatment; however, if alternative methods are not required, active remediation shall be deemed complete.

~~(18)(17)~~ A Post Active Remediation Monitoring Plan shall be submitted by the responsible party to the Department or to the local program pursuant to the Post Active Remediation Monitoring described in Rule 62-770.750, F.A.C., when the No

Further Action criteria in Rule 62-770.680, F.A.C., or the leveling off criteria in Rule 62-770.700~~(16)(15)~~, F.A.C., have been met achieved.

Specific Authority 376.303, 376.3071, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History—New 11-1-87, Formerly 17-70.010, Amended 2-4-88, 2-21-90, Formerly 17-770.700, Amended 9-3-96, 9-23-97, \_\_\_\_\_.

62-770.750 Post Active Remediation Monitoring.

(1) Groundwater monitoring shall be performed following the completion of active groundwater remediation or soil remediation as described in Rule 62-770.700, F.A.C. When active groundwater remediation has met achieved the No Further Action criteria in Rule 62-770.680, F.A.C., or the leveling off criteria in Rule 62-770.700~~(16)(15)~~, F.A.C., a Post Active Remediation Monitoring Plan using the provisions of Rule 62-770.750~~(4)(5)~~, F.A.C., and including analytical results demonstrating this conclusion, shall be submitted by the responsible party to the Department or to the local program for review.

(2) Applicable portions of the Post Active Remediation Monitoring Plan shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-770.490, F.A.C. a registered Professional Engineer or a registered Professional Geologist authorized by Chapters 471 or 492, F.S.

(3) Within 60 days of receipt of a Post Active Remediation Monitoring Plan or of additional information pursuant to Rule 62-770.800(4), F.A.C., the Department or the local program shall:

(a) Provide the responsible party with written approval of approve the Post Active Remediation Monitoring Plan; or

(b) Notify ~~notify~~ the responsible party in writing, stating the reasons(s) why that the Post Active Remediation Monitoring Plan does not contain information adequate to support the conclusion, pursuant to Rule 62-770.700, F.A.C., that the applicable cleanup target levels shall be achieved at the end of the monitoring period.

~~(4) If the Post Active Remediation Monitoring Plan meets the applicable criteria in Rule 62-770.700, F.A.C., then a Post Active Remediation Monitoring Plan approval shall be issued.~~

~~(4)(5)~~ No change.

(a) A minimum of two monitoring wells are is required:

1. at least one well shall be located at the downgradient edge of the plume downgradient from the area(s) of maximum concentrations of petroleum products' chemicals of concern; and

2. at least one well shall be located in the area(s) of maximum concentrations of petroleum products' ~~contaminants chemicals~~ of concern or directly adjacent to it if the area of highest groundwater contamination is inaccessible (for example, under a structure);

(b) The monitoring period shall be a minimum of one year. ~~However, if~~ ~~if no groundwater~~ contamination was only present in the unsaturated zone during the site assessment and active remediation tasks, only one round of groundwater sampling is required;

(c) The designated monitoring wells shall be sampled quarterly for analyses of applicable petroleum products' contaminants ~~chemicals~~ of concern that were present prior to the initiation of active remediation specified in the Post Active Remediation Monitoring Plan approval;

(d) The analytical results (laboratory report), chain of custody record form [Form 62-770.900(2)], table summarizing the analytical results and site map(s) illustrating the analytical results shall be reported by the responsible party to the Department or to the local program in a Post Active Remediation Monitoring Report within 60 days of sample collection; and

(e) If analyses of groundwater samples indicate that concentrations of applicable petroleum products' contaminants ~~chemicals~~ of concern exceed any action levels specified in the Post Active Remediation Monitoring Plan approval, the well or wells shall be resampled no later than 30 days after the initial positive result is known. If the results of the resampling confirm the exceedance(s), then a proposal shall be submitted by the responsible party to the Department or to the local program to:

1. through 3. No change.

~~(5)(6)~~ The remediation equipment shall be maintained in an inactive but operational status during the duration of post active remediation monitoring.

~~(6)(7)~~ Following completion of monitoring pursuant to Rule 62-770.750, F.A.C., two copies of a Site Rehabilitation Completion Report shall be submitted by the responsible party to the Department or to the local program for review when the criteria for No Further Action pursuant to Rule 62-770.680, F.A.C., have been met. Applicable portions of the Site Rehabilitation Completion Report shall be signed and sealed by an appropriate registered professional pursuant to Rule 62-770.490, F.A.C. a registered Professional Engineer or a registered Professional Geologist authorized by Chapters 471 or 492, F.S. The Site Rehabilitation Completion Report shall contain documentation adequate to support the opinion that site cleanup objectives have been achieved.

~~(7)(8)~~ Within 60 days of receipt of a Site Rehabilitation Completion Report or of additional information pursuant to Rule 62-770.800(4), F.A.C., the Department or the local program shall:

(a) Provide the responsible party with a Site Rehabilitation Completion Order approving ~~approve~~ the Site Rehabilitation Completion Report; or

(b) Notify ~~notify~~ the responsible party in writing, stating the reasons(s) why ~~that~~ the Site Rehabilitation Completion Report does not contain information adequate to support the

opinion that the cleanup objectives have been achieved. Site rehabilitation activities shall not be deemed complete until such time as a Site Rehabilitation Completion Report is approved.

~~(8)(9) The Upon approval of the Site Rehabilitation Completion Report, the Department shall issue a Site Rehabilitation Completion Order. This Order shall constitute final agency action regarding cleanup activities at the site.~~

Specific Authority 376.303, 376.3071, 403.061, 403.0877 FS. Law Implemented 376.3071, 403.0877 FS. History--New 9-23-97, Amended \_\_\_\_\_.

62-770.800 Time Schedules.

(1) through (4) No change.

(5) A modification of the time frame may be obtained by the responsible party for any action set forth in this chapter for good cause shown by requesting in writing that the Department or the local program make such a modification. The request shall specify which time frame(s) is to be modified, the amount of additional time required, and provide documentation supporting the request. The request shall be received by the Department or by the local program at least 20 days prior to the time the action is to be initiated. If emergency situations at a site do not allow for a full 20 days notice, the request shall detail such emergency situation. Within 20 days of receipt of a request for modification, the Department or the local program shall notify the responsible party if additional information regarding the request is needed. The Department or the local program shall notify the responsible party in writing within 20 days of receipt of the request or of the additional information as to whether modification of the time frame(s) will be allowed. For purposes of this paragraph, good cause shall mean unanticipated events outside the control of the responsible party.

(6) through (7) No change.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071, 376.30711 FS. History--New 11-1-87, Formerly 17-70.013, Amended 2-21-90, Formerly 17-770.800, Amended 9-23-97, \_\_\_\_\_.

62-770.830 Notices.

~~(4)~~ When requested in writing by the Department or by the local program, written notification shall be provided by the responsible party to the Department or to the local program at least three days prior to performing field activities such as installing monitoring or recovery well(s), performing sampling, installing remediation equipment, or performing soil source removal activities, except as provided in Rule 62-770.300, F.A.C. Personnel from the Department or from the local program shall be allowed the opportunity to observe these field activities and to ~~or~~ take split samples. Raw data shall be exchanged as soon as data are available. If the Department or the local program chooses to be present when the field activities are being performed, it shall be the Department's or

the local program's responsibility to confirm the field activities are being performed in accordance with the written notification.

~~(2) The Department or the local program shall issue notice of its intent to either approve or reject any plan or report within 30 days of receipt of the complete plan or report, unless otherwise specified in this chapter. The notice shall be in substantially the same form as described in Rule 62-103.150(3) F.A.C.~~

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History--New 11-1-87, Formerly 17-70.014, Amended 2-21-90, Formerly 17-770.830, Amended 9-23-97,\_\_\_\_\_.

62-770.890 Alternative Procedures and Requirements.

(1) through (2)(f) No change.

(3) Within 60 days of receipt of a request for approval of an alternative procedure, the Department shall issue an Order:

(a) Approving ~~approve~~ the request; or

(b) Notifying ~~notify~~ the responsible party, stating the reasons(s) why in writing that the request does not make an adequate demonstration that the requirements of Rule 62-770.890(2), F.A.C., have been ~~are~~ met.

~~(4) The Secretary or the Secretary's designee shall specify by order each alternative procedure or requirement approved for an individual site in accordance with this rule or shall issue an order denying the request for such approval. The Department's Order order shall be agency action, reviewable in accordance with Sections 120.569 and 120.57, F.S.~~

(5) No change.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History--New 11-1-87, Formerly 17-70.016, Amended 2-21-90, Formerly 17-770.890, Amended 9-23-97,\_\_\_\_\_.

62-770.900 Forms.

The forms used by the Department or by the local program in the Petroleum Contamination Cleanup Program are adopted and incorporated by reference in this rule. Each form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Petroleum Storage Systems, 2600 Blair Stone Road, Tallahassee, FL 32399-2400.

(1) Form 62-770.900(1), Free Product Removal Notification Form for Petroleum or Petroleum Products; (effective September 23, 1997).

(2) Form 62-770.900(2), Chain of Custody Record ~~Form~~; (effective September 23, 1997).

(3) Form 62-770.900(3), Petroleum or Petroleum Products Water Sampling Log ~~Form~~; (effective September 23, 1997).

(4) Form 62-770.900(4), Remedial Action Plan Summary ~~Form~~; (effective September 23, 1997).

(5) Form 62-770.900(5), Active Remediation Annual Status Report Summary ~~Form~~; (effective September 23, 1997).

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.3071 FS. History--New 2-21-90, Formerly 17-770.900, Amended 9-23-97,\_\_\_\_\_.

TABLE A  
Petroleum Products' Contaminants of Concern

Acenaphthene
Acenaphthylene
Anthracene
Arsenic
Benzene
Benzo(a)anthracene
Benzo(a)pyrene
Benzo(b)fluoranthene
Benzo(g,h,i)perylene
Benzo(k)fluoranthene
Cadmium
Chloride
Chromium
Chrysene
Dibenz(a,h)anthracene
Dibromoethane, 1,2- (EDB)
Dichloroethane, 1,2-
Ethylbenzene
Fluoranthene
Fluorene
Indeno(1,2,3-cd)pyrene
Lead
Methyl tert-butyl ether (MTBE)
Methylnaphthalene, 1-
Methylnaphthalene, 2-
Naphthalene
Phenanthrene
Pyrene
Sulfate
Toluene
Total Dissolved Solids (TDS)
TRPHs
Xylenes, total

INSERT TABLE

INSERT TABLE

INSERT TABLE



INSERT TABLE

The following tables have been deleted:

- TABLE IV. Selected Soil Cleanup Target Levels.
- TABLE V. Groundwater Cleanup Target Levels for Resource Protection/Recovery.
- TABLE VI. Lower of Table V and Freshwater Surface Water Criteria.
- TABLE VII. Surface Water Criteria for Resource Protection/Recovery.
- TABLE VIII. Low Yield/Poor Quality.
- TABLE IX. Natural Attenuation Default Source Concentrations.
- NAME OF PERSON ORIGINATING PROPOSED RULE: John M. Ruddell
- NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III
- DATE PROPOSED RULE APPROVED: April 2, 1999
- DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 1998 and December 11, 1998

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 96-92R

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Soil Thermal Treatment Facilities	62-775
RULE TITLES:	RULE NOS.:
Intent	62-775.100
Definitions	62-775.200
Reference Standards	62-775.210
General Permits	62-775.300
Criteria for Clean Soil	62-775.400
Soil Sampling and Analysis	62-775.410
Approval of Alternate Procedures	62-775.500
Security	62-775.600
Ground Water Monitoring	62-775.610
Receiving, Handling, and Stockpiling	62-775.620
Notices and Security	62-775.700
Excavating, Handling, and Stockpiling	62-775.710
Forms	62-775.900

PURPOSE, EFFECT AND SUMMARY: The Department is proposing to repeal Chapter 62-775, F.A.C., which regulates facilities which thermally treat petroleum-contaminated soil. In its place, the Department is proposing to create in a separate rulemaking procedure Chapter 62-713, F.A.C., Soil Treatment Facilities, which will regulate these same facilities as well as facilities which use different technologies to treat soils contaminated with different constituents. At the same time, the Department is proposing to create in a separate rulemaking procedure Chapter 62-777, F.A.C., Contaminant Cleanup Target Levels, to establish certain cleanup target levels applicable to the rehabilitation of brownfields, petroleum and drycleaning sites and at soil treatment facilities.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 376.303, 376.3071, 403.061, 403.087, 403.0877 FS.

LAW IMPLEMENTED: 376.303, 376.3071, 403.031, 403.061, 403.062, 403.087 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., May 26-27, 1999

PLACE: Department of Environmental Protection, Twin Towers Building, 2600 Blair Stone Road, Room 609, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mary Jean Yon, Solid Waste Section, Mail Station 4565, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0300

THE FULL TEXT OF THE PROPOSED RULES IS:

62-775.100 Intent.

Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.3071 FS. History--New 12-10-90, Amended 11-30-92, Formerly 17-775.100, Repealed.

62-775.200 Definitions.

Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.3071, 403.031, 403.061, 403.062 FS. History--New 12-10-90, Amended 11-30-92, Formerly 17-775.200, Repealed.

62-775.210 Reference Standards.

Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.3071, 403.061, 403.062 FS. History--New 12-10-90, Amended 11-30-92, Formerly 17-775.210, Repealed.

62-775.300 General Permits.

Specific Authority 376.303, 376.3071, 403.0877 FS. Law Implemented 376.3071 FS. History--New 12-10-90, Amended 11-30-92, Formerly 17-775.300, Repealed.

62-775.400 Criteria for Clean Soil.

Specific Authority 376.303, 376.3071, 403.087 FS. Law Implemented 376.3071, 403.087 FS. History--New 12-10-90, Amended 11-30-92, Formerly 17-775.400, Repealed.

62-775.410 Soil Sampling and Analysis.

Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.3071, 403.061, 403.062 FS. History--New 12-10-90, Amended 11-30-92, Formerly 17-775.410, Repealed.

62-775.500 Approval of Alternate Procedures.

Specific Authority 376.303, 376.3071 FS. Law Implemented 376.303, 376.3071 FS. History--12-10-90, Amended 11-30-92, Formerly 17-775.500, Repealed.

62-775.600 Security.

Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.303, 376.3071 FS. History—12-10-90, Formerly 17-775.600, Repealed.

62-775.610 Ground Water Monitoring.

Specific Authority 376.303, 376.3071, 403.0877 FS. Law Implemented 376.303, 376.3071 FS. History—New 12-10-90, 11-30-92, Formerly 17-775.610, Repealed.

62-775.620 Receiving, Handling, and Stockpiling.

Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.303, 376.3071 FS. History—New 12-10-90, Amended 11-30-92, Formerly 17-775.620, Repealed.

62-775.700 Notices and Security.

Specific Authority 376.303, 376.3071, 403.061 FS. Law Implemented 376.303, 376.3071 FS. History—New 12-10-90, Formerly 17-775.700, Repealed.

62-775.710 Excavating, Handling, and Stockpiling.

Specific Authority 376.303, 376.3071, 403.061, 403.0877 FS. Law Implemented 376.303, 376.3071 FS. History—New 12-10-90, Amended 11-30-92, Formerly 17-775.710, Repealed.

62-775.900 Forms.

Specific Authority 376.303, 376.3071, 403.061, 403.087 FS. Law Implemented 376.303, 376.3071 FS. History—New 12-10-90, Amended 11-30-92, Formerly 17-775.900, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Hinkley, Chief, Bureau of Solid and Hazardous Waste

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Ruddell, Director, Division of Waste Management

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-76R

RULE CHAPTER TITLE: Contaminant Cleanup Target Levels RULE CHAPTER NO.: 62-777

RULE TITLES: Referenced Guidelines RULE NOS.: 62-777.100

Applicability 62-777.150

Derivation of Cleanup Target Levels 62-777.170

PURPOSE AND EFFECT: The Department is proposing to adopt a new rule chapter, Contaminant Cleanup Target Levels, Chapter 62-777, Florida Administrative Code (F.A.C.), to set forth certain default cleanup target levels to be used for cleanup of contamination at petroleum, drycleaning solvent and brownfield sites, and by soil treatment facilities for the treatment of contaminated soils. Methodologies would also be established for derivation of alternate cleanup target levels.

SUMMARY: The Department of Environmental Protection is proposing to adopt a new rule chapter, Contaminant Cleanup Target Levels, Chapter 62-777, F.A.C. The proposed rule chapter would set forth certain contaminant cleanup target

levels applicable to the cleanup of contamination at petroleum, drycleaning solvent and brownfield sites, and would also establish cleanup target levels for treatment of contaminated soils by soil treatment facilities. Methodologies would also be established for derivation of alternate cleanup target levels. Simultaneously with the proposed adoption of Chapter 62-777, the Department is proposing to amend Rule Chapters 62-770, F.A.C., (Petroleum Contamination Site Cleanup Criteria) and 62-785, F.A.C., (Brownfields Cleanup Criteria) to delete the tables containing the cleanup target levels and the figures, if applicable, containing the methodologies for deriving alternative cleanup target levels from those rules and instead refer to the applicable cleanup target levels tables and figures proposed for Chapter 62-777, F.A.C. The proposed Drycleaning Solvent Cleanup Criteria rules (Chapter 62-782, F.A.C.) and Soil Thermal Treatment rules (Chapter 62-713, F.A.C.) will also refer to those applicable cleanup target levels and methodologies set forth in Chapter 62-777, F.A.C. It is anticipated that some of the cleanup target levels now contained in Chapter 62-770, F.A.C., and Chapter 62-785, F.A.C., will change when they are included in the proposed new Chapter 62-777, F.A.C. The proposed cleanup target levels were recalculated to refine the numbers based on rounding conventions and to emerging science. The proposed amendments to Chapters 62-770, F.A.C., and 62-785, F.A.C., and the simultaneous adoption of proposed new rule Chapter 62-777, F.A.C., are intended to result in a structural change in the way the rules are applied to cleanup of petroleum contaminated and brownfields sites.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Department has in accordance with the requirements of Chapter 120, F.S., prepared a Statement of Economic Cost, which is summarized as follows: The cleanup target levels that change after inclusion in Chapter 62-777, F.A.C., Contaminant Cleanup Criteria are not expected to provide adverse impacts either to the Department or stakeholders of the regulated community. Some of the cleanup target levels are more stringent and some are less stringent. Nevertheless, the changes do not seem sufficient enough to offset the significant estimated net savings from the Departments adoption of Risk-Based Corrective Action principles and the application of natural attenuation with monitoring in the applicable rule chapters.

A copy of the Statement of Estimated Regulatory cost may be obtained by contacting the person designated below as the proposed rule contact. 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.

RISK IMPACT STATEMENT: A Risk Impact Statement prepared in accordance with 120.81, F.S., is available. A copy may be obtained by contacting the Bureau of Waste Cleanup.

SPECIFIC AUTHORITY: 376.3071, 376.81, 376.3078 FS.

LAW IMPLEMENTED: 376.3071, 376.81, 376.3078 FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., May 26-27, 1999

PLACE: Room 609, Twin Towers Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Roger B. Register, Department of Environmental Protection, Bureau of Waste Cleanup, Mail Station 4505, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0190 or at the e-mail address: "register\_r@dep.state.fl.us"

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 62-777.100 Referenced Guidelines.

Specific references to the guidelines listed below are made within this chapter. These guidelines are not standards as defined in Section 403.803, F.S. Use of the guidelines is not mandatory; the guidelines are included for informational purposes only.

(1) Development and Evaluation of Sediment Quality Assessment Guidelines, Volumes 1-4, dated November 1994.

(2) Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999.

Specific Authority 376.303, 376.3071, 376.3078(4), 376.81, 403.061, 403.704 FS. Law Implemented 376.3071, 376.3078(4), 376.81, 403.707 FS. History—New

#### 62-777.150 Applicability.

(1) This chapter provides criteria in tables and figures that apply only to the cleanup of contamination at sites that are governed by the terms of a brownfield site rehabilitation agreement pursuant to Chapter 62-785, F.A.C., and to the program specific contaminants of concern for sites being addressed under Chapter 62-770, F.A.C., Petroleum Contamination Site Cleanup Criteria, and Chapter 62-782, F.A.C., Drycleaning Solvent Cleanup Criteria; and to the treatment of soil at facilities permitted pursuant to Chapter 62-713, F.A.C., Soil Treatment Facilities. Those rule chapters identify the specific contaminants of concern to be addressed and those rule chapters should be referenced for use and application of the tables and figures.

(2) Chapter 62-770, F.A.C., Table A, titled "Petroleum Products' Contaminants of Concern", identifies the specific petroleum products' contaminants of concern for use at sites being addressed pursuant to Chapter 62-770, F.A.C.

(3) Chapter 62-782, F.A.C., Table A, titled "Drycleaning Contaminants of Concern", identifies the specific drycleaning contaminants of concern for use at sites being addressed pursuant to Chapter 62-782, F.A.C.

(4) Contaminants of concern for sites that are governed by the terms of a brownfield site rehabilitation agreement pursuant to Chapter 62-785, F.A.C., are based on the site-specific circumstances and may include other contaminants of concern not listed in the tables and figures contained in this rule chapter.

(5) Contaminants of concern for soil treated pursuant to Chapter 62-713, F.A.C., are based on the types of soil that the facility is permitted to treat.

(6) As further provided in substantive provisions of the above-referenced rule chapters, contaminant cleanup target levels are default cleanup criteria and do not establish standards pursuant to Chapters 62-302, 62-520 or 62-550, F.A.C. Deviations from the default cleanup criteria are allowed if approved by the Department pursuant to applicable provisions of Chapters 62-713, 62-770, 62-782, and 62-785, F.A.C. Nothing herein is intended to limit the use of risk assessments and site-specific considerations, to establish site-specific cleanup target levels.

Specific Authority 376.303, 376.3071, 376.3078(4), 376.81, 403.061, 403.704 FS. Law Implemented 376.3071, 376.3078(4), 376.81, 403.707 FS. History—New

#### 62-777.170 Derivation of Cleanup Target Levels.

##### (1) Groundwater and Surface Water.

(a) Cleanup target levels for contaminants found in groundwater are provided in Table I. The cleanup target levels for contaminants are not to be construed to create any new water quality standards pursuant to Chapters 62-520 and 62-550, F.A.C. The numerical standards promulgated in Chapters 62-520 and 62-550, F.A.C., or cleanup target levels derived using the minimum criteria specified in Chapter 62-520, F.A.C., are the cleanup target levels referenced in Table I. In deriving groundwater cleanup target levels based upon the minimum criteria specified in Chapter 62-520, F.A.C., the following factors were considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; the best achievable detection limits; and nuisance, organoleptic, and aesthetic considerations. For contaminants not listed in Table I, the equations provided in Figures 1 and 2 may be used to calculate cleanup target levels for contaminants found in groundwater for sites or facilities subject to Chapters 62-713 or 62-785, F.A.C.

(b) Cleanup target levels for contaminants found in surface water or in contaminated groundwater that is discharging into surface water or that may discharge into surface water in the future based on available information (for example, monitoring well data, groundwater flow rate and direction, or fate and transport modeling), are also provided in Table I. The cleanup target levels for contaminants are not to be construed to create any new water quality standards pursuant to Chapter 62-302,

F.A.C. The numerical standards promulgated in Chapter 62-302, F.A.C., or cleanup target levels derived using the toxicity criteria specified in Chapter 62-302, F.A.C., are the cleanup target levels referenced in Table I. For contaminants not listed in Table I, the equations provided in Figures 3A and 3B may be used to calculate cleanup target levels for contaminants found in surface water, or groundwater that is discharging into surface water for sites or facilities subject to Chapters 62-713 or 62-785, F.A.C.

(c) Table IV provides site-specific conditions and geochemical parameters that may be used for a technical evaluation of the appropriateness of natural attenuation.

(d) Table V provides default source concentrations that may be used for a technical evaluation of the appropriateness of natural attenuation.

(2) Soil.

(a) Cleanup target levels for contaminants found in soil are provided in Table II. As further provided in other substantive provisions of those rule chapters, the soil cleanup target levels contained herein are default criteria. Deviations from the default criteria are allowed if approved by the Department pursuant to applicable provisions of Chapters 62-713, 62-770, 62-782, and 62-785, F.A.C. In deriving soil cleanup target levels, the methodology presented in the Technical Report:

Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, was utilized. In deriving soil cleanup target levels for human exposure to each contaminant found in soil, the following factors were considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; and the best achievable detection limits. The leachability-based soil cleanup target levels for protection of the groundwater were derived based on the groundwater cleanup target levels provided in Table I. The equations provided in Figures 4, 5, 6, 7, and 8 may be used to calculate cleanup target levels for contaminants found in soil not listed in Table II for sites or facilities subject to Chapters 62-713 or 62-785, F.A.C.

(b) Table III provides soil properties, and test methods that may be used for determining soil properties, for the derivation of alternative cleanup target levels based on site-specific soil characteristics [refer to the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, for guidance on the derivation of alternative cleanup target levels].

(c) Table VI provides default parameters that may be used in Figures 4, 5, and 7.

Specific Authority 376.303, 376.3071, 376.3078(4), 376.81, 403.061, 403.704 FS. Law Implemented 376.3071, 376.3078(4), 376.81, 403.707 FS. History—  
New \_\_\_\_\_.

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NAME OF PERSON ORIGINATING PROPOSED RULE: John M. Ruddell
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 1998

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-42R

RULE CHAPTER TITLE: Drycleaning Solvent Cleanup Criteria
RULE CHAPTER NO.: 62-782

Table with 2 columns: Rule Titles and Rule Nos. Includes entries like Referenced Guidelines (62-782.100), Applicability (62-782.150), Definitions (62-782.200), etc.

PURPOSE AND EFFECT: The proposed rule chapter will establish cleanup criteria for drycleaning solvent contaminated sites for the purposes of protecting human health and the environment under actual circumstances of exposure. Section 376.3078(4), Florida Statutes (F.S.), requires the Department to establish criteria by rule for the purpose of determining, on a site-specific basis, the program tasks that comprise a site rehabilitation program and the point at which a program task and a site rehabilitation program may be deemed complete.

Proposed rule Chapter 62-782, F.A.C., will reference the Chapter 62-777, F.A.C., cleanup target levels and figures applicable to rehabilitation of drycleaning solvent contaminated sites.

SUMMARY: The 1998 Florida legislation directed the Department to establish by rule the cleanup criteria and the rehabilitation program tasks for drycleaning solvent contaminated sites pursuant to Section 376.3078(4), F.S. In establishing the rule, the Department was directed to:

- (1) include risk-based corrective action principles to the maximum extent feasible to achieve protection of public health and safety and of the environment in a cost-effective manner;
(2) consider the current exposure and potential risk of exposure to humans and the environment, including multiple pathways of exposure;
(3) establish the point of compliance at the source of contamination or to temporarily move the point of compliance within the property boundary, while cleanup is proceeding. The Department may also temporarily extend the point of compliance beyond the property boundary with appropriate monitoring to facilitate natural attenuation processes;
(4) allow the use of institutional or engineering controls, where appropriate, to eliminate or control the potential exposure;
(5) consider the additive effects of contaminants, and the synergistic and antagonistic effects when the scientific data become available;
(6) establish cleanup target levels for groundwater based on the applicable state water quality standards; where such standards do not exist, establish cleanup target levels for groundwater based on the minimum criteria specified in the Department's rule for state water quality standards;
(7) establish a point of measuring compliance in the groundwater immediately adjacent to the surface water body where surface waters are exposed to contaminated groundwater;
(8) establish appropriate cleanup target levels for human exposure for each contaminant found in soils from the land surface to 2 feet below the land surface; and
(9) establish appropriate leachability-based soil cleanup target levels based on protection of the groundwater cleanup target levels or the derived alternate cleanup target levels for groundwater.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Elements of the Statement of Estimated Regulatory Cost:

The issues of economic concern for the proposed rule, Chapter 62-782, F.A.C., Drycleaning Solvent Cleanup Criteria essentially encompass areas where the economist anticipates economic issues directly bearing on cost. There has been drycleaning solvent site remediation in Florida. Therefore, the discussion concerning economic impacts and associated costs will focus on those areas that will influence cost in accordance with the Administrative Procedure Act.

A. Economic Cost of Natural Attenuation as a Remedial Option:

Natural attenuation with monitoring of drycleaning solvent contaminated sites is a permissible option under the proposed rule. Monitoring of natural attenuation may be an appropriate strategy for site rehabilitation depending on the current use of groundwater in the vicinity of the site and the individual site characteristics, provided human health, public safety and the environment are protected.

B. Economic Impact on Local Governments:

Less than 1% of the confirmed drycleaning contaminated sites impacts small cities or counties.

C. Cost to the Agency and Others Implementing and Enforcing the Proposed Rule:

The Department does not anticipate substantial costs to the agency and others implementing and enforcing the proposed rule chapter.

D. Economic Impact on the Private Sector:

Direct costs will be felt by the private sector as these costs pertain to the expenditure of private capital for remediation of drycleaning contaminated sites under voluntary cleanup agreements with the Department. Analyses of the preceding produced an environment absence of sufficient data from which to draw conclusions or develop reasonable assumptions, due to the large number of variables associated with the cleanup process and the lack of a definitive baseline of cost data for active cleanup and natural attenuation.

E. Good Faith Estimate of Individuals and Entities Required to Comply, Together With a General Description of the Types of Individuals Likely to be Affected by the Rule:

Entities that would be potentially affected by the rule include the following: persons cleaning up drycleaning solvent contaminated sites under voluntary cleanup agreements with the Department, financial institutions, local governments and populations living and working near a drycleaning solvent contaminated site. The total number of estimated drycleaning contaminated sites state-wide that may potentially need cleanup is 2,800. Of that number, 1,063 are currently eligible for state-funded cleanup.

Outcome of the Analysis:

The results of the analyses indicated that cleanup of contaminated sites is a site specific issue. Contaminated sites are different in many aspects and are impacted by associated variables that may have dramatic influence on the cost of the remediation effort.

A copy of the Statement of Estimated Regulatory cost may be obtained by contacting the person designated below as the proposed rule contact. 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.

RISK IMPACT STATEMENT: A Risk Impact Statement prepared in accordance with 120.81, F.S., is available. A copy may be obtained by contacting the Bureau of Waste Cleanup.

SPECIFIC AUTHORITY: 376.3078(4) FS.

LAW IMPLEMENTED: 376.3078(4) FS.

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., May 26-27, 1999

PLACE: Room 609, Twin Towers Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: William E. Burns, Jr., Department of Environmental Protection, Bureau of Waste Cleanup, Mail Station 4520, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0190 or at the e-mail address: "burns\_b@dep.state.fl.us"

THE FULL TEXT OF THE PROPOSED RULES IS:

62-782.100 Referenced Guidelines.

Specific references to the guidelines listed below are made within this chapter. The guidelines are not standards as defined in Section 403.803, F.S. Use of these guidelines is not mandatory; the guidelines are included for informational purposes only.

(1) Development and Evaluation of Sediment Quality Assessment Guidelines, Volumes 1-4, dated November 1994.

(2) Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History-New

62-782.150 Applicability.

(1) The cleanup criteria contained in this rule shall apply to all sites contaminated with drycleaning solvents (including site rehabilitation at drycleaning facilities or wholesale supply facilities governed by the terms of a voluntary cleanup agreement executed by the participant and the Department pursuant to Section 376.3078(11), F.S. This chapter is established for the purposes of protecting the human health, public safety and the environment under actual circumstances of exposure and for determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program and the levels at which a rehabilitation program task and site rehabilitation program may be deemed complete. In establishing this chapter, risk-based corrective action principles were incorporated to the maximum extent feasible, to achieve protection of human health, public safety and the environment

in a cost-effective manner. Therefore, this chapter provides both default cleanup target levels and a process for the derivation of site-specific alternative cleanup target levels that are protective of human health, public safety and the environment.

(2) Drycleaning solvent contaminants of concern are listed in Table A of this chapter. Chapter 62-777, F.A.C., provides groundwater, surface water and soil cleanup target levels, as well as natural attenuation default concentrations for groundwater, a listing of soil properties and test methods, a listing of site-specific conditions and geochemical parameters, and default parameters and equations that may be used to establish cleanup target levels for contaminants not listed in Chapter 62-777, F.A.C., or alternative groundwater and soil cleanup target levels for listed contaminants and shall apply only to those contaminants chemicals of concern listed in Table A of this chapter, unless there is confirmation that another chemical listed in the tables of Chapter 62-777, F.A.C., is known to be present.

(3) Cleanup target levels for each contaminant found in groundwater, as specified in Chapter 62-777, F.A.C., Table I, or derived pursuant to paragraphs (4) or (5), or alternative cleanup target levels that may be established pursuant to Chapter 62-782.650, F.A.C. or Chapter 62-782.680, F.A.C., are enforceable under this chapter. Cleanup target levels for each contaminant found in groundwater shall be the applicable state water quality standards, except where alternative cleanup target levels are established pursuant to this chapter. This chapter is not intended to create any new water quality standards pursuant to Chapters 62-520 or 62-550, F.A.C. The numerical standards promulgated in Chapters 62-520 and 62-550, F.A.C., or cleanup target levels based on the minimum criteria specified in Chapters 62-520 or 62-550, F.A.C., are the cleanup target levels referenced in Chapter 62-777, F.A.C., Table I. In establishing the applicable minimum criteria for groundwater, the following factors were considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; the best achievable detection limits; and nuisance, organoleptic, and aesthetic considerations. Site-specific groundwater cleanup target levels may be justified based on background concentrations. Where contaminated groundwater is discharging into surface water, or when available information (for example, monitoring well data, groundwater flow rate and direction, or fate and transport modeling) indicates that it may discharge into surface water in the future, the cleanup target levels for the contaminants shall also be based on the surface water standards and criteria. The numerical standards promulgated in Chapter 62-302, F.A.C., or cleanup target levels based on the toxicity criteria specified in Chapter 62-302, F.A.C., are referenced in Chapter 62-777, F.A.C., Table I.

(4) For contaminants found in groundwater not listed in Chapter 62-777, F.A.C., Table I, the cleanup target levels shall be derived based on:

(a) The minimum criteria specified in Chapters 62-520 or 62-550, F.A.C., and the equations provided Chapter 62-777, F.A.C., Figures 1 and 2. In establishing the applicable minimum criteria for groundwater, the following factors are to be considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; the best achievable detection limits; the naturally occurring background concentrations; and nuisance, organoleptic, and aesthetic considerations; and

(b) The toxicity criteria specified in Chapter 62-302, F.A.C., and the equations provided in Chapter 62-777, F.A.C., Figures 3A and 3B, if contaminated groundwater is discharging into surface water, or when available information (for example, monitoring well data, groundwater flow rate and direction, or fate and transport modeling) indicates that it may discharge into surface water in the future.

(5) For contaminants found in groundwater that affect the same target organ(s), except for those with numerical standards promulgated in Chapters 62-520 or 62-550, F.A.C., the cleanup target levels referenced in Chapter 62-777, F.A.C., Table I, or those derived pursuant to paragraph (3), shall be adjusted accordingly, such that for non-carcinogenic contaminants that affect the same organ(s) the hazard index (sum of the hazard quotients) is 1 or less, and for carcinogens the cumulative lifetime excess cancer risk level is 1.0E-6, as applicable. The synergistic and antagonistic effects of contaminants found in groundwater shall also be considered when the scientific data are available.

(6) Cleanup target levels for contaminants found in soil, as specified in Chapter 62-777, F.A.C., Table II, or derived pursuant to paragraphs (7) or (8), or alternative cleanup target levels that may be established pursuant to this chapter, are enforceable under this chapter. In establishing soil cleanup target levels, the methodology presented in the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, was utilized. In establishing soil cleanup target levels for human exposure to each contaminant found in soil, the following factors were considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; and the best achievable detection limits. Site-specific soil cleanup target levels may be justified based on background concentrations. In establishing leachability-based soil cleanup target levels for protection of the groundwater, the soil cleanup target levels shall be based on the groundwater cleanup target levels or the alternative cleanup target levels for groundwater established pursuant to Rule 62-782.650, F.A.C., as appropriate.

(7) For contaminants found in soil not listed in Chapter 62-777, F.A.C., Table II, the cleanup target levels shall be derived based on the following:

(a) For human exposure, the following factors are to be considered: calculations using a lifetime excess cancer risk level of  $1.0E-6$ , a hazard quotient of 1 or less, the best achievable detection limits, and the naturally occurring background concentrations; and the equations provided in Chapter 62-777, F.A.C., Figures 4, 5, 6, 7, and 8 must be utilized; and

(b) For leachability, the soil cleanup target levels for protection of groundwater shall be based on the groundwater cleanup target levels or the alternative cleanup target levels for groundwater established pursuant to Rule 62-782.650, F.A.C., as appropriate, and the equation provided in Chapter 62-777, F.A.C., Figure 9.

(8) For contaminants found in soil that affect the same target organ(s), the cleanup target levels specified in Chapter 62-777, F.A.C., Table II, or those derived pursuant to paragraph (7), shall be adjusted accordingly, such that for non-carcinogenic contaminants that affect the same organ(s) the hazard index (sum of the hazard quotients) is 1 or less, and for carcinogens the cumulative lifetime excess cancer risk level is  $1.0E-6$ , as applicable. The synergistic and antagonistic effects shall also be considered when the scientific data are available.

(9) For contaminants found at the site about which information regarding the actual circumstances of exposure has been provided to the participant by the Department, local government or the public, the cleanup target levels for the affected medium or media, except where a state water quality standard is applicable, shall be adjusted accordingly to take into account the site-specific exposure conditions including multiple pathways of exposure that affect the same individual or sub-population.

(10) Receipt of approval under this chapter does not relieve the Participant from the obligation to comply with other Department rules (for example, Chapters 62-701, 62-713, 62-730 and 62-770, F.A.C.) regarding off-site disposal, relocation or treatment of contaminated media. Participants are advised that other federal or local requirements may apply to these activities.

(11) Final Orders related to the review of plans, reports, or any other submittals made by a person under the provisions of this chapter shall be undertaken by the Department and shall be subject to the provisions of Chapter 120, F.S.

Specific Authority 376.3078(4) F.S. Law Implemented 376.3078(4) F.S. History—New

#### 62-782.200 Definitions.

All words and phrases defined in Section 376.301, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Action level" means a specified concentration of a contaminant that, if exceeded during natural attenuation with monitoring or post active remediation monitoring, may require additional site assessment or active remediation. Action levels is established during the approval process for proposals for Natural Attenuation with Monitoring pursuant to 62-785.690, F.A.C. or Post Active Remediation Monitoring pursuant to 62-785.750, F.A.C.. "Action levels" are not equivalent to "cleanup target levels."

(2) "Additive effect" means a scientific principle that the toxicity that occurs as a result of exposure is the sum of the toxicities of the individual chemicals to which the individual is exposed.

(3) "Antagonistic effect" means a scientific principle that the toxicity that occurs as a result of exposure is less than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(4) "Background concentrations" means concentrations of contaminants that are naturally occurring in the groundwater, surface water, soil or sediment in the vicinity of the site.

(5) "Cleanup target level" means the concentration for each contaminant identified by the applicable analytical test method in the medium of concern at which a site rehabilitation program is deemed complete.

(6) "Contaminant" means any physical, chemical, biological, or radiological substance present in any medium that may result in adverse effects to human health or the environment, or that creates an adverse nuisance, organoleptic or aesthetic condition in groundwater.

(7) "Contaminated" means the presence of free product or any contaminant in surface water, groundwater, soil, sediment, or upon the land, in quantities or concentrations that may result in exceedances of the applicable cleanup target levels in Chapter 62-777, F.A.C., or water quality standards in Chapters 62-3, 62-302, 62-520, or 62-550, F.A.C., or in quantities or concentrations that may result in contaminated sediment.

(8) "Contaminated sediment" means sediment that is contaminated with free product or contaminants to the extent that contamination may be harmful to human health or the environment as determined by the concentrations of the contaminants, actual circumstances of exposure, diversity studies, toxicity testing or other evidence of harmful effects, as applicable. (Refer to the Development and Evaluation of Sediment Quality Assessment Guidelines, Volumes 1-4, dated November 1994, for guidance on the evaluation of contaminant concentrations, sediment quality conditions and testing methods.)

(9) "Contaminated site" means any contiguous land, sediment, surface water, or groundwater area that contains contaminants that may be harmful to human health or the environment, or that creates an adverse nuisance, organoleptic or aesthetic condition in groundwater.

(10) "Contaminated soil" means soil that is contaminated with free product or contaminants to the extent that applicable soil cleanup target levels specified in Chapter 62-777, F.A.C., are exceeded.

(11) "Contamination" refers to the definition for "contaminated."

(12) "Drycleaning facility" means a commercial establishment that operates, or has at some time in the past operated, for the primary purpose of drycleaning clothing and other fabrics utilizing a process that involves any use of drycleaning solvents. The term "drycleaning facility" includes laundry facilities that use drycleaning solvents as part of their cleaning process. The term does not include a facility that operates, or has at some time in the past operated, as a uniform rental company or a linen supply company regardless of whether the facility operates as, or was previously operated as, a drycleaning facility.

(13) "Drycleaning solvents" means any and all nonaqueous solvents used in the cleaning of clothing and other fabrics and includes perchloroethylene (also known as tetrachloroethylene) and petroleum-based solvents, and their breakdown products. For purposes of this definition, "drycleaning solvents" only includes those drycleaning solvents originating from use at a drycleaning facility or by a wholesale supply facility.

(14) "Engineering control" means modifications to a site to reduce or eliminate the potential for contaminant migration and exposure to contaminants. Examples of modifications include physical or hydraulic control measures, capping, point-of-use treatments, or slurry walls.

(15) "Free product" means the presence of a non-aqueous phase liquid in the environment in excess of 0.01 foot in thickness, measured at its thickest point.

(16) "Groundwater" means water beneath the surface of the ground within a zone of saturation, whether or not flowing through known or definite channels.

(17) "Innovative technology" means a process that has been tested and used as a treatment for contamination, but lacks an established history of full-scale use and information about its cost and how well it works sufficient to support prediction of its performance under a variety of operating conditions. An innovative technology is one that is undergoing pilot-scale treatability studies, which usually are performed in the field or the laboratory and require installation of the technology, and which provide performance, cost, and design objectives for the technology prior to full-scale use.

(18) "Institutional control" means the restriction on use of, or access to, a site to eliminate or minimize exposure to contaminants. Examples of restrictions include deed restrictions, use restrictions, or restrictive zoning.

(19) "Monitoring well" means a well constructed with a surface seal and a sand filter pack in order to provide for the collection of representative groundwater samples for laboratory analyses. Such wells may also be used to detect the presence of free product or collect water-level elevation data to aid in determining the direction of groundwater flow.

(20) "Natural attenuation" means an approach to site rehabilitation that allows natural processes to contain the spread of contamination and reduce the concentrations of contaminants in contaminated groundwater and soil. Natural attenuation processes may include the following: sorption, biodegradation, chemical reactions with subsurface materials, diffusion, dispersion, and volatilization.

(21) "Participant" means the Department, a responsible party, or a real property owner or any individual or entity that has entered into a voluntary cleanup agreement with the Department pursuant to Section 376.3078(11)(b), F.S., that is conducting site rehabilitation at a drycleaning solvent contaminated site pursuant to this chapter. If the participant is other than the real property owner, then that individual or entity has to demonstrate they have the consent of the real property owner.

(22) "Piezometer" means a permanent or temporary well that may be designed and constructed without the surface sealing or sand filter pack requirements of a monitoring well. This type of well is primarily used to detect the presence of free product or collect water-level elevation data to aid in determining the direction of groundwater flow.

(23) "Plume" means the portion of an aquifer or aquifers in which groundwater contamination above applicable cleanup target levels and background concentrations has been detected.

(24) "Product recovery" means the removal of free product.

(25) "Real property owner" means the individual or entity that is vested with ownership, dominion, or legal or rightful title to the real property, or which has a ground lease interest in the real property, on which a drycleaning facility or wholesale supply facility is or has ever been located.

(26) "Responsible party" means the facility owner, the facility operator or the discharger.

(27) "Sediment" means the unconsolidated solid matrix occurring immediately beneath any surface water body. The surface water body may be present part or all of the time.

(28) "Site" refers to the definition for "contaminated site."

(29) "Site rehabilitation" means the assessment of site contamination and the remediation activities that reduce the levels of contaminants at a site through accepted treatment methods to meet the cleanup target levels established for that site.



(30) "Source removal" means the removal of free product, or the removal of contaminants from soil or sediment that has been contaminated to the extent that leaching to groundwater or surface water has occurred or is occurring.

(31) "Surface water" includes rivers, lakes, streams, springs, impoundments, canals and all other water upon the surface of the earth, whether contained in bounds, created naturally or artificially, or diffused. Stormwater and wastewater process water retention or treatment facilities, and canals and trenches that are integral to such facilities, that are not connected to other surface water are not included in the definition of surface water.

(32) "Synergistic effect" means a scientific principle that the toxicity that occurs as a result of exposure is more than the sum of the toxicities of the individual chemicals to which the individual is exposed.

(33) "Temporary point of compliance" is the boundary represented by one or more designated monitoring wells at which groundwater cleanup target levels may not be exceeded while site rehabilitation under an approved Natural Attenuation with Monitoring plan is proceeding.

(34) "Voluntary Cleanup Agreement (VCA)" means an agreement entered into between a participant and the Department. The voluntary cleanup agreement shall at a minimum establish the time frames, schedules, and milestones for completion of site rehabilitation tasks and submission of technical reports, and other commitments or provisions pursuant to Section 376.3078(11), F.S., and this chapter.

(35) "Waters" or "waters of the State" means waters as defined in Section 403.031, F.S.

(36) "Wholesale supply facility" means a commercial establishment that supplies drycleaning solvents to drycleaning facilities.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History—New \_\_\_\_\_.

62-782.300 Quality Assurance Requirements.

(1) Organizations performing sampling and analysis under this chapter shall comply with the Category 3 requirements specified in Chapter 62-160, F.A.C., Quality Assurance.

(2) Unless otherwise specified in this chapter, reports that are submitted to the Department and that contain analytical data shall include the following forms and information:

(a) Laboratory reports that include all information specified in Rule 62-160.670, F.A.C.;

(b) Copies of the completed chain of custody record form(s) [Form 62-782.900(2)];

(c) Copies of the completed water sampling log form(s) (Form 62-782.900(3)); and

(d) Results from screening tests or on-site analyses performed pursuant to this chapter.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History—New \_\_\_\_\_.

62-782.400 Professional Certifications.

(1) Applicable portions of technical documents submitted by the participant to the Department must be signed and sealed by a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., certifying that the applicable portions of the technical document and associated work comply with standard professional practices, the rules of the Department and any other laws and rules governing the profession. If a laboratory report is submitted separately from any other technical document submittal, this requirement shall not apply to that laboratory report.

(2) Upon completion of the approved remedial action, the Department shall require a professional engineer registered under Chapter 471, F.S., or a professional geologist registered under Chapter 492, F.S., to certify that the applicable portions of the remedial action were, to the best of his or her knowledge and ability, completed in accordance with this chapter and in conformance with the plans and specifications approved by the Department.

Specific Authority 403.061 FS. Law Implemented 403.0877 FS. History—New \_\_\_\_\_.

62-782.450 Combined Document.

(1) The Site Assessment Report, the Risk Assessment Report, and the Remedial Action Plan, as applicable, may be submitted by the participant to the Department for review either separately as each program task is completed, or as a combined document. Other individual program task documents may be included in a combined document if agreed to in the VCA.

(2) The combined document may incorporate, as applicable, the required content for the Site Assessment Report, Risk Assessment Report and Remedial Action Plan program tasks pursuant to Rules 62-782.600, 62-782.650 and 62-782.700, F.A.C., including a No Further Action Proposal or a Natural Attenuation with Monitoring Proposal associated with the Site Assessment Report or the Risk Assessment Report.

(3) If the participant elects to prepare a combined document in lieu of individual program task documents, the decision shall be documented in the VCA, with applicable time frames for submittal and review of the combined document recorded in the VCA.

(4) The participant shall submit copies of the combined document to the Department for review in accordance with the VCA, including all applicable professional certifications as required pursuant to Rule 62-782.400, F.A.C.

(5) Within the time frames specified in the VCA, the Department shall:

(a) Provide the Participant with written approval of the individual program task or the combined document; or

(b) Notify the participant in writing, stating:

1. the reason(s) why one or more individual program tasks or the combined document does not conform with the requirements of the applicable criteria in Rules 62-782.600, 62-782.650 or 62-782.700, F.A.C.; or

2. the reason(s) why a No Further Action Proposal or a Proposal for Natural Attenuation with Monitoring does not meet the applicable criteria pursuant to Rules 62-782.680 or 62-782.690, F.A.C.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History—New

#### 62-782.500 Interim Source Removal.

(1) Interim source removal includes removal of free product or contaminated soil, or removal of the source(s) of contamination. The objectives of the interim source removal are to remove specific known contaminant source(s), and provide temporary control to prevent or minimize contaminant migration, and to protect human health and the environment prior to the approval of a Remedial Action Plan prepared and submitted in accordance with Rule 62-782.700, F.A.C.

#### (2) Free Product Removal and Disposal.

(a) The participant may perform product recovery provided that:

1. product recovery does not spread contamination into previously uncontaminated or less contaminated areas through untreated discharges, improper treatment, improper disposal or improper storage;

2. flammable products are handled in a safe manner;

3. the recovered product is characterized and properly disposed; and

4. all sampling and analyses are performed in accordance with Rule 62-782.300, F.A.C.

(b) The following passive and active methods of product recovery may be implemented without requesting approval from the Department:

1. absorbent pads;

2. skimmer pumps that include pumps with mechanical, electrical, or hand-bailed purging operations;

3. hand or mechanical bailing; and

4. fluid vacuum techniques (for example, vacuum pump trucks) or total fluid displacement pumps, as long as the technique used does not smear or spread free product or result in contaminating previously uncontaminated or less contaminated media.

(c) In addition to the product recovery methods specified in Rule 62-782.500(2)(b), F.A.C., the participant may evaluate, propose and submit other product recovery methods to the Department for approval prior to implementation. The submittal, as an Interim Source Removal Proposal, must include the results of the evaluation performed to determine the potential for product smearing or spreading and the potential for air emissions. The product recovery methods proposed may include:

1. dewatering or groundwater extraction that may influence the depth to the water table; or

2. air/fluid extraction.

(d) Within the time frames specified in the VCA or Rule 62-782.790, F.A.C., the Department shall:

1. provide the participant with written approval of the Interim Source Removal Proposal; or

2. notify the participant in writing, stating the reason(s) why the Interim Source Removal Proposal does not contain information adequate to support a product recovery method pursuant to Rule 62-782.500(2)(c), F.A.C.

(e) Product recovery shall be deemed complete when the objectives in Rule 62-782.500(1), F.A.C., have been met.

(f) Within 10 days after initiation of product recovery, written notification shall be provided by the participant to the Department on Form 62-782.900(1).

(g) Within the time frames and frequencies specified in the VCA or Rule 62-782.790, F.A.C., an Interim Source Removal Status Report documenting the recovery progress and summarizing all recovery activities for a specified period shall be submitted by the participant to the Department for review.

#### (3) Short-term Groundwater Recovery.

(a) The participant may perform a short-term groundwater recovery strategy as a source removal activity. The use of a pumping test or overdeveloping of shallow aquifer well(s) within the plume as an Interim Source Removal strategy may be implemented without requesting approval from the Department provided the following criteria are met:

1. the groundwater contamination is of limited extent, such that the pumping of shallow aquifer well(s) within the plume may result in the site achieving the criteria for No Further Action in Rule 62-782.680, F.A.C., or the criteria for Natural Attenuation with Monitoring in Rule 62-782.690, F.A.C.;

2. free product is not present;

3. the duration of the groundwater recovery does not exceed three days, unless the participant demonstrates to the Department that extended groundwater recovery will not result in the spread of contamination;

4. the recovered groundwater is properly disposed at a publicly owned treatment works or at a permitted Hazardous Waste Treatment, Storage or Disposal facility, if the recovered groundwater is a hazardous waste; and

5. the groundwater recovery is limited to one pumping event.

(b) Within the time frames and frequencies specified in the VCA or Rule 62-782.790, F.A.C., an Interim Source Removal Status Report documenting the recovery progress and summarizing all recovery activities for a specified period shall be submitted by the participant to the Department for review.

#### (4) Groundwater Recovery, Treatment and Disposal.

(a) The participant may perform groundwater recovery prior to the approval of a Remedial Action Plan prepared and submitted in accordance with Rule 62-782.700, F.A.C., provided the Participant submits a proposal that includes the same level of engineering detail as a Remedial Action Plan pursuant to Rule 62-782.700, F.A.C. Applicable sections must be signed and sealed in accordance with Rule 62-782.400, F.A.C.

(b) Within the time frames specified in the VCA or Rule 62-782.790, F.A.C., the Department shall:

1. provide the participant with written approval of the proposal; or

2. notify the participant in writing, stating the reason(s) why the proposal does not contain information adequate to perform groundwater recovery prior to the approval of a Remedial Action Plan pursuant to Rule 62-782.500(4), F.A.C.

(c) Within the time frames and frequencies specified in the VCA or Rule 62-782.790, F.A.C., an Interim Source Removal Status Report documenting the recovery progress and summarizing all recovery activities for a specified period shall be submitted by the participant to the Department for review.

(5) Soil and Sediment Removal, Treatment and Disposal.

(a) The participant may excavate contaminated soil or contaminated sediment for proper treatment or proper disposal as an interim source removal activity provided the following criteria are met:

1. contamination is not spread into previously uncontaminated areas or less contaminated areas through untreated discharges, improper treatment, improper disposal or improper storage;

2. flammable products are handled in a safe manner;

3. when a soil vacuum extraction system is necessary to abate an imminent threat to human life, health, or safety within a structure or utility conduit, then the vacuum extraction system must be designed and operated only to abate the imminent threat. The Department must be notified, within 24 hours, of the imminent threat and the intent to use a soil vacuum extraction system. The air emissions monitoring and frequency of monitoring shall be performed in accordance with Rules 62-782.700(5)(a) and (12)(i), F.A.C.;

4. USEPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP), must be performed on a number of samples sufficient to verify that the contaminated soil or sediment does not exceed the applicable criteria for a hazardous waste unless the soil or sediment is known to be contaminated by a known listed hazardous waste; and

5. when excavated soil or sediment is temporarily stored or stockpiled on-site, the soil shall be secured in a manner that prevents human exposure to contaminated soil or sediment and prevents soil or sediment exposure to precipitation that may cause surface runoff, and any excavation shall be secured to prevent entry by the public. The temporary storage or stockpiling of excavated contaminated soil or sediment shall

not exceed 60 days, or 90 days if the excavated contaminated soil or sediment is stored in accordance with Chapter 62-730, F.A.C. Participants are advised that other federal or local requirements may apply to these activities.

(b) Consistent with the goals set forth in Section 403.061(34), F.S., the Department encourages treatment over disposal options to address contaminated soil.

(c) Soil or sediment treatment or disposal techniques not authorized by applicable rules of the Department require approval in an Interim Source Removal Proposal or in a Remedial Action Plan submitted pursuant to Rule 62-782.700, F.A.C. The Interim Source Removal Proposal shall include the information outlined in Rules 62-782.700(4) and (5), F.A.C., as applicable.

(d) Within the time frames specified in the VCA or Rule 62-782.790, F.A.C., the Department shall:

1. provide the participant with written approval of the Interim Source Removal Proposal submitted pursuant to Rule 62-782.500(5)(c), F.A.C.; or

2. notify the participant in writing, stating the reason(s) why the Interim Source Removal Proposal does not contain information adequate to support the selection of an alternative soil treatment or disposal technique.

(6) Authorizations.

Authorization or receipt of approval under Rule 62-782.500, F.A.C., does not relieve the Participant from the obligation to comply with other Department rules (for example, Chapters 62-701 and 62-730, F.A.C.) for product recovery, product disposal, groundwater recovery, or the handling, storage, disposal or treatment of contaminated media. Participants are advised that other federal or local requirements may apply to these activities.

(7) Interim Source Removal Report.

(a) Within the time frames specified in the VCA or Rule 62-782.790, F.A.C., two copies of an Interim Source Removal Report shall be submitted by the participant to the Department for review. The report shall contain the following information in detail, as applicable:

1. the type and an estimated volume of non-aqueous phase liquids that were discharged to the environment, if known;

2. the volume of non-aqueous phase liquids and the volume of groundwater recovered;

3. the volume of contaminated soil or sediment excavated and treated or properly disposed;

4. the disposal or recycling methods for non-aqueous phase liquids and contaminated soil or sediment;

5. the disposal methods for other contaminated media and any investigation-derived waste;

6. a scaled site map (including a graphical representation of the scale used) showing location(s) of all on-site structures (including any buildings, locations of underground storage

tanks, storm drain systems, and septic tanks), locations where free product was recovered and the area of soil removal or treatment, and the approximate locations of all samples made:

7. a table summarizing free product thickness in each monitoring well or piezometer and the dates the measurements were made;

8. the type of field screening instrument, analytical methods or other methods used;

9. the dimensions of the excavation(s) and location(s), integrity, capacities and last known contents of storage tanks, integral piping, dispensers, or appurtenances removed;

10. a table indicating the identification, depth, and field soil screening results or laboratory analyses of each sample collected;

11. depth to groundwater at the time of each excavation, measurement locations and method used to obtain that information; and

12. documentation confirming the proper treatment or proper disposal of the non-aqueous phase liquids, contaminated soil or sediment, including disposal manifests for non-aqueous phase liquids or hazardous waste, a copy of the documentation of treatment or acceptance of the contaminated soil or sediment, and results of analyses.

(b) Within the time frames specified in the VCA or Rule 62-782.790, F.A.C., the Department shall:

1. provide the participant with written approval of the Interim Source Removal Report submitted pursuant to the criteria in Rule 62-782.500(7), F.A.C.; or

2. notify the participant in writing, stating the reason(s) why the Interim Source Removal Report does not conform with the applicable Interim Source Removal criteria pursuant to Rule 62-782.500(7), F.A.C.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History—New \_\_\_\_\_.

#### 62-782.600 Site Assessment.

(1) Because site assessment may have already been completed at a site, a participant may choose to submit the associated assessment documents as its Site Assessment Report pursuant to Rule 62-782.600(7), F.A.C., for review by the Department. If site assessment work is necessary to define the nature and extent of contamination at a site, the site assessment shall be completed in accordance with the time frames specified in the VCA or in Rule 62-782.790, F.A.C.

(2) The objectives of the site assessment shall be the following, as applicable:

(a) To evaluate the current exposure and potential risk of exposure to humans and the environment, including multiple pathways of exposure. The physical, chemical, and biological characteristics of each contaminant and the individual site characteristics must be considered. The individual site characteristics include:

1. the current and projected use of the affected groundwater and surface water in the vicinity of the site;

2. the current and projected land use of the area affected by the contamination;

3. the exposed population;

4. the location of the plume;

5. the degree and extent of contamination;

6. the rate and direction of migration of the plume;

7. the apparent or potential rate of degradation of contaminants through natural attenuation; and

8. the potential for further migration in relation to the site's property boundary;

(b) To determine whether contamination is present and the types of contaminants present, and to determine the horizontal and vertical extent of contamination in every medium found to be contaminated, such as: for soil, to the lower of the direct exposure residential cleanup target levels and the applicable leachability cleanup target levels provided in Chapter 62-777, F.A.C., Table II; and for groundwater, to the groundwater cleanup target levels or to the Surface Water Criteria provided in Chapter 62-777, F.A.C., Table I, as applicable;

(c) To determine or confirm the origin(s) of the source(s) of contamination, if technologically possible. If the soil concentration of a contaminant is above its soil saturation concentration (C<sub>sat</sub>), free product may be present [refer to the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, for development of SCTLs based on C<sub>sat</sub>].

(d) To establish the horizontal extent and thickness of free product, if technologically possible;

(e) To determine whether source removal, in addition to any interim source removal already performed in accordance with Rule 62-782.500, F.A.C., is warranted;

(f) To identify the aquifer or aquifers expected to be affected by the site and their groundwater classification, unless the site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C.;

(g) To describe geologic and hydrogeologic characteristics of the site that influence migration and transport of contaminants, including the identification and characterization of any perched zones that are present, unless the site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C.;

(h) To determine the rate and direction of groundwater flow (at all affected depths, as appropriate), to determine the extent of water table fluctuation, to evaluate the potential effect of seasonal variations on the rate and direction of groundwater flow, to determine the hydraulic interaction between groundwater and any surface water within the vicinity of the site, and to determine whether there are any tidal effects in sites located near marine surface water, unless the site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C.;

(i) To determine other mechanisms of transport of contaminants in the immediate vicinity of the site, including rate and direction of movement of contaminants in sewer lines, subsurface utility conduits or vaults, soil and surface water, as applicable, unless the site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C.;

(j) To determine by means of a well survey whether any municipal or public water supply wells are present within a 1/2 mile radius of the site, whether the site is located within the regulated wellhead protection zone of a municipal wellfield or public water supply well, and whether any private water supply wells (including potable, irrigation and industrial) are present within a 1/4 mile radius of the site, unless the site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C.;

(k) To determine whether any surface water will be exposed to contamination originating from the site;

(l) To report any off-site activities (for example, dewatering, active remediation, or flood control pumping) in the immediate vicinity of the site that may have an effect on the groundwater flow at the site, unless the site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C.; and

(m) To facilitate the selection of a remediation strategy for the site that is protective of human health and the environment, unless No Further Action is deemed appropriate under the provisions of Rule 62-782.680, F.A.C.

(3) The analyses for contaminants in surface water, groundwater, soil and sediment samples, as applicable, shall be performed using the appropriate analytical procedures referenced or listed in an approved comprehensive quality assurance plan pursuant to Chapter 62-160, F.A.C. The initial analyses of contaminants, including their reaction and degradation products, shall be based on the site history and the contaminants of concern listed in Table A of this chapter.

(4) The site assessment shall include tasks that are necessary to achieve objectives described in Rules 62-782.600(2)(a)-(m), F.A.C., and may include the following:

(a) Use of geophysical equipment such as magnetometers, ground penetrating radar or metal detectors to detect storage tank system(s);

(b) Use of borehole geophysical methods to determine geologic and hydrogeologic characteristics of affected and potentially affected hydrogeologic zones;

(c) Sampling of undisturbed soil above and below the water table using hand augering, drilling or direct push technology to obtain information on site stratigraphy and non-aqueous phase liquids entrapped below the water table, to determine geotechnical parameters, and to assess the appropriateness of natural attenuation with monitoring;

(d) Use of fracture trace analysis to discover linear zones in which discrete flow could take place;

(e) Use of field soil screening techniques, which must be demonstrated to be appropriate for the site conditions and the physical and chemical characteristics of the contaminants, to

determine the optimal locations for collection of samples for laboratory analyses. These analyses shall be performed on a minimum of three grab samples with high, medium and low screening results. These analyses shall be performed per source area and per sampling event, except that only one representative sample shall be sufficient if the field screening results indicate that contaminated soil is not present. The actual number of laboratory samples shall be based on the horizontal and vertical extent of contamination and the degree of correlation between field soil screening and laboratory results;

(f) Use of piezometers or monitoring wells to determine the frequency of occurrence, horizontal and vertical extent, and thickness of free product;

(g) Use of monitoring wells, piezometers, or other sampling and measurement techniques to obtain a three-dimensional evaluation of the source of contamination, of the migration of contaminants below the water table, of groundwater flow, and of relevant hydrologic parameters;

(h) Use of piezometers or monitoring wells to determine horizontal direction(s) of groundwater flow and horizontal and vertical hydraulic gradients, as applicable;

(i) Survey of every top-of-casing to either the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD88) of 1988;

(j) Use of field screening techniques (for example, use of temporary wells, piezometers, or direct push technology to obtain groundwater samples for on-site analyses using gas chromatography) to optimize monitoring well placement;

(k) Sampling of monitoring wells for the appropriate laboratory analyses to determine the degree and extent of groundwater contamination, if applicable, such that:

1. drill cuttings and drilling mud generated during monitoring well installation shall be handled and disposed of in such a manner that contamination is not spread into previously uncontaminated media or less contaminated media. Authorization or receipt of approval under Rule 62-782.600, F.A.C., does not relieve the Participant from the obligation to comply with other Department rules (for example, Chapters 62-701 and 62-730, F.A.C.) for product recovery, product disposal, groundwater recovery, or the handling, storage, disposal or treatment of contaminated media. Participants are advised that other federal or local requirements may apply to these activities; and

2. development water and purge water shall be handled and disposed of in such a manner that contamination is not spread into previously uncontaminated media. Authorization or receipt of approval under Rule 62-782.600, F.A.C., does not relieve the Participant from the obligation to comply with other Department rules (for example, Chapters 62-701 and 62-730, F.A.C.) for product recovery, product disposal, groundwater recovery, or the handling, storage, disposal or treatment of contaminated media. Participants are advised that other federal or local requirements may apply to these activities;

(l) Sampling of surface water and sediment for the appropriate laboratory analyses to determine the degree and extent of surface water and sediment contamination, if applicable;

(m) Inspection of public records (such as those at the local Department of Health office, at the appropriate Water Management District office, and at local municipalities) and performance of a field reconnaissance, as appropriate, to locate all water supply wells (including potable, irrigation and industrial wells) in accordance with Rule 62-782.600(2)(j), F.A.C., and injection wells or drainage wells as defined in Chapter 62-528, F.A.C.;

(n) If the possibility exists that the contamination may have affected public or private water supply wells, sampling of the well or wells for the appropriate laboratory analyses, with the consent of the owner(s), to determine whether any contamination is present;

(o) Use of available and appropriate literature in conjunction with site-specific lithologic logs to identify aquifers present beneath the site. An analysis for Total Dissolved Solids shall be used if the participant chooses to demonstrate that the natural background quality of the groundwater on-site would allow it to be classified as an area of G-III groundwater;

(p) Performance of slug tests or a pumping test, if appropriate, on different strata of the surficial aquifer or of different aquifers, if applicable, using water-table monitoring wells, intermediate depth monitoring wells, and vertical extent monitoring wells. Performance of a pumping test may be deferred until the Remedial Action Plan phase if groundwater extraction is proposed in accordance with the provisions of Rule 62-782.700, F.A.C. If a pumping test is performed within the plume, at least two samples of the groundwater withdrawn during the test shall be collected and analyzed for the appropriate contaminants and physical properties (for example, Hardness, Iron, Total Dissolved Solids and Total Suspended Solids) that may affect the treatment system and disposal options. At a minimum, one sample shall be collected at the mid-point of the pumping test and one at the end of the pumping test;

(q) Review of historical land use records and existing aerial photographs;

(r) Sampling of soil for USEPA Test Method 1312, Synthetic Precipitation Leaching Procedure (SPLP) analyses, or the information available indicates that the soil has the potential to be a hazardous waste, or for the analyses of the physical parameters listed in Chapter 62-777, F.A.C., Table III; and

(s) Establishment of the parameters or exposure assumptions that will be used to develop the alternative cleanup target levels pursuant to Rule 62-782.650, F.A.C., if the participant chooses this option.

(5) If there is no historical evidence of certain contaminants being used within the site and if initial testing of representative monitoring well(s), performed pursuant to Rule 62-782.600(4), F.A.C., does not indicate the presence of any contaminants within a specific analytical procedure, or indicates that the presence of a contaminant is due to a background concentration, subsequent testing at the site need not include that analytical procedure.

(6) Two copies of a Site Assessment Report (that may reference previously submitted documents) shall be submitted by the participant to the Department for review within the time frames specified in the VCA or in Rule 62-782.790, F.A.C.

(7) The Site Assessment Report shall:

(a) Summarize all tasks that were completed pursuant to Rules 62-782.600(2)-(4), F.A.C., and summarize the results obtained. All maps shall indicate the North direction, be drawn to scale, and include a graphical representation of the scale used. The following shall be included when applicable:

1. a detailed summary of site history and operations, including:

a. an identification of present property and facility owners;

b. a description of past and present operations, including those that involve the storage, treatment, use, disposal, processing or manufacture of materials that may be potential contaminant sources;

c. a description of all products used or manufactured and of all by-products and wastes (including waste constituents) generated during the life of the facility;

d. a summary of current and past environmental permits and enforcement actions; and

e. a summary of known spills or releases of materials, including permitted releases, that may be potential contaminant sources;

2. a copy of the portion of the most recent USGS topographic map, including quadrangle name and scale, that clearly identifies the site in relation to the surrounding area;

3. a vicinity map showing pertinent site features, such as utilities, above and underground structures, storage areas, local drainage features, land cover, property boundaries, and particularly, any potential sources of contamination identified during the assessment. If the subject site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C., a vicinity map is not required;

4. one or more scaled site maps showing all pertinent surface, subsurface and geological features present in the immediate vicinity of the contamination;

5. details of any preliminary assessment or interim source removal activities performed at the site, such as product recovery and contaminated soil removal (summarized in graphical and tabular form);

6. data and calculations used to determine the top-of-casing elevations and the accuracy of the survey performed in accordance with Rule 62-782.600(4)(i), F.A.C.;

7. tables listing the top-of-casing elevations, depths to groundwater, water-level elevations obtained at least twice, at least one month apart, and the dates the data were collected;

8. scaled site maps illustrating the water-level elevations calculated at each monitoring well, piezometer, and staff gauge where surface water is a concern, and depicting the estimated elevation contours and an interpretation of groundwater flow direction. If different strata of the same aquifer, or if different aquifers, are affected, separate figures must be submitted for each date on which measurements were recorded, depicting flow in each stratum or aquifer. If the site's groundwater is tidally-influenced, separate figures must be submitted depicting flow at high and low tide. If the site is known to be affected by seasonal groundwater variations, separate figures should be submitted depicting the seasonal changes in the groundwater flow direction;

9. a table summarizing the use and well construction details, if available, of all the water supply wells identified during the well survey performed in accordance with Rule 62-782.600(2)(j), F.A.C.;

10. a map showing the approximate location(s) of the water supply well(s) identified during the well survey performed in accordance with Rule 62-782.600(2)(j), F.A.C., in relation to the subject site;

11. the results from slug tests performed on a minimum of three monitoring wells, or from a pumping test in each affected aquifer zone monitored, to determine aquifer properties, and including a description of methods used, assumptions made, field data and calculations, unless the site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C.;

12. the result of a calculation of horizontal groundwater flow velocity ( $v$ ) for the site, using the formula  $v=KI/n$ , where  $K$  is the average hydraulic conductivity,  $I$  is the average horizontal hydraulic gradient, and  $n$  is the estimated effective soil porosity, unless the site meets the No Further Action criteria in Rule 62-782.680(1), F.A.C.;

13. a description of any geophysical methods used for the project;

14. a description of the site-specific stratigraphy, based on the lithologic logs prepared during monitoring well installation and on standard penetration test borings (including composition, thickness and continuity of various lithologic units);

15. at least two cross-sections illustrating the site-specific stratigraphy and approximate concentrations of applicable contaminants;

16. details of any other assessment methodology used at the site, including any field screening techniques and measures of biological activity (for example, dissolved oxygen or nutrient levels);

17. a table summarizing the field soil screening results obtained at each sampling location and depth, as well as a summary of the results of any laboratory analyses performed and a listing of the date(s) the work was performed;

18. one or more scaled site maps showing all soil sampling locations for field screening or laboratory analyses and illustrating the horizontal and vertical extent of vadose zone soil contamination when soil contamination is detected;

19. piezometer, monitoring well and recovery well construction details and construction diagrams, including methods and materials, field sampling data sheets, lithologic logs, and volumes of groundwater removed during well development;

20. a description of the treatment or disposal methods of any investigation-derived waste generated during the assessment phase and any documentation confirming the proper treatment or disposal of the waste, as applicable;

21. a table that is updated any time additional piezometers, monitoring wells, or recovery wells are installed and that summarizes the well construction details (including the top-of-casing elevation referenced to NGVD of 1929 or NAVD88, depth of the top of the screen below land surface, total depth and screen length, and ground surface elevation referenced to NGVD of 1929 or NAVD88) of all monitoring wells (including storage tank compliance wells or other compliance wells required by permit), piezometers, and recovery wells;

22. a current table that summarizes free product thickness measured, volumes recovered, and date(s) measurements were recorded, if applicable;

23. a scaled site map showing the estimated horizontal extent of free product;

24. all information required by Rule 62-782.300(2), F.A.C.;

25. at least one table summarizing the groundwater and surface water analytical results (with the most recent sampling of representative monitoring wells having occurred within 270 days of Site Assessment Report submittal), detection limits used, and analyses performed (listing all contaminants detected and their corresponding cleanup target levels); and

26. one or more scaled site maps showing any areas excavated, all groundwater and surface water sampling locations, and an illustration of the degree and extent of groundwater and surface water contamination.

(b) Summarize conclusions regarding site assessment objectives outlined in Rules 62-782.600(2)(a)-(m), F.A.C., and include one of the following:

1. a No Further Action Proposal without institutional or engineering controls shall be included if the site meets the applicable No Further Action criteria in Rule 62-782.680(1), F.A.C., or a No Further Action Proposal with institutional

controls or both institutional and engineering controls may be included if the site meets the applicable No Further Action criteria in Rule 62-782.680(2), F.A.C.:

2. a Natural Attenuation with Monitoring Proposal may be included if the site meets the Natural Attenuation criteria in Rule 62-782.690, F.A.C.:

3. a recommendation to prepare a risk assessment shall be included if the participant chooses to justify alternative cleanup target levels using risk assessment studies demonstrating that human health, public safety, and the environment are protected to at least the same degree provided by the cleanup target levels established in this chapter; or

4. a recommendation to prepare a Remedial Action Plan pursuant to Rule 62-782.700, F.A.C., shall be included if the site does not meet the No Further Action criteria in Rule 62-782.680(1), F.A.C., unless a proposal for a No Further Action with institutional controls or both institutional and engineering controls pursuant to Rule 62-782.680(2), F.A.C., or a proposal for Natural Attenuation with Monitoring pursuant to Rule 62-782.690, F.A.C., or a recommendation to prepare a risk assessment pursuant to Rule 62-782.650, F.A.C., is included.

(8) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with written approval of the Site Assessment Report and the proposal or recommendation submitted pursuant to Rule 62-782.600(7)(b), F.A.C., or

(b) Notify the participant in writing, stating:

1. the reason(s) why the Site Assessment Report does not contain information adequate to support the conclusions regarding the site assessment objectives outlined in Rules 62-782.600(2)(a)-(m), F.A.C.; or

2. the reason(s) why the proposal or recommendation submitted pursuant to Rule 62-782.600(7)(b), F.A.C., is not supported by the applicable criteria.

Specific Authority 376.3078(4) FS, Law Implemented 376.3078(4) FS, History--New

#### 62-782.650 Risk Assessment.

(1) If a participant performs a risk assessment, the following risk assessment task elements may be performed, as appropriate:

(a) An exposure assessment that identifies pathways and routes by which human and environmental receptors may be exposed to contaminants and determines levels of contaminants to which human and environmental receptors may be exposed. The exposure assessment shall:

1. identify concentrations of contaminants found at the site in all contaminated media [refer to Appendix C of the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, for guidance on the derivation of alternative cleanup

target levels, for guidance on the derivation of alternative cleanup target levels for TRPHs based on a sub-classification methodology];

2. identify background concentrations of contaminants found at the site and in the aquifer as a whole;

3. determine soil properties (for example, texture, moisture content, dry bulk density, organic carbon content, and infiltration rate) using methods listed in Chapter 62-777, F.A.C., Table III, or leaching potential as determined using a test such as USEPA Test Method 1312 (SPLP), in which leachate concentrations are compared with applicable groundwater cleanup target levels;

4. identify actual and potential exposure pathways and routes;

5. identify actual and potential human and environmental receptors for each exposure pathway, and any sensitive sub-populations;

6. determine expected concentrations of contaminants to which actual and potential human and environmental receptors may be exposed;

7. determine exposure factors (exposure duration and frequency) based on site-specific characteristics, including consideration of current and plausible future land uses. Institutional and engineering controls may be proposed in order to ensure exposure factors do not change; and

8. identify established health-based values for all contaminants found at the site.

(b) A toxicity assessment that determines human health and environmental criteria for contaminants found at the site. The criteria, taking into consideration acute and chronic health effects associated with short and long term exposure, may be developed for applicable exposure pathways and routes identified in the exposure assessment and shall include:

1. potable water exposure from ingestion, dermal contact, and inhalation of vapors and mists;

2. non-potable domestic water exposure from dermal contact, inhalation of vapors and mists, ingestion of food crops irrigated with such water, lawn watering, and other related exposures and exposures to pets and livestock from ingestion;

3. soil exposure from ingestion, dermal contact, inhalation, and ingestion by humans or animals of food crops grown in contaminated soil; and

4. non-potable surface water exposure from ingestion, dermal contact, and inhalation of vapors and mists. Adverse effects on freshwater or marine biota (including any bio-accumulative effects in the food chain) and on humans (for example, through incidental ingestion and dermal contact while using the resource for recreational purposes or fish consumption) should be considered.

(c) A risk characterization that utilizes the results of the exposure assessment, the toxicity assessment, and any other relevant public health and epidemiological assessments, to characterize cumulative risks to the affected population(s) and



the environment from contaminants found at the site. Based on the concentrations of contaminants found at the site, the characterization shall include:

1. risks to human health and safety from exposure to the contamination;

2. risks from the contamination to non-human species and ecosystems; and

3. derivation of alternative cleanup target levels such that: for non-carcinogenic contaminants that affect the same organ(s), the hazard index (sum of the hazard quotients) is 1 or less; and for carcinogens, the cumulative lifetime excess cancer risk level is 1.0E-6, as applicable [refer to Appendix C of the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, for guidance on the derivation of alternative cleanup target levels for TRPHs based on a sub-classification methodology; and to Chapter 62-777, F.A.C., Table III for methods to be used in determining soil properties for the derivation of alternative cleanup target levels based on site-specific soil characteristics]. In developing alternative cleanup target levels, when scientific data are available the potential for additive, synergistic, or antagonistic interactions among contaminants and the potential for exposure to contaminants via multiple pathways shall be considered based on target organ(s) affected, mechanism(s) of toxicity, and empirical observations from clinical and laboratory studies. The default assumptions shall be that non-carcinogenic chemicals affecting the same target organ(s) have additive effects and that carcinogenic risk, regardless of target organ, is additive.

(d) A justification for alternative cleanup target levels for groundwater or soil. The justification for the alternative cleanup target levels shall be based upon the site-specific characteristics affecting the site. In establishing the alternative cleanup target levels for groundwater or soil, the following factors shall be used, as applicable: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limits; the naturally occurring background concentrations; and (for groundwater only), nuisance, organoleptic, and aesthetic considerations.

1. the site-specific characteristics affecting the site may include:

a. the present and future uses of the affected aquifer(s) and adjacent surface water, with particular consideration of the probability that the contamination is substantially affecting, or will migrate to and substantially affect, a known public or private source of potable water;

b. the technical feasibility of achieving the soil or water quality criteria based on a review of available technology;

c. site soil characteristics; and

d. the results of the risk assessment.

2. mathematical transport models may be used to predict contaminant movement in the environment in order to provide assurances that risks to human health and the environment resulting from the establishment of alternative cleanup target levels are acceptable. If a mathematical transport model for contaminants is used, the model shall be validated, and adjusted accordingly, after subsequent monitoring to validate a No Further Action Proposal or during natural attenuation monitoring or active remediation monitoring, using empirical data as the data are obtained.

(2) Two copies of the Risk Assessment Report shall be submitted by the participant to the Department for review, within the time frames specified in the VCA or in Rule 62-782.790, F.A.C.

(3) The Risk Assessment Report shall contain a description of the task elements undertaken, summarize the conclusions obtained, and include one of the following:

(a) A No Further Action Proposal without institutional or engineering controls shall be included if the site meets the applicable No Further Action criteria in Rule 62-782.680(1), F.A.C., or a No Further Action Proposal with institutional controls or both institutional and engineering controls may be included if the site meets the applicable No Further Action criteria in Rule 62-782.680(2), F.A.C.;

(b) A Proposal for Natural Attenuation with Monitoring may be included if the site meets the Natural Attenuation with Monitoring criteria in Rule 62-782.690, F.A.C.; or

(c) a recommendation to prepare a Remedial Action Plan pursuant to Rule 62-782.700, F.A.C., shall be included if the site does not meet the No Further Action criteria in Rule 62-782.680(1), F.A.C., unless a proposal for a No Further Action with institutional controls or both institutional and engineering controls pursuant to Rule 62-782.680(2), F.A.C., or a proposal for Natural Attenuation with Monitoring pursuant to Rule 62-782.690, F.A.C., is included.

(4) Within the time frames established in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with written approval of the Risk Assessment Report and the proposal or recommendation submitted by the participant pursuant to Rule 62-782.650(3), F.A.C.; or

(b) Notify the participant in writing, stating:

1. the reason(s) why the Risk Assessment Report does not contain information adequate to support the proposed alternative cleanup target levels; or

2. the reason(s) why the proposal or recommendation submitted pursuant to Rule 62-782.650(3), F.A.C., is not supported by the applicable criteria.

Specific Authority 376.3078(4) FS, Law Implemented 376.3078(4) FS, History—New

62-782.680 No Further Action Criteria.

(1) A No Further Action without institutional or engineering controls shall apply if:

(a) Free product does not exist and no other fire or explosive hazard exists as a result of a release of non-aqueous phase liquids;

(b) Contaminated soil is not present in the unsaturated zone, as demonstrated by the analyses of soil samples collected from representative sampling locations that show that concentrations of all of the applicable Contaminants of Concern listed in Table I of this chapter do not exceed:

1. the background concentrations; or

2. the lower of the direct exposure residential cleanup target levels or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II. If more than one contaminant is present at the site, the direct exposure cleanup target levels in Chapter 62-777, F.A.C., Table II shall be modified, if necessary, such that the sum of the hazard quotients for non-carcinogenic contaminants affecting the same organ(s) is 1 or less. For carcinogens, the direct exposure cleanup target levels in Chapter 62-777, F.A.C., Table II shall be modified such that the cumulative lifetime excess cancer risk level posed by the contaminants is 1.0E-6. If only leachability cleanup target levels are exceeded, then direct leachability testing results may be used to demonstrate that leachate concentrations do not exceed the applicable groundwater cleanup target levels. Leachability testing pursuant to USEPA Test Method 1312 (SPLP) must be performed on a minimum of three grab soil samples from each source area that exceed leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II, with the actual number of samples based on the horizontal and vertical extent of contamination and the site-specific stratigraphy;

3. alternative TRPHs cleanup target levels established in accordance with Rules 62-782.650(1)(a)1. and 62-782.650(1)(c)3., F.A.C.; or

4. alternative cleanup target levels established using appropriate site-specific properties of the contaminated soil in accordance with Rules 62-782.650(1)(a)3. and 62-782.650(1)(c)3., F.A.C.

(c) Concentrations of contaminants in groundwater samples do not exceed the higher of the background concentrations or the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I groundwater criteria column, except that if the site's groundwater contamination is affecting or may potentially affect a surface water body based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling, then the cleanup target levels specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column, as applicable, shall also apply to groundwater; and

(d) Concentrations of contaminants in surface water samples do not exceed the higher of the background concentrations or the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column, as applicable.

(2) A No Further Action with institutional controls or both institutional and engineering controls, shall apply if the controls are protective of human health, public safety and the environment and are agreed to by the current owner(s) of all affected properties, and the following conditions are met, as applicable:

(a) Free product does not exist and no other fire or explosive hazard exists as a result of a release of non-aqueous phase liquids, or free product removal is not technologically feasible;

(b) Alternative soil cleanup target levels have been established by the participant agreeing to one or more of the following:

1. the enactment of an institutional control, in which case the contaminant concentrations must not exceed the direct exposure commercial/industrial cleanup target levels or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II. If more than one contaminant is present at the site, the direct exposure cleanup target levels in Chapter 62-777, F.A.C., Table II shall be modified, if necessary, such that the sum of the hazard quotients for non-carcinogenic contaminants affecting the same organ(s) is 1 or less. The soil leachability cleanup target levels may be exceeded if it is demonstrated to the Department, based upon individual site characteristics and the restrictions in the institutional controls, that contaminants will not leach into the groundwater at concentrations that exceed applicable groundwater cleanup target levels specified in Chapter 62-777, F.A.C., Table I. If soil that exceeds the direct exposure residential or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-782.500(5) and (6), F.A.C., shall apply if the contaminated soil is later excavated;

2. the enactment of an institutional control, in which case the contaminant concentrations in soil below two feet below land surface may exceed the direct exposure residential cleanup target levels but may not exceed the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II. The leachability cleanup target levels may be exceeded if it is demonstrated to the Department, based upon individual site characteristics and the restrictions in the institutional controls, that contaminants will not leach into the groundwater at concentrations that exceed applicable groundwater cleanup target levels specified in Chapter 62-777, F.A.C., Table I. If soil that exceeds direct exposure residential or leachability cleanup target levels specified in Chapter

62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-782.500(5) and (6), F.A.C., shall apply if the contaminated soil is later excavated, or exposed due to a change in site conditions;

3. the enactment of an institutional control, in which case the contaminant concentrations must not exceed the alternative soil cleanup target levels justified pursuant to Rule 62-782.650, F.A.C. If soil that exceeds direct exposure residential or leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-782.500(5) and (6), F.A.C., shall apply if the contaminated soil is later excavated. The enactment of an institutional control is not necessary if the alternative soil cleanup target levels were justified solely using appropriate site-specific parameters of the contaminated soil in accordance with Rule 62-782.650(1)(a)3., F.A.C.; or

4. the implementation of engineering controls, such as permanent cover material, that prevent human exposure and limit water infiltration, in conjunction with institutional controls. If soil that exceeds direct exposure residential or leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-782.500(5) and (6), F.A.C., shall apply if the contaminated soil is later excavated, or exposed due to a change in site conditions.

(c) Alternative groundwater cleanup target levels have been established, depending on the current or projected use of groundwater in the vicinity of the site, by the participant agreeing to one or more of the following:

1. the enactment of an institutional control to ensure that the contaminated groundwater will not be utilized, in accordance with the following:

a. for contamination of groundwater of low yield (average hydraulic conductivity of less than one foot per day, determined by performing slug tests on a minimum of three monitoring wells in each affected monitoring zone; and a maximum yield of 80 gallons per day, determined by pumping a four inch well screened across the cross-section of the plume, for a minimum of two hours) or with background concentrations that exceed Florida's Primary and Secondary Drinking Water Standards, then the cleanup target levels specified in Chapter 62-777, F.A.C., Table I groundwater of low yield/poor quality criteria column shall apply to groundwater;

b. for groundwater contamination that is affecting or may potentially affect a surface water body with no other property or properties located between the source property boundary and the surface water body, then the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column, as applicable, shall apply to groundwater;

c. for groundwater contamination that is limited to the immediate vicinity of the source area and the area of groundwater contamination is less than 1/4 acre, where it has been demonstrated by a minimum of one year of groundwater monitoring that the groundwater contamination is not migrating away from such localized source area, then the alternative cleanup target levels shall be established through a scientific evaluation. The scientific evaluation (historical data or modeling results, as applicable; the model used must be appropriate for the site conditions) must demonstrate that the contaminant concentrations in groundwater at the property boundary of the real property on which the contamination originates will not exceed the background concentrations or the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I; or

d. if alternative cleanup target levels have been justified pursuant to Rule 62-782.650, F.A.C., the contaminant concentrations do not exceed those alternative cleanup target levels; or

2. the implementation of engineering controls, such as a permanent containment (for example, a slurry wall), that prevent migration of the plume, in conjunction with institutional controls.

(3) Unless the No Further Action Proposal is included in a Site Assessment Report pursuant to Rule 62-782.600(7)(b)1., F.A.C., two copies of the No Further Action Proposal shall be submitted by the participant to the Department for review when the criteria for No Further Action have been met. Before approval of a No Further Action with an institutional control or an engineering control accompanied by an institutional control, documentation of the agreement with the current property owner(s) of all affected properties regarding the institutional or engineering controls shall be submitted to the Department.

(4) Within the time frames established in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with a Site Rehabilitation Completion Order approving the No Further Action Proposal; or

(b) Provide the reason(s) why the No Further Action Proposal does not contain information adequate to support the conclusion that the applicable No Further Action criteria in Rule 62-782.680, F.A.C., have been met.

(5) The Site Rehabilitation Completion Order shall constitute final agency action regarding cleanup activities at the site.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History—New

62-782.690 Natural Attenuation with Monitoring Criteria.

(1) Natural attenuation with monitoring is allowable for site rehabilitation depending on the current or projected use of groundwater in the vicinity of the site and the individual site characteristics, provided human health, public safety, and the

environment are protected. The individual site characteristics may include the current and projected use of the affected groundwater and surface water in the vicinity of the site, the current and projected land use of the area affected by the contamination, the exposed population, the location of the plume, the degree and extent of contamination, the rate of migration of the plume, the apparent or potential rate of degradation of contaminants through natural attenuation, and the potential for further migration in relation to the site's property boundary. Natural attenuation with monitoring is allowable provided the following criteria are met:

(a) Free product does not exist and no other fire or explosive hazard exists as a result of a release of non-aqueous phase liquids;

(b) Contaminated soil is not present, except that applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II may be exceeded if it is demonstrated to the Department that the soil does not constitute a continuing source of contamination to the groundwater at concentrations that pose a threat to human health, public safety, or the environment, and it is demonstrated that the rate of natural attenuation of contaminants in the groundwater exceeds the rate at which contaminants are leaching from the soil. The determination shall be based upon individual site characteristics and demonstrated by USEPA Test Method 1312 (SPLP) and based upon groundwater modeling, site stratigraphy, or site assessment results;

(c) Contaminants present in the groundwater above background concentrations or applicable cleanup target levels are not migrating beyond the temporary point of compliance or migrating vertically, which may contaminate other aquifers or surface water resources or result in increased site rehabilitation time;

(d) The physical, chemical, and biological characteristics of each contaminant and its transformation product(s) are conducive to natural attenuation;

(e) The available data show an overall decrease in the contamination; and

(f) The site is anticipated to achieve the applicable No Further Action criteria in Rule 62-782.680, F.A.C., as a result of natural attenuation in five years or less, the background concentrations or the applicable cleanup target levels are not exceeded at the temporary point of compliance as established pursuant to Rules 62-782.690(2) or (3), F.A.C., and contaminant concentrations do not exceed the criteria specified in Chapter 62-777, F.A.C., Table V; or

(g) If the criteria in Rule 62-782.690(1)(f), F.A.C., are not met, the appropriateness of natural attenuation with monitoring may be demonstrated by the following:

1. a technical evaluation of groundwater and soil characteristics, chemistry, and biological activity that verifies that the contaminants have the capacity to degrade under the

site-specific conditions. A listing of the site-specific conditions and geochemical parameters, as applicable, is provided in Chapter 62-777, F.A.C., Table IV;

2. a scientific evaluation (historical data or modeling results, as appropriate; the model used must be demonstrated to be appropriate for the site conditions) of the plume migration in relation to the temporary point of compliance as established pursuant to Rules 62-782.690(2) or (3), F.A.C., an estimation of annual milestone reductions of concentrations of contaminants in monitoring wells, and an estimation of the time required to meet the applicable No Further Action criteria in Rule 62-782.680, F.A.C. Available technical information (including historical water quality data) shall be used for model calibration; and

3. a life-cycle cost analysis of remedial alternatives.

(2) Provided human health, public safety and the environment are protected, the point of compliance may be temporarily moved from the source of the contamination.

(a) The point of compliance may be temporarily moved to the property boundary, or to the edge of the plume when the plume is within the property boundary, while cleanup, including cleanup through natural attenuation processes in conjunction with appropriate monitoring, is proceeding.

(b) The temporary point of compliance may extend beyond the property boundary when accompanied by monitoring, if such extension is needed to facilitate monitoring of natural attenuation or to address the current conditions of the plume, provided human health, public safety and the environment are protected. If the point of compliance is temporarily extended beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of the VCA if known, or the lateral extent of the plume as defined at the time of the approved site assessment. Prior to a temporary extension of the point of compliance beyond the property boundary, the participant shall provide actual notice to any affected local government and to the owner(s) of any property into which the point of compliance is allowed to extend. Such actual notice shall be in written form and mailed by "Certified Mail, Return Receipt Requested" to the current property owner at the owner's address listed in the current county property tax office records. Additionally, prior to extending the point of compliance beyond the property boundary, the participant shall provide constructive notice to residents and business tenants of the property into which the point of compliance is allowed to extend. Such constructive notice shall be achieved by posting the notice in the affected area and by publishing the notice, at least 16 square inches in size, in a newspaper of general circulation in the area and in ethnic newspapers or local community bulletins. Actual and constructive notices must include the following information:

1. the type of proposed agency action (i.e., temporary extension of the point of compliance);

2. a description of the location of the subject site, the Department's identification number assigned to the drycleaning facility or wholesale supply facility, and the name and address of the participant;

3. the location where complete copies of any relevant documents concerning the site and the proposed remedial strategy, including temporary extension of the point of compliance, are available for public inspection; and

4. a paragraph including the statement: "Persons receiving this notice shall have the opportunity to comment on the Department's proposed action within 30 days of receipt of the notice." The notice shall also include the name and address of a contact person at the Department with jurisdiction over the site, to whom comments should be directed. For purposes of actual notice, the 30-day comment period shall commence on the delivery date stamped on the return receipt. For purposes of constructive notice, the 30-day comment period shall commence on the date the signs are posted and the notice is published in newspapers and community bulletins, and the notice shall state the 30-day deadline by which comments must be received.

(c) The location of the temporary point of compliance shall be based on the individual site characteristics listed in Rule 62-782.690(1), F.A.C.

(3) Where surface water is or may be exposed to contaminated groundwater (based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling), the point of measuring compliance with the surface water standards shall be in the groundwater from the landward side immediately adjacent to the surface water body.

(4) Unless the Monitoring Only Proposal for Natural Attenuation with Monitoring is included in a Site Assessment Report pursuant to Rule 62-782.600(7)(b)2., F.A.C., two copies of the Proposal for Natural Attenuation with Monitoring shall be submitted by the participant to the Department for review when the criteria for Natural Attenuation with Monitoring have been met.

(5) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with written approval of the Proposal for Natural Attenuation with Monitoring; or

(b) Provide the reason(s) why the Monitoring Only Proposal for Natural Attenuation with Monitoring does not contain information adequate to support the conclusion that the applicable Natural Attenuation with Monitoring criteria in Rule 62-782.690, F.A.C., have been met.

(6) The objective of the monitoring program shall be to achieve the applicable No Further Action criteria in Rule 62-782.680, F.A.C.

(7) The monitoring program shall be performed as specified in the Natural Attenuation Monitoring Plan approval, as follows:

(a) A minimum of two monitoring wells are required:

1. at least one well shall be located at the downgradient edge of the plume; and

2. at least one well shall be located in the area(s) of maximum contaminant concentrations or directly adjacent to it if the area of highest groundwater contamination is inaccessible (for example, under a structure);

(b) The monitoring period shall be a minimum of one year, unless two consecutive quarterly sampling events have indicated that applicable cleanup target levels have been met, in which case the requirements of paragraph (8) shall apply;

(c) The designated monitoring wells shall be sampled for analyses of applicable contaminants at a frequency specified in the Natural Attenuation Monitoring Plan approval;

(d) Water-level measurements in all designated wells and piezometers shall be made immediately prior to each sampling event;

(e) The analytical results (laboratory report), chain of custody record [Form 62-782.900(2)], table summarizing the analytical results, site map(s) illustrating the analytical results, and the water-level elevation information (summary table and flow map) shall be submitted by the participant as a Natural Attenuation Monitoring Report to the Department within the time frames specified in the VCA or in Rule 62-782.790, F.A.C.;

(f) If analyses of groundwater samples indicate that concentrations of applicable contaminants exceed any action levels specified in the Monitoring Only Plan approval, the well or wells shall be resampled within 30 days after the initial positive result is known. If the results of the resampling confirm the exceedance(s), then a proposal shall be submitted by the participant to the Department within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., to:

1. perform a supplemental site assessment and submit a supplemental Site Assessment Report pursuant to Rule 62-782.600, F.A.C.;

2. perform additional monitoring; or

3. prepare and submit a Remedial Action Plan pursuant to Rule 62-782.700, F.A.C.; and

(g) The annual milestone reductions of contaminant concentrations in monitoring wells, which shall be used to verify annual progress of site rehabilitation by natural attenuation, shall be achieved during the monitoring program. If the annual rate of expected cleanup progress is not achieved, then the monitoring report described in Rule 62-782.690(7)(e), F.A.C., shall include a proposal to:

1. perform a supplemental site assessment and submit a supplemental Site Assessment Report pursuant to Rule 62-782.600, F.A.C.;

2. perform additional monitoring; or

3. prepare and submit a Remedial Action Plan pursuant to Rule 62-782.700, F.A.C.

(8) Following completion of natural attenuation monitoring, two copies of a Site Rehabilitation Completion Report shall be submitted by the participant to the Department for review, within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., when the criteria for No Further Action pursuant to Rule 62-782.680, F.A.C., have been met. The Site Rehabilitation Completion Report shall contain documentation adequate to support the opinion that site cleanup objectives have been achieved.

(9) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with a Site Rehabilitation Completion Order approving the Site Rehabilitation Completion Report; or

(b) Notify the participant in writing, stating the reason(s) why the Site Rehabilitation Completion Report does not contain information adequate to support the opinion that cleanup objectives have been achieved. Site rehabilitation activities shall not be deemed complete until such time as a Site Rehabilitation Completion Report is approved.

(10) The Site Rehabilitation Completion Order shall constitute final agency action regarding cleanup activities at the site.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History—New.

#### 62-782.700 Active Remediation.

(1) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., two copies of a Remedial Action Plan shall be submitted by the participant to the Department for review. The objective of the active remediation shall be to achieve the applicable No Further Action criteria in Rule 62-782.680, F.A.C., or the Natural Attenuation with Monitoring criteria in Rule 62-782.690, F.A.C. The Remedial Action Plan must provide a design that addresses cleanup of all soil, sediment, groundwater, or surface water found to be contaminated.

(2) Prior to performing any pilot study, a Pilot Study Work Plan shall be submitted by the participant to the Department for review in accordance with the time frames specified in the VCA or in Rule 62-782.790, F.A.C. to determine the need for any applicable Department permits or authorizations (for example, underground injection control, National Pollutant Discharge Elimination System, or air emissions) and to ensure that human health and the environment are adequately protected.

(3) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with written approval of the Pilot Study Work Plan; or

(b) Notify the participant in writing, stating the reason(s) why the Pilot Study Work Plan does not contain information adequate to support the conclusion that the pilot study will comply with all applicable requirements in Rule 62-782.700(2), F.A.C.

(4) The Remedial Action Plan shall:

(a) Include all information required by Rule 62-782.300(2), F.A.C.;

(b) Summarize the Site Assessment Report conclusions and any additional data obtained since its publication;

(c) If groundwater contamination is present, include results from a round of groundwater sampling and analyses from a number of monitoring wells adequate to determine the highest concentrations of contaminants, to verify the horizontal and vertical extent of the plume, and to provide design data for the Remedial Action Plan. The sampling and analyses shall be performed within 270 days prior to submittal of the Remedial Action Plan. If the results from the confirmatory round of sampling contradict earlier results, then the applicable site assessment tasks specified in Rule 62-782.600, F.A.C., shall be performed;

(d) Explain the rationale for the active remediation method selected, which shall include at a minimum:

1. results from any pilot studies or bench tests; and

2. results of an evaluation of remedial alternatives, and a discussion of why other remedial alternatives considered were rejected, based on the following criteria:

a. long term and short term human health and environmental impacts;

b. implementability, which may include ease of construction, site access, and necessity for permits;

c. operation and maintenance requirements;

d. reliability;

e. feasibility;

f. estimated time required to achieve cleanup; and

g. cost-effectiveness of installation, operation and maintenance, when compared to other site remediation alternatives;

(e) Include an evaluation of the production of breakdown contaminants or by-products resulting from bioremediation, oxidation, or other natural processes, as applicable;

(f) Summarize the operational details of the equipment to be used during active remediation, including:

1. the disposition of any effluent;

2. the expected concentrations of contaminants in the effluent;

3. the method of air emissions treatment and the expected-quantities in pounds per day of any contaminants discharged into air as a result of all on-site active remediation systems. A separate air permit will not be required if the total air emissions from all on-site remediation equipment system(s) does not exceed 13.7 pounds per day. For on-site remediation

equipment system(s) located at a facility that is a Title V source pursuant to Chapter 62-213, F.A.C., a separate permit under that chapter may be required:

4. the rates and concentrations of any in situ enhancement technologies implemented; and

5. the schedule for maintenance and monitoring of the remediation system;

(g) If groundwater contamination is present:

1. include a list of contaminants to be monitored in the recovery well(s) and in the effluent from the treatment system (based on the type of treatment employed and disposition of the effluent) or other chemical indicators to aid in the evaluation of the appropriateness natural attenuation with monitoring pursuant to Rule 62-782.690(1)(g)1., F.A.C., or an in situ method of site rehabilitation. Contaminants that do not exceed the background concentrations or the applicable cleanup target levels in samples from the recovery wells or monitoring wells for three consecutive quarters may be excluded from subsequent monitoring events;

2. include the designation of a representative number of monitoring wells and surface water bodies, and a proposal for their sampling frequency adequate to monitor the cleanup progress during active remediation, and the description of the methodology proposed to evaluate the effectiveness and efficiency of the remediation system. The designated wells shall include at least one well located at the downgradient edge of the plume and one well in the area of highest groundwater contamination or directly adjacent to it if the area of highest groundwater contamination is inaccessible (for example, under a structure). Consideration shall be given to the expected duration of cleanup when specifying monitoring frequency. For cleanups expected to last greater than two years, wells shall be sampled quarterly for the first year and semiannually thereafter. For cleanups expected to last less than two years, wells shall be sampled quarterly;

3. include the designation of a representative number of previously contaminated monitoring wells. These wells shall be sampled once a year, and the samples shall be analyzed for the applicable contaminants in order to redefine the plume and fully evaluate the effectiveness and efficiency of the remediation system; and

4. include the designation of a representative number of monitoring wells and staff gauge locations to collect water-level data each time groundwater samples are collected;

(h) Provide the details of any proposed treatment or disposition of contaminated soil or sediment. If contaminated soil exists at the site and active remediation does not include treatment or removal of such soil, the Remedial Action Plan shall include a proposal to implement an institutional control or both an institutional and an engineering control, pursuant to Rule 62-782.680(2), F.A.C.

(5) Other requirements to be included in the Remedial Action Plan, if applicable, include the following:

(a) Vacuum extraction systems shall be equipped with a means of air emissions treatment for at least the first 30 days of system operation. Air emissions treatment may be discontinued after the first 30 days of system operation if the total in air emissions from all the on-site remediation equipment system(s) does not exceed 13.7 pounds per day;

(b) Bioventing systems shall be equipped with a means of air emissions treatment unless the Remedial Action Plan design is based on respiration rates and optimum air flow that result in soil remediation primarily by bioremediation with minimal volatilization of hydrocarbons. This objective shall be confirmed by emissions sampling during startup;

(c) In situ air sparging systems shall be designed and operated in conjunction with air emissions treatment system(s) unless the Remedial Action Plan design is based on sparging rates and optimal air flow with minimal volatilization of hydrocarbons. This objective shall be confirmed by emissions sampling during startup. If a vacuum extraction system is used, the vacuum extraction system shall operate at an air flow rate at least 50% greater than the sparging air flow rate, and the vacuum extraction system shall be provided with air emissions control as described in Rule 62-782.700(5)(a), F.A.C.;

(d) Biosparging systems shall be equipped with a means of air emissions control unless the Remedial Action Plan design is based on the optimum air sparging rates that promote biological activity with minimal volatilization of hydrocarbons. This objective shall be confirmed by emissions sampling during startup;

(e) Multi-phase extraction systems shall be equipped with a means of air emissions treatment during system operation. Air emissions treatment may be discontinued if all on-site remediation equipment system(s) does not exceed 13.7 pounds per day; and

(f) A sampling schedule shall be specified for monitoring vacuum extraction systems, in situ sparging, bioremediation, or other in situ means of remediation of soil and groundwater.

(6) The Remedial Action Plan may propose active remediation followed by natural attenuation with monitoring. The active remediation may consist solely of soil remediation, short-term or intermittent groundwater remediation, other remedial enhancements, or combinations of these. The discontinuation of active remediation may be appropriate at any time, depending on the site-specific characteristics and conditions. The Remedial Action Plan shall include a discussion of when the active remediation will be discontinued.

(7) The Remedial Action Plan may propose the use of new and innovative technologies or approaches to meet the No Further Action criteria in Rule 62-782.680, F.A.C., or the Natural Attenuation criteria in Rule 62-782.690, F.A.C. The Remedial Action Plan proposal of innovative technologies or approaches shall include a demonstration that the proposed

technology or approach meets the criteria in Rules 62-782.700(1)-(6), F.A.C. These technologies or approaches may include low-cost enhancements to natural attenuation.

(8) The remedial action plan summary form [Form 62-782.900(4)] shall be completed and submitted as part of the Remedial Action Plan. The information provided in the remedial action plan summary form shall be resubmitted to be consistent with the final approved Remedial Action Plan and any subsequent modifications to the approved Remedial Action Plan.

(9) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with written approval of the Remedial Action Plan; or

(b) Notify the participant in writing, stating:

1. the reason(s) why the Remedial Action Plan does not contain information adequate to support the conclusion that the active remediation objectives will comply with all applicable requirements in Rule 62-782.700, F.A.C.; or

2. the reason(s) why the proposal or recommendation submitted pursuant to Rule 62-782.700, F.A.C., is not supported by the applicable criteria.

(10) Prior to implementation of the Remedial Action Plan, the participant must obtain all applicable Department permits or authorizations required for site rehabilitation activities (for example, separate permits for underground injection control, National Pollutant Discharge Elimination System, or air emissions), if not included in the Remedial Action Plan approval. Participants are advised that other federal or local requirements may apply to these activities.

(11) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., engineering drawings (As-Built Drawings) shall be submitted by the participant to the Department. The engineering drawings shall include all construction and equipment design specifications of the installed active remediation system(s) and any operational parameters different from those in the approved Remedial Action Plan. A summary of the system(s) startup activities shall be attached to the engineering drawings.

(12) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., the operation of the active remediation system shall be initiated unless permits required under Rule 62-782.700(10), F.A.C., have not been obtained. The following data shall be collected during active remediation, unless otherwise provided in the Remedial Action Plan:

(a) Water-level data collected from all designated wells, piezometers, and staff gauge locations each time monitoring wells and recovery wells are sampled. If water-level data remain unchanged, the participant may propose, pursuant to Rule 62-782.700(15), F.A.C., that the requirement be modified or discontinued;

(b) Total volume of free product recovered and the thickness and horizontal extent of free product during each month of the reporting period until free product is no longer detected in monitoring wells or recovery wells;

(c) Total volume of groundwater recovered from each recovery well during each month of the operating period for the first year, and quarterly thereafter;

(d) Concentrations of applicable contaminants based on analyses performed on the effluent from the treatment system, daily for the first five days with a 24 hour turnaround on analytical results, weekly for the next three weeks, monthly for the next two months, quarterly for the next two years and semi-annually thereafter;

(e) Concentrations of applicable contaminants based on analyses performed on the untreated groundwater from the individual recovery well(s), as proposed in the approved Remedial Action Plan, weekly for the first month, monthly for the next two months, quarterly for the next two years and semi-annually thereafter;

(f) Analytical data from all monitoring wells sampled during the remediation year to monitor rehabilitation progress during active remediation, including all information required by Rule 62-782.300(2), F.A.C.;

(g) Operational parameters for in situ system(s), which include measurements of biological, chemical, or physical indicators that will verify radius of influence at representative monitoring locations, weekly for the first month, monthly for the next two months, quarterly for the first two years, and semi-annually thereafter. If operational parameters remain unchanged, the participant may propose, pursuant to paragraph (15), that the monitoring be modified or discontinued;

(h) Operational parameters for bioremediation system(s), including measurements of dissolved oxygen at representative monitoring locations; rates of biological, chemical, or nutrient enhancement additions; and any other indicators of biological activity as proposed in the approved Remedial Action Plan; weekly for the first month, monthly for the next two months, and quarterly thereafter. If operational parameters remain unchanged, the participant may propose, pursuant to paragraph (15), that the monitoring be modified or discontinued;

(i) Concentrations of recovered vapors from a vacuum extraction system and post-treatment air emissions, if air emissions treatment is provided, weekly for the first month, monthly for the next two months, and quarterly thereafter (for activated carbon off-gas treatment, additional sampling events may be performed based on the estimated time of breakthrough), unless two consecutive influent sampling events do not show exceedances of applicable air quality standards, as follows:



1. concentrations of recovered vapors from individual wells shall be determined using an organic vapor analyzer with a flame ionization detector, or other applicable field detection device, in order to optimize the air flow rate and contaminant recovery;

2. the influent and effluent samples shall be analyzed for contaminants of concern using an appropriate analytical method referenced in the approved Remedial Action Plan and specified in the approved comprehensive quality assurance plan pursuant to Chapter 62-160, F.A.C.; and

3. the samples shall be collected using appropriate air sampling protocols specified in the approved comprehensive quality assurance plan pursuant to Chapter 62-160, F.A.C.;

(j) Percentage of system operation time and treatment efficiency for all operating treatment systems; and

(k) Results of analyses of soil samples taken to verify that the applicable No Further Action criteria in Rule 62-782.680, F.A.C., or the applicable Natural Attenuation criteria in Rule 62-782.690, F.A.C., have been met, based on one of the following:

1. when both field screening and laboratory results using the most sensitive method for the constituent being analyzed for vacuum extraction systems indicate no detectable concentrations of contaminants in the recovered vapors;

2. when the screening for bioventing parameters indicates that the bioventing is complete; or

3. if alternative soil cleanup target levels were established pursuant to Rule 62-782.650, F.A.C., when system performance or monitoring using the applicable analytical methods for the appropriate constituents indicate that the alternative soil cleanup target levels have been achieved.

(13) During implementation of the Remedial Action Plan, status reports of remedial action shall be submitted by the participant to the Department within the time frames specified in the VCA or in Rule 62-782.790, F.A.C. The Remedial Action Status Report shall contain the following information, as applicable:

(a) A summary of the data requested in Rules 62-782.700(12)(a)-(k), F.A.C.;

(b) All information required by Rule 62-782.300(2), F.A.C.;

(c) A summary of the estimated mass of contaminants recovered in all phases, including non-aqueous free product, dissolved and vapor phases, by all on-site remediation equipment, and a comparison to the original estimate of mass of contaminants on-site;

(d) One or more scaled site maps showing groundwater flow direction(s), and the current degree and extent of the contamination;

(e) Conclusions as to the effectiveness of the active remediation for the specified period covered in the status report;

(f) Recommendations to continue the operation of the treatment system(s) or to modify the site rehabilitation; and

(g) The annual status report information, summarized on Form 62-782.900(5).

(14) If effluent concentrations or air emissions exceed those in the approved Remedial Action Plan or plume migration occurs during remediation system startup or during operation of the treatment system, corrective actions shall be taken and the Department shall be notified by the participant within seven days. If the condition may represent a threat to human health, public safety or the environment, the Department shall be notified within 24 hours. Details of all such incidents shall be included in the status report described in Rule 62-782.700(13), F.A.C.

(15) During implementation of the Remedial Action Plan, the participant may propose:

(a) Supplemental assessment to determine alternative cleanup target levels pursuant to Rule 62-782.650, F.A.C. During the supplemental assessment, active remediation shall continue;

(b) Modifications to existing treatment or recovery system(s) pursuant to Rule 62-782.700(13), F.A.C.; or

(c) Alternative technologies or approaches pursuant to Rule 62-782.700(7), F.A.C.

(16) Active remediation shall be deemed complete when the No Further Action criteria in Rule 62-782.680, F.A.C., or the Natural Attenuation with Monitoring criteria in Rule 62-782.690, F.A.C., have been met.

(17) If the site does not meet the No Further Action criteria in Rule 62-782.680, F.A.C., or the Natural Attenuation with Monitoring criteria in Rule 62-782.690, F.A.C., the participant may propose the discontinuation of active groundwater remediation for review and approval by the Department, provided the following demonstration and analyses are met:

(a) Contaminated soil has been properly removed and disposed, or treated in situ, so that the applicable soil cleanup target levels are met or addressed by the enactment and implementation of institutional controls or both institutional and engineering controls;

(b) After a minimum of one year of groundwater treatment, concentrations of contaminants in designated monitoring wells and recovery wells have leveled off. This demonstration must be based on subsequent monthly sampling results obtained for a minimum of 180 days, unless an alternative frequency has been approved in the Remedial Action Plan or pursuant to paragraph (15). "Leveling-off" shall mean that the graph of contaminant concentrations versus time generally fits a curve defined by the equation  $C=C_1+C_2e^{-kt}$ , that the lower limb of the curve is substantially linear, and that the slope of the final portion of the curve approaches zero.

Applicable statistical methods shall be applied to demonstrate this conclusion. In the preceding equation, symbols are defined as follows:

1. C: concentration of the applicable contaminant at time t;
  2. C<sub>f</sub>: coefficient representing final concentration that the curve approaches asymptotically;
  3. C<sub>0</sub>: coefficient representing concentration difference between the final concentration and the concentration at time zero;
  4. e: 2.718, the base of natural logarithms;
  5. k: coefficient representing the exponential factor that indicates how fast the concentration approaches C<sub>f</sub>;
  6. t: time in days from some fixed starting point;
- (c) An analysis or demonstration has been made of:
1. the technical feasibility of enhancements to the existing remediation system;
  2. the technical feasibility of other proven groundwater or soil treatment techniques to further reduce the concentrations of applicable contaminants at the site;
  3. the costs and time frames involved to further reduce the concentrations of applicable contaminants employing the alternative method(s) proposed;
  4. the effects on the designated or potential use of the water resource if contaminants remain at existing concentrations;
  5. the effect on, and any protection that may be required of, surface water resources;
  6. the effect on human health, public safety, and the environment if contaminants remain at existing concentrations;
  7. the extent and potential for further migration of contaminated groundwater above background concentrations or applicable cleanup target levels; and
  8. institutional controls or both institutional and engineering controls that may be necessary to ensure protection of the public and the environment from future use of contaminated groundwater.

(18) The results of the demonstration and analyses described in Rules 62-782.700(17)(a)-(c), F.A.C., shall be compiled in a report and submitted by the participant to the Department for review in accordance with the VCA or with Rule 62-782.790, F.A.C. The Department shall determine, using the criteria specified in Rule 62-782.700(17)(c), F.A.C., whether modifications to the Remedial Action Plan are required pursuant to Rule 62-782.700(15), F.A.C., to effect further treatment; however, if alternative methods are not required, active remediation shall be deemed complete.

(19) A Post Active Remediation Monitoring Plan shall be submitted by the participant to the Department pursuant to the Post Active Remediation Monitoring described in Rule 62-782.750, F.A.C., when the No Further Action criteria in Rule 62-782.680, F.A.C., or the leveling off criteria in Rule 62-782.700(17), F.A.C., have been met.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History—New

#### 62-782.750 Post Active Remediation Monitoring.

(1) Groundwater monitoring shall be performed following the completion of active groundwater remediation or soil remediation as described in Rule 62-782.700, F.A.C. When active groundwater remediation has met the No Further Action criteria in Rule 62-782.680, F.A.C., or the leveling off criteria in Rule 62-782.700(17), F.A.C., a Post Active Remediation Monitoring Plan using the provisions of Rule 62-782.750(3), F.A.C., and including analytical results demonstrating this conclusion, shall be submitted by the participant to the Department for review.

(2) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with written approval of the Post Active Remediation Monitoring Plan; or

(b) Notify the participant in writing, stating the reason(s) why the Post Active Remediation Monitoring Plan does not contain information adequate to support the conclusion, pursuant to Rule 62-782.700, F.A.C., that the applicable cleanup target levels shall be achieved at the end of the monitoring period.

(3) The monitoring program shall be performed as specified in the Post Active Remediation Monitoring Plan approval, as follows:

(a) A minimum of two monitoring wells are required:

1. at least one well shall be located at the downgradient edge of the plume; and

2. at least one well shall be located in the area(s) of maximum contaminant concentrations or directly adjacent to it if the area of highest groundwater contamination is inaccessible (for example, under a structure);

(b) The monitoring period shall be a minimum of one year. However, if contamination was only present in the unsaturated zone during the site assessment and active remediation tasks, only one round of groundwater sampling is required;

(c) The designated monitoring wells shall be sampled quarterly or at a frequency specified in the Post Active Remediation Monitoring Plan approval for analyses of contaminants that were present prior to the initiation of active remediation;

(d) The analytical results (laboratory report), chain of custody record [Form 62-782.900(2)], table summarizing the analytical results, and site map(s) illustrating the analytical results shall be submitted by the participant to the Department in a Post Active Remediation Monitoring Report within the time frames specified in the VCA or in Rule 62-782.790, F.A.C.; and

(e) If analyses of groundwater samples indicate that concentrations of applicable contaminants exceed any action levels specified in the Post Active Remediation Monitoring Plan approval, the well or wells shall be resampled within 30

days after the initial positive result is known. If the results of the resampling confirm the exceedance(s), then a proposal shall be submitted by the participant to the Department within the time frames specified in the VCA or Rule 62-782.790, F.A.C., to:

1. perform a supplemental site assessment and submit a supplemental Site Assessment Report pursuant to Rule 62-782.600, F.A.C.;

2. perform additional monitoring; or

3. implement additional active remediation pursuant to Rule 62-782.700, F.A.C.

(4) The remediation equipment shall be maintained in an inactive but operational status during the duration of post active remediation monitoring.

(5) Following completion of monitoring pursuant to Rule 62-782.750, F.A.C., two copies of a Site Rehabilitation Completion Report shall be submitted by the participant to the Department for review, when the criteria for No Further Action pursuant to Rule 62-782.680, F.A.C., have been met within the time frames specified in the VCA or in Rule 62-782.790, F.A.C. The Site Rehabilitation Completion Report shall contain documentation adequate to support the opinion that site cleanup objectives have been achieved.

(6) Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., the Department shall:

(a) Provide the participant with a Site Rehabilitation Completion Order approving the Site Rehabilitation Completion Report; or

(b) Notify the participant in writing, stating the reason(s) why the Site Rehabilitation Completion Report does not contain information adequate to support the opinion that the cleanup objectives have been met. Site rehabilitation activities shall not be deemed complete until such time as a Site Rehabilitation Completion Report is approved.

(7) The Site Rehabilitation Completion Order shall constitute final agency action regarding cleanup activities at the site.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History--New \_\_\_\_\_.

#### 62-782.790 Time Schedules.

(1) Site rehabilitation performed under this rule shall be conducted within the time frame specified in Table B in this chapter.

(2) For site rehabilitation being performed at drycleaning sites eligible for state funded assistance under the Water Quality Assurance Trust Fund, the time frames specified in this chapter do not apply.

(3) If the participant has entered into a Consent Order with the Department for site rehabilitation, the time frames and any alternative cleanup target levels set forth in the Consent Order shall take precedence over the time frames and cleanup target levels set forth in this chapter.

(4) If the participant has voluntarily entered into a VCA with the Department for site rehabilitation, the time frames and any alternative cleanup target levels set forth in the VCA shall take precedence over the time frames and cleanup target levels set forth in this chapter.

(5) Within 60 days of receipt of a written notification from the Department that a plan or report does not contain adequate information or that the information provided is not supported by the applicable criteria, the requested information shall be submitted by the participant to the Department.

(6) A modification of the time frame may be obtained by the responsible party for any action set forth in this chapter for good cause shown by requesting in writing that the Department make such a modification. The request shall specify which time frame(s) is to be modified, the amount of additional time required, and provide documentation supporting the request. The request shall be received by the Department at least 20 days prior to the time the action is to be initiated. If emergency situations at a site do not allow for a full 20 days notice, the request shall detail such emergency situation. Within 20 days of receipt of a request for modification, the Department shall notify the responsible party if additional information regarding the request is needed. The Department shall notify the responsible party within 20 days of receipt of the request or of the additional information as to whether modification of the time frame(s) will be allowed. For purposes of this paragraph, good cause shall mean unanticipated events outside the control of the responsible party.

(7) The failure of the responsible party to meet any time frame herein shall be a violation of Chapters 376 and 403, F.S., and shall be enforceable by the Department pursuant to Sections 376.303 and 403.121, F.S., or Consent Order.

(8) The failure of the Department to meet any time frame herein shall entitle the responsible party to compel compliance through the provisions of Section 403.412, F.S., or through such remedies as may be available and appropriate in circuit court. In no circumstances shall the Department's failure to meet any time frame herein be construed as approval of any plan or action by the Department.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History--New \_\_\_\_\_.

#### 62-782.800 Notices.

Within the time frames specified in the VCA or in Rule 62-782.790, F.A.C., except as provided in Rule 62-782.500(2)(f), F.A.C., written notification shall be provided by the participant to the Department prior to performing field activities such as Interim Source Removal activities, installing monitoring or recovery well(s), performing sampling, or installing remediation equipment. Personnel from the Department shall be allowed the opportunity to observe these field activities and to take split samples. Raw data shall be exchanged as soon as data are available. If the Department chooses to be present when the field activities are being

performed, it shall be the Department's responsibility to confirm the field activities are being performed in accordance with the written notification.

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History--New \_\_\_\_\_.

62-782.900 Forms.

The forms used by the Department in the Drycleaning Solvent Cleanup Program are adopted and incorporated by reference in this rule. Each form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Bureau of Waste Cleanup, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; or to the applicable local district office of the Department.

(1) Form 62-782.900(1), Free Product Removal Notification Form for Drycleaning Sites (effective \_\_\_\_\_).

(2) Form 62-782.900(2), Chain of Custody Record (effective \_\_\_\_\_).

(3) Form 62-782.900(3), Drycleaning Site Water Sampling Log (effective \_\_\_\_\_).

(4) Form 62-782.900(4), Remedial Action Plan Summary (effective \_\_\_\_\_).

(5) Form 62-782.900(5), Active Remediation Status Report Summary (effective \_\_\_\_\_).

Specific Authority 376.3078(4) FS. Law Implemented 376.3078(4) FS. History--New \_\_\_\_\_.

Table A  
Drycleaning Contaminants of Concern  
(Table for use in Chapter 62-782, F.A.C.)

<u>Contaminants of Concern – Chlorinated Solvent Sites</u>
<u>carbon tetrachloride</u>
<u>chloroform</u>
<u>chloroethane [or ethyl chloride]</u>
<u>chloromethane [or methyl chloride]</u>
<u>dichloroethane, 1,1-</u>
<u>dichloroethane, 1,2- [or EDC]</u>
<u>dichloroethene, 1,1-</u>
<u>dichloroethene, cis-1,2-</u>
<u>dichloroethene, trans-1,2-</u>
<u>methylene chloride [or dichloromethane]</u>
<u>tetrachloroethene [or PCE]</u>
<u>1,1,2 trichloro-1,2,2-trifluoroethane [or Freon 113]</u>
<u>trichloroethane, 1,1,1-</u>
<u>trichloroethene [or TCE]</u>
<u>vinyl chloride</u>
<u>Contaminants of Concern – Petroleum Solvent Sites</u>
<u>benzene</u>
<u>ethylbenzene</u>
<u>toluene</u>
<u>total xylenes</u>
<u>acenaphthene</u>
<u>acenaphthylene</u>
<u>methylnaphthalene, 1-</u>
<u>methylnaphthalene, 2-</u>
<u>naphthalene</u>
<u>TRPHs</u>

**Table B**  
**Submittals and Time Frames**

Type of Report or Activity	Participant Action or Submittal Time Frames	Department Review or Comment Time Frames
Interim Source Removal Proposal	When seeking approval before implementation of an alternative product recovery method, groundwater recovery, soil treatment or disposal technique (62-782.500, F.A.C.).	Within 30 days of receipt.
Interim Source Removal Status Report	Within 180 days of initiating source removal activities.	No comment required.
Interim Source Removal Report	Within 60 days of completion of source removal activities.	Within 60 days of receipt.
Site Assessment Report (SAR)	SAR submitted within 270 days of discharge or discovery.	Within 60 days of receipt.
Risk Assessment Report (RAR)	Optional (within 60 days of SAR)	Within 60 days of receipt.
No Further Action (NFA) Proposal	When the site meets the criteria for NFA (62-782.680, F.A.C.).	Within 60 days of receipt.
Natural Attenuation (NA) with Monitoring Proposal	When the site meets the criteria for MO (62-782.690, F.A.C.).	Within 60 days of receipt.
Natural Attenuation Monitoring Report (NAMR)	Within 60 days of sample collection.	No comment required.
Remedial Action Proposal (RAP)	Within 90 days of approval of a SAR or RAR.	Within 60 days of receipt.
As-Built Drawings	Within 120 days of initiating operation of the active remediation system.	No comment required.
Initiate Operation of Active Remedial System	Within 120 days of RAP approval.	No comment required.

Remedial Action Status Report	Within 60 days of the anniversary date of initiating operation of active remediation system.	No comment required.
Post Active Remediation Monitoring Plan (PARMP)	When the site meets the criteria for NFA (62-782.680, F.A.C.) or Leveling-Off (62-782.700(17), F.A.C.)	Within 60 days of receipt.
Post Active Remediation Monitoring Report	Within 60 days of sample collection.	No comment required.
Site Rehabilitation Completion Report (SRCR)	Within 60 days of the final sampling event. If Site Rehabilitation Completion Report (SRCR) not approved then submit modifications, etc. within 60 days of Department's response.	Within 60 days of receipt. If the drycleaning facility meets the requirements of Chapter 62-782, F.A.C. for the issuance of a SRCO, a SRCO will be issued.
Notices for Field Activities	Within seven (7) days but not less than 24 hours prior notice to the Department to perform field activity.	No comment required.
Submittal to the Department of addenda, responses, or modification to plans or reports, pursuant to Rule 62-782.690, F.A.C.	Within 60 days of receipt of the Department's response.	Within the same time frame for review of the original submittal.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John M. Ruddell  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 14, 1998

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 98-79R

RULE CHAPTER TITLE:                    RULE CHAPTER NO.:  
Brownfields Cleanup Criteria Rule                    62-785

RULE TITLES:	RULE NOS:
Referenced Guidelines	62-785.100
Applicability	62-785.150
Definitions	62-785.200
Quality Assurance Requirements	62-785.300
Professional Certifications	62-785.400
Combined Document	62-785.450
Interim Source Removal	62-785.500
Site Assessment	62-785.600
Risk Assessment	62-785.650
No Further Action Criteria	62-785.680
Natural Attenuation with Monitoring Criteria	62-785.690
Active Remediation	62-785.700
Post Active Remediation Monitoring Forms	62-785.750 62-785.900

**PURPOSE AND EFFECT:** The Department is proposing amendments to the Rule Chapter to make clarifications to the rules, and to refine the cleanup target levels due to evolving science.

**SUMMARY:** The Department of Environmental Protection is proposing to amend the Brownfields Cleanup Criteria rules, Chapter 62-785, Florida Administrative Code (F.A.C.) The proposed amendments would repeal Tables I through VI, which set forth certain contaminant cleanup target levels and Figures 1-9 which set forth methodologies to establish alternative cleanup target levels. Simultaneously with the proposed repeal, the Department is proposing to create a new rule chapter, Chapter 62-777, F.A.C., Contaminant Cleanup Target Levels, to establish certain cleanup target levels applicable to the rehabilitation of brownfields, petroleum and drycleaning sites and at soil treatment facilities. The proposed new rule chapter would also set forth methodologies for use in establishing alternate cleanup target levels for brownfields contaminants of concern. Proposed amendments to the brownfields rule chapter will reference the Chapter 62-777, F.A.C., cleanup target levels and figures applicable to rehabilitation of brownfields sites. Some of the cleanup target levels now contained in the brownfields rule chapter will change when they are included in the proposed new Chapter 62-777, F.A.C. The proposed cleanup target levels were recalculated to refine the numbers based on rounding conventions and to emerging science. The proposed amendments to Chapter 62-785, F.A.C., and the simultaneous adoption of proposed rule Chapter 62-777, F.A.C., are intended to result in a structural change in the way the rules are applied to cleanup of brownfield sites.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** The Department has in accordance with the requirements of Chapter 120, F.S., prepared a Statement of Economic Cost, which is summarized as follows:

Quantitative assessment of economic impacts because of the absence of baseline data within the brownfields cleanup environment (please see the Statement of Estimated Regulatory Cost for 62-785, F.A.C., Brownfields Cleanup Criteria Rule dated March 1998). However, it may be reasonable to conclude (based on economic research applied to petroleum contaminated sites factoring in Risk-Based Corrective Action and natural attenuation with monitoring) that cleanup target levels that change after inclusion in Chapter 62-777, F.A.C., Contaminant Cleanup Target Levels, are not expected to provide adverse economic impacts to either the Department or to stakeholders of the regulated community. This statement is made with the full knowledge that some of the cleanup target levels associated with contamination at brownfields sites will be more stringent. However, some of the cleanup target levels are less stringent, and the previous inclusion in Chapter 62-785, F.A.C., Brownfields Cleanup Criteria Rule, of Risk-Based Corrective Action principles and the application of natural attenuation with monitoring are expected to provide considerable net savings to cleanup costs of contaminated sites within a state-designated brownfield.

A copy of the Statement of Estimated Regulatory cost may be obtained by contacting the person designated below as the proposed rule contact. 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.

**RISK IMPACT STATEMENT:** A Risk Impact Statement prepared in accordance with 120.81, F.S., is available. A copy may be obtained by contacting the person designated below as the proposed rule contact.

**SPECIFIC AUTHORITY:** 376.81 FS.

**LAW IMPLEMENTED:** 376.80, 376.81 FS.

**A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 9:00 a.m., May 26-27, 1999

**PLACE:** Room 609, Twin Towers Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Roger B. Register, Department of Environmental Protection, Bureau of Waste Cleanup, Mail Station 4505, Twin Towers, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0190 or at the e-mail address: "register\_r@dep.state.fl.us".

THE FULL TEXT OF THE PROPOSED RULES IS:

62-785.100 Referenced Guidelines.

Specific references to the guidelines listed below are made within this chapter. The guidelines are not standards as defined in Section 403.803, F.S. Use of the guidelines is not mandatory; the guidelines are included for informational purposes only. Use of these guidelines is not mandatory, but they are included for informational purposes only.

(1) Development and Evaluation of Sediment Quality Assessment Guidelines, Volumes 1-4, dated November 1994,; ~~and~~

(2) Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999.

~~(2) Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-785, F.A.C., Final Report, dated April 30, 1998.~~

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended.

62-785.150 Applicability.

(1) The cleanup criteria contained in this rule shall apply to any cleanup of a brownfield site or sites within a designated brownfield area. The site rehabilitation at a designated brownfield area is governed by the terms of a brownfield site rehabilitation agreement executed by the person responsible for brownfield site rehabilitation (PRFBRSR) and the Department or a delegated local program pursuant to Section 376.80(5), F.S. This chapter is established for the purposes of protecting the human public health, and public safety and the environment under actual circumstances of exposure and for determining, on a site-specific basis, the rehabilitation program tasks that comprise a site rehabilitation program and the levels at which a rehabilitation program task and site rehabilitation program may be deemed completed. In establishing this chapter, risk-based corrective action principles were incorporated to the maximum extent feasible, to achieve protection of human health, ~~and public~~ public safety and the environment in a cost-effective manner. Therefore, this chapter provides both default cleanup target levels and a process for the derivation of site-specific alternative cleanup target levels that are protective of human health, ~~and public~~ public safety and the environment.

(2) Chapter 62-777, F.A.C., provides groundwater, surface water, and soil cleanup target levels, as well as natural attenuation default concentrations for groundwater, a listing of soil properties and test methods, a listing of site-specific conditions and geochemical parameters, and default parameters and equations that may be used to establish cleanup target levels for contaminants not listed in Chapter 62-777, F.A.C., or alternative groundwater and soil cleanup target levels for listed contaminants.

~~(3)(2)~~ Cleanup target levels for each contaminant found in groundwater, as specified in Chapter 62-777, F.A.C., Table I, or derived pursuant to paragraphs ~~(4)(3)~~ or ~~(5)(4)~~, or alternative cleanup target levels that may be established pursuant to Rules 62-785.650 or 62-785.680, F.A.C. this chapter, are enforceable under this chapter and at a designated brownfield area subject to a brownfield site rehabilitation agreement. Cleanup target levels for each contaminant found in groundwater shall be the applicable state water quality standards, except where alternative cleanup target levels are established pursuant to Rules 62-785.650 or 62-785.680, F.A.C. this chapter. This chapter is not intended to create any new water quality standards pursuant to Chapters 62-520 or 62-550, F.A.C. The ~~current~~ numerical standards promulgated in Chapters 62-520 and 62-550, F.A.C., or cleanup target levels based on the minimum criteria specified in Chapters 62-520 or 62-550, F.A.C., are the cleanup target levels referenced in Chapter 62-777, F.A.C., Table I, as applicable. In establishing the applicable minimum criteria for groundwater, the following factors were considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; the best achievable detection limits; and nuisance, organoleptic, and aesthetic considerations. Site-specific groundwater cleanup target levels may be justified based on background concentrations. Where contaminated groundwater is discharging into surface water, or when available information (for example, monitoring well data, groundwater flow rate and direction, or fate and transport modeling) indicates that it may discharge into surface water in the future, the cleanup target levels for the contaminants shall also be based on the surface water standards and criteria. The current numerical standards promulgated in Chapter 62-302, F.A.C., or cleanup target levels based on the toxicity criteria specified in Chapter 62-302, F.A.C., are referenced in Chapter 62-777, F.A.C., Table I, as applicable.

~~(4)(3)~~ For contaminants found in groundwater not listed in Chapter 62-777, F.A.C., Table I, the cleanup target levels shall be derived based on:

(a) The minimum criteria specified in Chapters 62-520 or 62-550, F.A.C., and the equations provided in Chapter 62-777, F.A.C., Figures 1 and 2, as applicable. In establishing the applicable minimum criteria for groundwater, the following factors are to be considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; the best achievable detection limits; the naturally occurring background concentrations; and nuisance, organoleptic, and aesthetic considerations; and

(b) The toxicity criteria specified in Chapter 62-302, F.A.C., and the equations provided in Chapter 62-777, F.A.C., Figures 3A and 3B, if contaminated groundwater is discharging into surface water, or when available information

(for example, monitoring well data, groundwater flow rate and direction, or fate and transport modeling) indicates that it may discharge into surface water in the future.

~~(5)(4)~~ For contaminants found in groundwater that affect the same target organ(s), except for those with ~~current~~ numerical standards promulgated in Chapters 62-520 or 62-550, F.A.C., the cleanup target levels ~~referenced specified in Chapter 62-777, F.A.C.,~~ Table I, or those derived pursuant to paragraph ~~(4)(3)~~, shall be adjusted accordingly, such that for non-carcinogenic contaminants that affect the same organ(s) the hazard index (sum of the hazard quotients) is 1 or less, and for carcinogens the cumulative lifetime excess cancer risk level is 1.0E-6, as applicable. The synergistic and antagonistic effects of contaminants found in groundwater shall also be considered when the scientific data are available.

~~(6)(5)~~ Cleanup target levels for contaminants found in soil, as specified in ~~Chapter 62-777, F.A.C.,~~ Table II, or derived pursuant to paragraphs ~~(7)(6)~~ or ~~(8)(7)~~, or alternative cleanup target levels that may be established pursuant to Rules 62-785.650 or 62-785.680, F.A.C., this chapter, are enforceable under this chapter and at a designated brownfield area subject to a brownfield site rehabilitation agreement. In establishing soil cleanup target levels, the methodology presented in the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777 ~~62-785, F.A.C.,~~ Final Report, dated ~~May 26, 1999~~ April 30, 1998, was utilized. In establishing soil cleanup target levels for human exposure to each contaminant found in soil, the following factors were considered: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard quotient of 1 or less; and the best achievable detection limits. Site-specific soil cleanup target levels may be justified based on background concentrations. In establishing leachability-based soil cleanup target levels for protection of the groundwater, the soil cleanup target levels shall be based on the groundwater cleanup target levels or the alternative cleanup target levels for groundwater established pursuant to Rule 62-785.650, F.A.C., as appropriate.

~~(7)(6)~~ For contaminants found in soil not ~~listed specified~~ in ~~Chapter 62-777, F.A.C.,~~ Table II, the cleanup target levels shall be derived based on the following:

(a) For human exposure, the following factors are to be considered: calculations using a lifetime excess cancer risk level of 1.0E-6, a hazard quotient of 1 or less, the best achievable detection limits, and the naturally occurring background concentrations; and the equations provided in Chapter 62-777, F.A.C., Figures 4, 5, 6, 7, and 8 must be utilized, ~~as applicable;~~ and

(b) For leachability, the soil cleanup target levels for protection of groundwater shall be based on the groundwater cleanup target levels or the alternative cleanup target levels for groundwater established pursuant to Rule 62-785.650, F.A.C., as appropriate, and the equation provided in Chapter 62-777, F.A.C., Figure 9.

~~(8)(7)~~ For contaminants found in soil that affect the same target organ(s), the cleanup target levels specified in Chapter 62-777, F.A.C., Table II, or those derived pursuant to paragraph ~~(7)(6)~~, shall be adjusted accordingly, such that for non-carcinogenic contaminants that affect the same organ(s) the hazard index (sum of the hazard quotients) is 1 or less, and for carcinogens the cumulative lifetime excess cancer risk level is 1.0E-6, as applicable. The synergistic and antagonistic effects of contaminants found in soil shall also be considered when the scientific data are available.

~~(9)(8)~~ For contaminants found at the site about which information regarding the actual circumstances of exposure has been provided to the ~~person responsible for brownfield site rehabilitation~~ (PRFBSR) by the Department, delegated local program, local government or the public, the cleanup target levels for the affected medium or media, except where a state water quality standard is applicable, shall be adjusted accordingly to take into account the site-specific exposure conditions including multiple pathways of exposure that affect the same individual or sub-population.

~~(10)(9)~~ Receipt of approval under this chapter does not relieve the PRFBSR from the obligation to comply with other Department rules (for example, Chapters 62-701, 62-713, 62-730, 62-770, and 62-782, F.A.C.) regarding off-site disposal, relocation or treatment of contaminated media must be performed in accordance with applicable Department rules (for example, Chapters 62-701, 62-730, 62-770, and 62-775, F.A.C.). PRFBSR are advised that other federal or local requirements may apply to these activities

~~(11)(40)~~ The cleanup criteria contained in this rule shall not affect the cleanup criteria, priority ranking, and other rights and obligations inherent in petroleum contamination site rehabilitation under the Petroleum Contamination Site Cleanup Criteria rule, Chapter 62-770, F.A.C., and drycleaning contamination site rehabilitation under the Drycleaning Solvent Cleanup Criteria rule, Chapter 62-782, F.A.C., Sections 376.30 through 376.319, F.S.

~~(12)(44)~~ Final Orders related to the review of plans, reports, or any other submittals made by a person under the provisions of this chapter shall be undertaken by the Department or the delegated local program and shall be subject to the provisions of Chapter 120, F.S.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended

#### 62-785.200 Definitions.

All words and phrases defined in Section 376.79, F.S., shall have the same meaning when used in this chapter unless specifically stated otherwise in this chapter. The following words and phrases used in this chapter shall, unless the context clearly indicates otherwise, have the following meanings:

(1) "Action level" means a specified concentration of a contaminant that, if exceeded during ~~monitoring of~~ natural attenuation with monitoring or post active remediation



monitoring, may require additional site assessment or active remediation. ~~The~~ Action levels ~~are~~ is established during the approval process for proposals for Natural Attenuation with Monitoring pursuant to Rule 62-785.690, F.A.C., or Post Active Remediation Monitoring pursuant to Rule 62-785.750, F.A.C. “Action levels” are not equivalent to “cleanup target levels”.<sup>22</sup>

(2) through (9) No change.

(10) “Contaminated” means the presence of free product or any contaminant in surface water, groundwater, soil, sediment, or upon the land, in quantities or concentrations that may result in exceedances of the applicable cleanup target levels specified in Chapter 62-777, F.A.C., in this chapter or water quality standards in Chapters 62-3, 62-302, 62-520, or 62-550, F.A.C., or in quantities or concentrations that may result in contaminated sediment.

(11) through (12) No change.

(13) “Contaminated soil” means soil that is contaminated with free product or contaminants to the extent that applicable soil cleanup target levels specified in Chapter 62-777, F.A.C., in this chapter are exceeded.

(14) through (18) No change.

(19) “Innovative technology” means a process that has been tested and used as a treatment for contamination, but lacks an established history of full-scale use and information about its cost and how well it works sufficient to support prediction of its performance under a variety of operating conditions. An innovative technology is one that is undergoing pilot-scale treatability studies, which usually are performed in the field or the laboratory and require installation of the technology, and which provide performance, cost, and design objectives for the technology prior to full-scale use.

(20) through (22) No change.

(23) “Person responsible for brownfield site rehabilitation” (PRFBRSR) means the individual or entity that is designated by a local government in its resolution establishing a brownfield area to enter into the brownfield site rehabilitation agreement with the Department or the delegated local program, and that enters into an agreement with the local government for redevelopment of the site pursuant to Section 376.80(5)(i)(~~t~~), F.S.

(24) through (30) No change.

(31) “Surface water” includes rivers, lakes, streams, springs, impoundments, canals and all other water upon the surface of the earth, whether contained in bounds, created naturally or artificially, or diffused. Stormwater and wastewater process water retention or treatment facilities, and canals and trenches that are integral to such facilities, that are not connected to other surface water, are not included in the definition of surface water.

(32) No change.

(33) “Temporary point of compliance” is the boundary represented by one or more designated monitoring wells at which groundwater cleanup target levels may not be exceeded while site rehabilitation under an approved natural attenuation monitoring only plan for natural attenuation process is proceeding.

(34) No change.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended.

62-785.300 Quality Assurance Requirements.

(1) through (2)(a) No change.

(b) Copies of the completed chain of custody record form(s) [~~(Form 62-785.900(2))~~];

(c) Copies of the completed water sampling log form(s) [~~(Form 62-785.900(3))~~]; and

(d) No change.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Repromulgated.

62-785.400 Professional Certifications.

(1) Applicable portions of technical documents submitted to the Department or to the delegated local program by the PRFBRSR must be signed and sealed by a professional engineer registered under Chapter 471, F.S., ~~and~~ or a professional geologist registered under Chapter 492, F.S., certifying that the applicable portions of the technical document and associated work comply with standard professional practices, the rules of the Department and any other laws and rules governing the profession. If a laboratory report is submitted separately from any other technical document submittal, this requirement shall not apply to that laboratory report.

(2) No change.

Specific Authority 376.81 FS. Law Implemented 376.80, 376.81, 403.0877 FS. History—New 7-6-98, Amended.

62-785.450 Combined Document.

(1) The Site Assessment Report, the Risk Assessment Report, and the Remedial Action Plan, as applicable, may be submitted by the PRFBRSR to the Department or to the delegated local program for review either separately as each program task is completed, or as a combined document ~~for review~~. Other individual program task documents may be included in a combined document if agreed to in the BSRA.

(2) The combined document may incorporate, as applicable, the required content for the Site Assessment Report, Risk Assessment Report and Remedial Action Plan program tasks pursuant to Rules 62-785.600, 62-785.650 and 62-785.700, F.A.C., including a No Further Action Proposal or a ~~Monitoring Only~~ Proposal for Natural Attenuation for Monitoring associated with the Site Assessment Report or the Risk Assessment Report.

(3) through (4) No change.

(5) No change.

(5)(a) Provide the PRFBSR with written approval of the ~~Approve an~~ individual program task or the combined document; or

(b)1. No change.

2. the reason(s) why a No Further Action Proposal or a ~~Monitoring Only~~ Proposal for Natural Attenuation with Monitoring does not meet the applicable criteria pursuant to Rules 62-785.680 or 62-785.690, F.A.C.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended.

62-785.500 Interim Source Removal.

(1) Interim source removal includes removal of free product or contaminated soil, or removal of the source(s) of contamination. The objectives of the interim source removal are to remove specific known contaminant source(s); and/or provide temporary control to prevent or minimize contaminant migration, and to protect human health and the environment prior to the approval of a Remedial Action Plan prepared and submitted in accordance with Rule 62-785.700, F.A.C.

(2) Free Product Removal and Disposal.

(a) The PRFBSR may perform product recovery provided that:

~~1. all applicable Department rules (for example, Chapters 62-730 and 62-770, F.A.C.) are followed before product recovery is performed. PRFBSR are advised that other federal or local requirements may apply to these activities;~~

~~1.2.~~ product recovery does not spread contamination into previously uncontaminated or less contaminated areas through untreated discharges, improper treatment, improper disposal or improper storage;

~~2.3.~~ flammable products are handled in a safe manner;

~~3.4.~~ the recovered product is characterized and properly disposed ~~in accordance with all Department rules (for example, Chapters 62-730 and 62-770, F.A.C.). PRFBSR are advised that other federal or local requirements may apply to these activities;~~ and

~~4.5.~~ all sampling and analyses are performed in accordance with Rule 62-785.300, F.A.C.

(b)1. through (b)3. No change.

(b)4. fluid vacuum techniques (for example, vacuum pump trucks) or total fluid displacement pumps, as long as the technique used does not smear or spread free product or result in contaminating previously uncontaminated or less contaminated media.

(c) through (c)2. No change.

(d) No change.

(d)1. provide the PRFBSR with written approval of ~~Approve~~ the Interim Source Removal Proposal; or

2. ~~n~~Notify the PRFBSR in writing, stating the reason(s) why the Interim Source Removal Proposal does not contain information adequate to support a product recovery method pursuant to Rule 62-785.500(2)(c), F.A.C.

(2)(e) through (3)(a) No change.

(3)(a)1. the groundwater contamination is of limited extent, such that the pumping of shallow aquifer well(s) within the plume may result in the site achieving the criteria for No Further Action in Rule 62-785.680, F.A.C., or the criteria for ~~monitoring of~~ Natural Attenuation with Monitoring in Rule 62-785.690, F.A.C.;

(a)2. through (a)3. No change.

4. the recovered groundwater is properly disposed at a publicly owned treatment works or at a permitted Hazardous Waste Treatment, Storage or Disposal facility, if the recovered groundwater is a hazardous waste; and

5. the groundwater recovery is limited to one pumping event; ~~and~~

~~6. the PRFBSR obtains all applicable permits or authorizations pursuant to Department rules (for example, Chapters 62-730 and 62-770, F.A.C.) before groundwater recovery is performed. PRFBSR are advised that other federal or local requirements may apply.~~

(b) Within the timeframes and frequencies specified in the BSRA, an Interim Source Removal Status Report documenting the recovery progress and summarizing all recovery activities for a specified period ~~of time~~ shall be submitted by the PRFBSR to the Department or to the delegated local program for review.

(4) Groundwater Recovery, Treatment and Disposal.

(a) The PRFBSR may perform groundwater recovery prior to the approval of a Remedial Action Plan prepared and submitted in accordance with Rule 62-785.700, F.A.C., provided ~~the following criteria are met:~~

~~1. the PRFBSR submits~~ ~~submittal~~ of a proposal that includes the same level of engineering detail as a Remedial Action Plan pursuant to Rule 62-785.700, F.A.C. Applicable sections must be signed and sealed in accordance with Rule 62-785.400, F.A.C.; ~~and~~

~~2. the PRFBSR obtains all applicable permits or authorizations pursuant to Department rules (for example, Chapters 62-730 and 62-770, F.A.C.) before groundwater recovery is performed. PRFBSR are advised that other federal or local requirements may apply.~~

(4)(b) No change.

1. provide the PRFBSR with written approval of ~~Approve~~ the proposal; or

2. ~~n~~Notify the PRFBSR in writing, stating the reason(s) why the proposal does not contain information adequate to perform groundwater recovery prior to the approval of a Remedial Action Plan pursuant to Rule 62-785.500(4), F.A.C.

(c) No change.

(5) Soil and Sediment Removal, Treatment and Disposal.

(a) The PRFBRSR may excavate contaminated soil or contaminated sediment for proper treatment or proper disposal as an interim source removal activity provided the following criteria are met:

(a)1. through 2. No change.

3. when a soil vacuum extraction system is necessary to abate an imminent threat to human life, health, or safety within a structure or utility conduit, then the vacuum extraction system must be designed and operated only to abate the imminent threat. The Department or the delegated local program must be notified, within 24 hours, of the imminent threat and the intent to use a soil vacuum extraction system. The air emissions monitoring and frequency of monitoring shall be performed in accordance with Rules 62-785.700(5)(4)(a) and (10)(i), F.A.C.;

4. ~~the handling, storing, disposal or treatment of contaminated soil or sediment shall be performed in accordance with all applicable Department rules (for example, Chapters 62-701, 62-730 or 62-770, F.A.C.). Additionally, USEPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP), must be performed on a number of samples sufficient to verify that the contaminated soil or sediment does not exceed the applicable criteria for a hazardous waste unless the soil or sediment is known to be contaminated by petroleum or petroleum products or from a known listed hazardous waste; and~~

5. when excavated soil or sediment is temporarily stored or stockpiled on-site, the soil shall be secured in a manner that prevents human exposure to contaminated soil or sediment and prevents soil or sediment exposure to precipitation that may cause surface runoff, and any excavation shall be secured to prevent entry by the public. The temporary storage or stockpiling of excavated contaminated soil or sediment shall not exceed 60 days, or 90 days if the excavated contaminated soil or sediment is stored in accordance with Chapter 62-730, F.A.C. PRFBRSR are advised that other federal or local requirements may apply to these activities.

(b) No change.

(c) Soil or sediment treatment or disposal techniques not authorized by applicable rules of the Department require approval in an Interim Source Removal Proposal or in a Remedial Action Plan submitted pursuant to Rule 62-785.700, F.A.C. The Interim Source Removal Proposal shall include the information outlined in Rules 62-785.700(4)(3) and (5)(4), F.A.C., as applicable.

(d) No change.

1. provide the PRFBRSR with written approval of approve the Interim Source Removal Proposal submitted pursuant to Rule 62-785.500(5)(c), F.A.C.; or

2. No change.

(6) Authorizations.

Authorization or receipt of approval under Rule 62-785.500, F.A.C., does not relieve the PRFBRSR from the obligation to comply with other Department rules (for example, Chapters 62-701 and 62-730, F.A.C.) for product recovery, product disposal, groundwater recovery, or the handling, storage, disposal or treatment of contaminated media. PRFBRSR are advised that other federal or local requirements may apply to these activities.

~~(7)(6)~~ Interim Source Removal Report.

(a) through (a)5. No change.

6. a scaled site map (including a graphical representation of the scale used) showing location(s) of all on-site structures (including any buildings, locations of underground storage tanks, storm drain systems, and septic tanks-), locations where free product was recovered and the area of soil removal or treatment, and the approximate locations of all samples made;

7. through 12. No change.

(b) Within the timeframes specified in the BSRA, the Department or the delegated local program shall

1. provide the PRFBRSR with written approval of approve the Interim Source Removal Report submitted pursuant to the criteria in Rule 62-785.500(7)(6), F.A.C.; or

2. notify the PRFBRSR in writing, stating the reason(s) why the Interim Source Removal Report does not conform with the applicable Interim Source Removal criteria pursuant to Rule 62-785.500(7)(6), F.A.C.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History--New 7-6-98, Amended \_\_\_\_\_.

62-785.600 Site Assessment.

(1) through (2)(a)8. No change.

(b) To determine whether contamination is present and the types of contaminants present, and to determine the horizontal and vertical extent of contamination in every medium found to be contaminated, such as: for soil, to the lower of the direct exposure residential † cleanup target levels and the applicable leachability cleanup target levels provided in Chapter 62-777, F.A.C., Table II; and for groundwater, to the groundwater cleanup target levels or to the Surface Water Criteria provided in Chapter 62-777, F.A.C., Table I, as applicable;

(c) To determine or confirm the origin(s) of the source(s) of contamination, if technologically possible; If the soil concentration of a contaminant is above its soil saturation concentration (C<sub>sat</sub>), free product may be present [refer to the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777, F.A.C., Final Report, dated May 26, 1999, for development of SCTLs based on C<sub>sat</sub>].

(d) through (k) No change.

(l) To report any off-site activities (for example, dewatering, active remediation, or flood control pumping) in the immediate vicinity of the site that may have an effect on the groundwater flow at the site (for example, dewatering, active

remediation, or flood control pumping), unless the site meets the No Further Action criteria in Rule 62-785.680(1), F.A.C.; and

(2)(m) through (4)(c) No change.

(c) Sampling of undisturbed soil above and below the water table using hand augering, drilling or direct push technology to obtain information on site stratigraphy and non-aqueous phase liquids entrapped below the water table, to determine geotechnical parameters, and to assess the appropriateness of ~~using~~ natural attenuation with monitoring;

(d) through (h) No change.

(i) Survey of every top-of-casing to the National Geodetic Vertical Datum (NGVD) of 1929 or to the North American Vertical Datum (NAVD88) of 1988;

(j) through (k) No change.

1. drill cuttings and drilling mud generated during monitoring well installation shall be handled and disposed of in such a manner that contamination is not spread into previously uncontaminated or less contaminated media. Authorization under this rule does not relieve the PRFBSR from the obligation to comply with other Department rules and all applicable Department rules (for example, Chapters 62-701, 62-730, ~~and~~ 62-770, and 62-782, F.A.C.) for handling and disposal of contaminated media ~~are followed~~. PRFBSR are advised that other federal or local requirements may apply; and

2. development water and purge water shall be handled and disposed of in such a manner that contamination is not spread into previously uncontaminated or less contaminated media. Authorization under this rule does not relieve the PRFBSR from the obligation to comply with other Department rules (for example, Chapters 62-701, 62-730, 62-770, and 62-782, F.A.C.) for handling and disposal of contaminated media. PRFBSR are advised that other federal or local requirements may apply;

(l) through (m) No change.

(n) If the possibility exists that the contamination may have affected public or private water supply wells, sampling of the well or wells for the appropriate laboratory analyses, with the consent of the owner(s), to determine whether any contamination is present;

(o) No change.

(p) Performance of slug tests or a pumping test, if appropriate, on different strata of the surficial aquifer or of different aquifers, if applicable, using water-table monitoring wells, intermediate depth monitoring wells, and vertical extent monitoring wells. Performance of a pumping test may be deferred until the Remedial Action Plan phase if groundwater extraction is proposed in accordance with the provisions of Rule 62-785.700, F.A.C. If a pumping test is performed within the plume, at least two samples of the groundwater withdrawn during the test shall be collected and analyzed for the appropriate contaminants and physical properties (for example, Hardness, Iron, Total Dissolved Solids and Total Suspended

Solids) that may affect the treatment system and disposal options ~~(for example, Hardness, Iron, Total Dissolved Solids and Total Suspended Solids)~~. At a minimum, one sample shall be collected at the mid-point beginning of the pumping test and one at the end of the pumping test;

(q) No change.

(r) Sampling of soil for USEPA Test Method 1312, Synthetic Precipitation Leaching Procedure (SPLP) analyses, or for USEPA Test Method 1311, Toxicity Characteristic Leaching Procedure (TCLP) analyses if the contamination is derived from used oil or similar petroleum products or if the information available indicates that the soil has the potential to be a hazardous waste ~~there is insufficient information available to determine if the soil is a hazardous waste~~, or for the analyses of the physical parameters listed in Chapter 62-777, F.A.C., Table III; and

(4)(s) through (5) No change.

(6) Two copies of a Site Assessment Report (that may reference previously submitted documents) shall be submitted by the PRFBSR to the Department or to the delegated local program for review within the timeframes specified ~~with~~ in the BSRA.

(7) No change.

(a) Summarize all tasks that were completed pursuant to Rules 62-785.600(2)-(4), F.A.C., and summarize the results obtained. All maps shall indicate the North direction, be drawn to scale, and include a graphical representation of the scale used. The following shall be included when applicable:

1. through 3. No change.

4. one or more scaled site maps showing all pertinent surface and subsurface geological features present in the immediate vicinity of the contamination;

5. through 14. No change.

15. a description of the site-specific stratigraphy, based on the lithologic boring logs prepared during monitoring well installation and on standard penetration test borings (including composition, thickness and continuity of various lithologic units);

16. through 21. No change.

22. a table that is updated any time additional piezometers, monitoring wells, or recovery wells are installed and that summarizes the well construction details (including the top-of-casing elevation referenced to NGVD of 1929 or NAVD88, depth of the top of the screen below land surface, total depth and screen length, and ground surface elevation referenced to NGVD of 1929 or NAVD88) of all monitoring wells (including storage tank compliance wells or other compliance wells required by permit), piezometers, and recovery wells;

23. through (7)(b)1. No change.

2. a ~~Monitoring Only~~ Proposal for Natural Attenuation with Monitoring may be included if the site meets the Natural Attenuation with Monitoring criteria in Rule 62-785.690, F.A.C.

3. No change.

4. a recommendation to prepare a Remedial Action Plan pursuant to Rule 62-785.700, F.A.C., shall be included if the site does not meet the No Further Action criteria in Rule 62-785.680(1), F.A.C., unless a proposal for a No Further Action with ~~engineering and~~ institutional controls or both institutional and engineering controls pursuant to Rule 62-785.680(2), F.A.C., or a proposal for Natural Attenuation with Monitoring pursuant to Rule 62-785.690, F.A.C., or a recommendation to prepare a risk assessment pursuant to Rule 62-785.650, F.A.C., is included.

(8) No change.

(a) Provide the PRFBSR with written approval of the Site Assessment Report and the proposal or recommendation submitted pursuant to Rule 62-785.600(7)(b), F.A.C.; or

(b) No change.

1. the reason(s) why the Site Assessment Report does not contain information adequate to support the conclusions regarding the site assessment objectives outlined in Rules 62-785.600(2)(a)-(m), F.A.C.; or

2. No change.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended.

62-785.650 Risk Assessment.

(1) No change.

(a) An exposure assessment that identifies pathways and routes by which human and environmental receptors may be exposed to contaminants and determines levels of contaminants to which human and environmental receptors may be exposed. The exposure assessment shall, ~~as applicable:~~

1. identify concentrations of contaminants found at the site in all contaminated media [~~refer to Appendix C of the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777 62-785, F.A.C., Final Report, dated May 26, 1999 April 30, 1998, for guidance on the derivation of alternative cleanup target levels for total recoverable petroleum hydrocarbons (TRPHs) based on a sub-classification methodology~~];

2. No change.

3. determine soil properties (for example, texture, moisture content, dry bulk density, organic carbon content, and infiltration rate) using methods listed in Chapter 62-777, F.A.C., Table III, or leaching potential as determined using a test such as USEPA Test Method 1312 (SPLP), in which leachate concentrations are compared with applicable groundwater cleanup target levels;

4. through 6. No change.

7. determine exposure factors (exposure duration and frequency) based on site-specific characteristics, including consideration of current and plausible future land uses. Institutional and engineering controls may be proposed in order to ensure ~~insure~~ exposure factors do not change; and

8. No change.

(b) A toxicity assessment that determines human health and environmental criteria for contaminants found at the site. The criteria, taking into consideration acute and chronic health effects associated with short and long term exposure, may be developed for applicable exposure pathways and routes identified in the exposure assessment and shall include, ~~as applicable:~~

1. No change.

2. non-potable domestic water exposure from dermal contact, inhalation of vapors and mists, ingestion of food crops irrigated with such water, lawn watering, and other related exposures, and exposures to pets and livestock from ingestion;

3. through 4. No change.

(c) A risk characterization that utilizes the results of the exposure assessment, the toxicity assessment, and any other relevant public health and epidemiological assessments, to characterize cumulative risks ~~from contaminants found at the site~~ to the affected population(s) and the environment from contaminants found at the site. Based on the concentrations of contaminants found at the site, the characterization shall include, ~~as applicable:~~

1. through 2. No change.

3. derivation of alternative cleanup target levels such that: for non-carcinogenic contaminants that affect the same organ(s), the hazard index (sum of the hazard quotients) is 1 or less; and for carcinogens, the cumulative lifetime excess cancer risk level is 1.0E-6, as applicable [~~refer to Appendix C of the Technical Report: Development of Soil Cleanup Target Levels (SCTLs) for Chapter 62-777 62-785, F.A.C., Final Report, dated May 26, 1999 April 30, 1998, for guidance on the derivation of alternative cleanup target levels for TRPHs based on a sub-classification methodology; and to Chapter 62-777, F.A.C., Table III for methods to be used in determining soil properties for the derivation of alternative cleanup target levels based on site-specific soil characteristics~~]. In developing alternative cleanup target levels, when scientific data are available the potential for additive, synergistic, or antagonistic interactions among contaminants and the potential for exposure to contaminants via multiple pathways shall be considered based on target organ(s) affected, mechanism(s) of toxicity, and empirical observations from clinical and laboratory studies. The default assumptions shall be that non-carcinogenic chemicals affecting the same target organ(s) have additive effects and that carcinogenic risk, regardless of target organ, is additive.

(d) A justification for alternative cleanup target levels for groundwater or soil. The justification for the alternative cleanup target levels shall be based upon the site-specific characteristics affecting the site. In establishing the alternative cleanup target levels for groundwater or soil, the following factors shall be used, as applicable: calculations using a lifetime excess cancer risk level of 1.0E-6; a hazard index of 1 or less; the best achievable detection limits; the naturally occurring background concentrations; and (for groundwater only), nuisance, organoleptic, and aesthetic considerations.

1. through 1.d. No change.

2. mathematical transport models may be used to predict contaminant movement in the environment in order to provide assurances that risks to human health and the environment resulting from the establishment of alternative cleanup target levels are acceptable. If a mathematical transport model for contaminants is used, the model shall be validated, and adjusted accordingly, after subsequent monitoring to validate a ~~the~~ No Further Action Proposal ~~proposal~~ or during natural attenuation with monitoring or active remediation monitoring, using empirical data as the data are obtained.

(2) Two copies of the Risk Assessment Report shall be submitted by the PRFBSR to the Department or to the delegated local program for review, within the timeframes specified in the BSRA.

(3) The Risk Assessment Report shall contain a description of the task elements undertaken, summarize the conclusions obtained, and include one of the following:

(a) A No Further Action Proposal without institutional or engineering controls shall be included if the site meets the applicable No Further Action criteria in Rule 62-785.680(1), F.A.C., or a No Further Action Proposal with institutional controls or both institutional and engineering controls may be included if the site meets the applicable No Further Action criteria in Rule 62-785.680(2), F.A.C.;

(b) A ~~Monitoring Only~~ Proposal for Natural Attenuation with Monitoring may be included if the site meets the Natural Attenuation with Monitoring criteria in Rule 62-785.690, F.A.C.; or

(c) A recommendation to prepare a Remedial Action Plan pursuant to Rule 62-785.700, F.A.C., shall be included if the site does not meet the No Further Action criteria in Rule 62-785.680(1), F.A.C., unless a proposal for a No Further Action with institutional controls or both institutional and engineering controls pursuant to Rule 62-785.680(2), F.A.C., or a proposal for Natural Attenuation with Monitoring pursuant to Rule 62-785.690, F.A.C., is included.

(4) No change.

(a) Provide the PRFBSR with written approval of the Risk Assessment Report and the proposal or recommendation submitted by the PRFBSR pursuant to Rule 62-785.650(3), F.A.C.; or

(b) No change.

1. the reason(s) why the Risk Assessment Report does not contain information adequate to support the proposed alternative cleanup target levels; or

2. No change.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History--New 7-6-98, Amended.

62-785.680 No Further Action Criteria.

(1) through (1)(a) No change.

(b) Contaminated soil is not present in the unsaturated zone, as demonstrated by the analyses of soil samples collected from representative sampling locations that show that concentrations of all of the applicable contaminants do not exceed ~~are less than~~:

1. the background concentrations; or

2. the lower of the direct exposure residential ~~±~~ cleanup target levels or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II. If more than one contaminant is present at the site, the direct exposure cleanup target levels in Chapter 62-777, F.A.C., Table II shall be modified, if necessary, such that the sum of the hazard quotients for non-carcinogenic contaminants affecting the same organ(s) is 1 or less. For carcinogens, the direct exposure cleanup target levels in Chapter 62-777, F.A.C., Table II shall be modified such that the cumulative lifetime excess cancer risk level posed by the contaminants is 1.0E-6. If only leachability cleanup target levels are exceeded, then direct leachability testing results may be used to demonstrate that leachate concentrations do not exceed the applicable groundwater cleanup target levels. Leachability testing pursuant to USEPA Test Method 1312 (SPLP), or USEPA Test Method 1311 (TCLP) if the contamination is derived from used oil or similar petroleum products, must be performed on a minimum of three grab soil samples from each source area that exceed leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II, with the actual number of samples based on the horizontal and vertical extent of contamination and the site-specific stratigraphy;

3. No change.

4. alternative cleanup target levels established using appropriate site-specific ~~soil~~ properties of the contaminated soil in accordance with Rules 62-785.650(1)(a)3. and 62-785.650(1)(c)3., F.A.C.;

(c) Concentrations of contaminants in ~~None of the contaminants analyzed for in~~ groundwater samples do not exceed the higher of the background concentrations or the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I groundwater criteria column ~~Column A~~, except that if the site's groundwater contamination is affecting or may potentially affect a surface water body based on monitoring well data, groundwater flow rate and direction, or fate and transport modeling, then the cleanup target levels specified in Chapter 62-777, F.A.C., Table I freshwater surface water

criteria column or marine surface water criteria column ~~Column B or Column C~~, as applicable, shall also apply to groundwater; and

(d) ~~Concentrations of contaminants in None of the contaminants analyzed for in~~ surface water samples do not exceed the higher of the background concentrations or the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column ~~Column B or Column C~~, as applicable.

(2) A No Further Action with institutional controls, both institutional and engineering controls, shall apply if the controls are protective of human health, public safety and the environment and are agreed to by the current owner(s) of all affected properties, and the following conditions are met, as applicable:

(a) through (b) No change.

1. the enactment of an institutional control, in which case the contaminant concentrations must not exceed the direct exposure commercial/industrial ~~H~~ cleanup target levels or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II, as applicable. If more than one contaminant is present at the site, the direct exposure cleanup target levels in Chapter 62-777, F.A.C., Table II shall be modified, if necessary, such that the sum of the hazard quotients for non-carcinogenic contaminants affecting the same organ(s) is 1 or less. The soil leachability cleanup target levels may be exceeded if it ~~is can be~~ demonstrated to the Department or to the delegated local program, based upon individual site characteristics, that contaminants will not leach into the groundwater at concentrations that exceed applicable groundwater cleanup target levels specified in Chapter 62-777, F.A.C., Table I. If soil that exceeds the direct exposure residential ~~I~~ or the applicable leachability cleanup target levels specified listed in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-785.500(5) and (6), F.A.C., shall apply if the contaminated soil is later excavated;

2. the enactment of an institutional control, in which case the contaminant concentrations in soil below two feet below land surface may exceed the direct exposure residential ~~I~~ cleanup target levels but may not exceed the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II. The leachability cleanup target levels may be exceeded if it ~~is can be~~ demonstrated to the Department or to the delegated local program, based upon individual site characteristics, that contaminants will not leach into the groundwater at concentrations that exceed applicable groundwater cleanup target levels specified in Chapter 62-777, F.A.C., Table I. If soil that exceeds direct exposure residential ~~I~~ or applicable leachability cleanup target levels specified listed in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in

Rules 62-785.500(5) and (6), F.A.C., shall apply if the soil is later excavated, or exposed due to a change in site conditions ~~or site conditions change and the contaminated soil is exposed~~;

3. the enactment of an institutional control, in which case the contaminant concentrations must not exceed the alternative soil cleanup target levels justified pursuant to Rule 62-785.650, F.A.C. If soil that exceeds the direct exposure residential or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-785.500(5) and (6), F.A.C., shall apply if the soil is later excavated. The enactment of an institutional control is not necessary if the alternative soil cleanup target levels were justified solely using appropriate site-specific ~~soil~~ parameters of the contaminated soil in accordance with Rule 62-785.650(1)(a)3., F.A.C.; or

4. the implementation of engineering controls, such as permanent cover material, that prevent human exposure and limit water infiltration, in conjunction with institutional controls. If soil that exceeds the direct exposure residential or the applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II is allowed to remain on-site, then soil removal, treatment and disposal criteria in Rules 62-785.500(5) and (6), F.A.C., shall apply if the contaminated soil is later excavated, or exposed due to a change in site conditions; and

(c) through (c)1. No change.

1.a. for contamination of groundwater of low yield (average hydraulic conductivity of less than one foot per day, determined by performing slug tests on a minimum of three monitoring wells in each affected monitoring zone; and a maximum yield of 80 gallons per day, determined by pumping a four inch well screened across the cross-section of the plume, for a minimum of two hours) or with background concentrations that exceed Florida's Primary and Secondary Drinking Water Standards, then the cleanup target levels specified listed in Chapter 62-777, F.A.C., Table I groundwater of low yield/poor quality criteria column ~~Column D~~ shall apply to groundwater;

b. for groundwater contamination that is affecting or may potentially affect a surface water body with no other property or properties located between the source property boundary and the surface water body, then the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I freshwater surface water criteria column or marine surface water criteria column ~~Column B or Column C~~, as applicable, shall apply to groundwater;

c. for groundwater contamination that is limited to the immediate vicinity of the source area and the area of groundwater contamination is less than 1/4 acre, where it has been demonstrated by a minimum of one year of groundwater monitoring that the groundwater contamination is not migrating away from such localized source area, then the

alternative cleanup target levels shall be established through a scientific evaluation. The scientific evaluation (historical data or modeling results, as applicable; the model used must be appropriate for the site conditions) must demonstrate that the contaminant concentrations in groundwater at the property boundary of the real property on which the contamination originates will not exceed the background concentrations or the applicable cleanup target levels specified in Chapter 62-777, F.A.C., Table I; or

d. No change.

2. the implementation of engineering controls, such as a permanent containment (for example, a slurry wall), that prevents migration of the plume, in conjunction with institutional controls.

(3) Unless the No Further Action Proposal is included in a Site Assessment Report pursuant to Rule 62-785.600(7)(b)1., F.A.C., two copies of the No Further Action Proposal shall be submitted by the PRFBSR to the Department or to the delegated local program for review when the criteria for No Further Action have been met achieved. Before approval of a No Further Action with an institutional control or an engineering control accompanied by an institutional control, documentation of the agreement with the current property owner(s) of all affected properties regarding the institutional or engineering controls shall be submitted to the Department or to the delegated local program.

(4) No change.

(a) Provide the PRFBSR with a Site Rehabilitation Completion Order approving written approval of the No Further Action Proposal; or

(b) No change.

(5) ~~The If the No Further Action Proposal meets the criteria in Rule 62-785.680, F.A.C., then a Site Rehabilitation Completion Order shall be issued. This Order shall constitute final agency action regarding cleanup activities at the site.~~

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended \_\_\_\_\_.

62-785.690 Natural Attenuation with Monitoring Criteria.

(1) Natural attenuation with monitoring is may be allowable for site rehabilitation depending on the current or projected use of groundwater in the vicinity of the site and the individual site characteristics, provided human health, public safety, and the environment are protected. The individual site characteristics may include the current and projected use of the affected groundwater and surface water in the vicinity of the site, the current and projected land use of the area affected by the contamination, the exposed population, the location of the plume, the degree and extent of contamination, the rate of migration of the plume, the apparent or potential rate of degradation of contaminants through natural attenuation, and

the potential for further migration in relation to the site's property boundary. Natural attenuation with monitoring is allowable provided the following criteria are met:

(a) No change.

(b) Contaminated soil is not present, except that applicable leachability cleanup target levels specified in Chapter 62-777, F.A.C., Table II may be exceeded if it is demonstrated to the Department or to the delegated local program that the soil does not constitute a continuing source of contamination to the groundwater at concentrations that pose a threat to human health, public safety, and the environment, and it is can be demonstrated that the rate of natural attenuation of contaminants in the groundwater exceeds the rate at which contaminants are leaching from the soil. The determination shall be based upon individual site characteristics and demonstrated by USEPA Test Method 1312 (SPLP), or USEPA Test Method 1311 (TCLP) if the contamination is derived from used oil or similar petroleum products, and based upon groundwater modeling, site stratigraphy, or site assessment results;

(c) through (e) No change.

(f) The site is anticipated to achieve the applicable No Further Action criteria in Rule 62-785.680, F.A.C., as a result of natural attenuation in five years or less, the background concentrations or the applicable cleanup target levels are not exceeded at the temporary point of compliance as established pursuant to Rules 62-785.690(2) or (3), F.A.C., and contaminant concentrations do not exceed the criteria specified listed in Chapter 62-777, F.A.C., Table V; or

(g) If the criteria in Rule 62-785.690(1)(f), F.A.C., are not met, the appropriateness of natural attenuation with monitoring may be demonstrated by the following:

1. a technical evaluation of groundwater and soil characteristics, chemistry, and biological activity that verifies that the contaminants have the capacity to degrade under the site-specific conditions. A listing of the site-specific conditions and geochemical parameters, as applicable, is are provided in Chapter 62-777, F.A.C., Table IV;

2. a scientific evaluation (historical data or modeling results, as appropriate; the model used must be demonstrated to be appropriate for the site conditions) of the plume migration in relation to the temporary point of compliance as established pursuant to Rules 62-785.690(2) or (3), F.A.C., an estimation of annual milestone reductions of concentrations of contaminants in monitoring wells, and an estimation of the time required to meet achieve the applicable No Further Action criteria in Rule 62-785.680, F.A.C. Available technical information (including historical water quality data) shall be used for model calibration; and

3. a life-cycle cost cost-benefit analysis of remedial alternatives.



(2) through (2)(a) No change.

(b) The temporary point of compliance may extend beyond the property boundary when accompanied by monitoring, if such extension is needed to facilitate monitoring of natural attenuation or to address the current conditions of the plume, provided human health, public safety and the environment are protected. If the point of compliance is temporarily extended beyond the property boundary, it cannot be extended further than the lateral extent of the plume at the time of execution of the BSRA, if known, or the lateral extent of the plume as defined at the time of the approved site assessment. Prior to a temporary extension of the point of compliance beyond the property boundary, the PRFBSR shall provide actual notice to any affected local government and to the owner(s) of any property into which the point of compliance is allowed to extend. Such actual notice shall be in written form and mailed by "Certified Mail, Return Receipt Requested" to the current property owner at the owner's address listed in the current county property tax office records. Additionally, prior to extending the point of compliance beyond the property boundary, the PRFBSR shall provide constructive notice to residents and business tenants of the property into which the point of compliance is allowed to extend. Such constructive notice shall be achieved by posting the notice in the affected area and by publishing the notice, at least 16 square inches in size, in a newspaper of general circulation in the area and in ethnic newspapers or local community bulletins. Actual and constructive notices must include the following information:

(2)(b)1. through (3) No change.

(4) Unless the ~~Monitoring Only~~ Proposal for Natural Attenuation with Monitoring is included in a Site Assessment Report pursuant to Rule 62-785.600(7)(b)2., F.A.C., two copies of the ~~Monitoring Only~~ Proposal for Natural Attenuation with Monitoring shall be submitted by the PRFBSR to the Department or to the delegated local program for review when the criteria for Natural Attenuation with Monitoring have been met achieved.

(5) No change.

(a) Provide the PRFBSR with written approval of the ~~Monitoring Only~~ Proposal for Natural Attenuation with Monitoring; or

(b) Provide the reason(s) why the ~~Monitoring Only~~ Proposal for Natural Attenuation with Monitoring does not contain information adequate to support the conclusion that the applicable Natural Attenuation with Monitoring criteria in Rule 62-785.690, F.A.C., have been met.

(6) If the ~~Monitoring Only~~ Proposal for Natural Attenuation with Monitoring meets the criteria in Rule 62-785.690(1), F.A.C., then a Natural Attenuation Monitoring Only Plan approval shall be issued. The objective of the monitoring program shall be to meet achieve the applicable No Further Action criteria in Rule 62-785.680, F.A.C.

(7) The monitoring program shall be performed as specified in the Natural Attenuation Monitoring Only Plan approval, as follows:

(a) No change.

1. at least one well shall be located at the downgradient edge of the plume downgradient from the area(s) of maximum contaminant concentrations; and

2. through (b) No change.

(c) The designated monitoring wells shall be sampled for analyses of applicable contaminants at a frequency specified in the Natural Attenuation Monitoring Only Plan approval;

(d) No change.

(e) The analytical results (laboratory report), chain of custody record form [~~Form 62-785.900(2)~~], table summarizing the analytical results, site map(s) illustrating the analytical results, and the water-level elevation information (summary table and flow map) shall be submitted by the PRFBSR as a Natural Attenuation Monitoring Only Report to the Department or to the delegated local program within the timeframes specified in the BSRA;

(f) If analyses of groundwater samples indicate that concentrations of applicable contaminants exceed any action levels specified in the Natural Attenuation Monitoring Only Plan approval, the well or wells shall be resampled within 30 days after the initial positive result is known. If the results of the resampling confirm the exceedance(s), then a proposal shall be submitted by the PRFBSR ~~within the timeframes specified in the BSRA~~ to the Department or to the delegated local program within the timeframes specified in the BSRA to:

(f)1. through (g)3. No change.

(8) Following completion of natural attenuation with monitoring, two copies of a Site Rehabilitation Completion Report shall be submitted by the PRFBSR to the Department or to the delegated local program for review, within the timeframes specified in the BSRA, when the criteria for No Further Action pursuant to Rule 62-785.680, F.A.C., have been met achieved. The Site Rehabilitation Completion Report shall contain documentation adequate to support the opinion that site cleanup objectives have been achieved.

(9) No change.

(a) Provide the PRFBSR with a Site Rehabilitation Completion Order approving written approval of the Site Rehabilitation Completion Report; or

(b) Notify the PRFBSR in writing, stating Provide the reason(s) why the Site Rehabilitation Completion Report does not contain information adequate to support the opinion that cleanup objectives have been achieved. Site rehabilitation activities shall not be deemed complete until such time as a Site Rehabilitation Completion Report is approved.

(10) ~~The Upon approval of the Site Rehabilitation Completion Report, the Department shall issue a Site Rehabilitation Completion Order. This Order shall constitute final agency action regarding cleanup activities at the site.~~

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended.

#### 62-785.700 Active Remediation.

(1) Within the timeframes specified in the BSRA, two copies of a Remedial Action Plan shall be submitted by the PRFBSR to the Department or to the delegated local program for review. The objective of the active remediation shall be to ~~meet~~ achieve the applicable No Further Action criteria in Rule 62-785.680, F.A.C., or the Natural Attenuation with Monitoring criteria in Rule 62-785.690, F.A.C. The Remedial Action Plan must provide a design that addresses cleanup of all soil, sediment, groundwater, or surface water found to be contaminated.

(2) Prior to performing any pilot study, a Pilot Study Work Plan shall be submitted ~~in accordance with the timeframes in the BSRA~~ by the PRFBSR to the Department or to the delegated local program for review within the timeframes specified in the BSRA to determine the need for any applicable Department permits or authorizations (for example, underground injection control, National Pollutant Discharge Elimination System, or air emissions) and to ~~ensure~~ insure that human health and the environment are adequately protected.

(3) through (4)(f)2. No change.

3. the method of air emissions treatment and the expected quantities in pounds per day of any contaminants discharged into air as a result of all on-site active remediation systems. A separate air permit will not be required if the total ~~volatile organic compounds in the~~ air emissions from all on-site remediation equipment system(s) does not exceed 13.7 pounds per day. For on-site remediation equipment system(s) located at a facility that is a Title V source pursuant to Chapter 62-213, F.A.C., a separate permit under that chapter may be required;

4. through (4)(g). No change.

1. include a list of contaminants to be monitored in the recovery well(s) and in the effluent from the treatment system (based on the type of treatment employed and disposition of the effluent) or other chemical indicators to aid in the evaluation of the appropriateness of natural attenuation with monitoring pursuant to Rule 62-785.690(1)(g)1., F.A.C., or an in situ method of site rehabilitation. Contaminants that do not exceed the background concentrations or the applicable cleanup target levels in samples from the recovery wells or monitoring wells for three consecutive quarters may be excluded from subsequent monitoring events;

2. include the designation of a representative number of monitoring wells and surface water bodies, and a proposal for their sampling frequency adequate to monitor the cleanup progress during active remediation, and the description of the methodology proposed to evaluate the effectiveness and efficiency of the remediation system. The designated wells shall include at least one well located at the downgradient edge of the plume and one ~~a~~ well in the area of maximum ~~highest~~ groundwater contamination or directly adjacent to it if the area

of highest groundwater contamination is inaccessible (for example, under a structure). Consideration shall be given to the expected duration of cleanup when specifying monitoring frequency. For cleanups expected to last greater than two years, wells shall be sampled quarterly for the first year and semiannually thereafter. For cleanups expected to last less than two years, wells shall be sampled quarterly;

3. through 4. No change.

(h) Provide the details of any proposed treatment or disposition of contaminated soil or sediment. If contaminated soil exists at the site and active remediation does not include treatment or removal of such soil, the Remedial Action Plan shall include a proposal to implement an institutional control or both an institutional and an engineering control, pursuant to Rule 62-785.680(2), F.A.C.

(5) No change.

(a) Vacuum extraction systems shall be equipped with a means of air emissions treatment for at least the first 30 days of system operation. Air emissions treatment may be discontinued after the first 30 days of system operation if the total ~~volatile organic compounds in the~~ air emissions from all the on-site remediation equipment system(s) do not exceed is less than 13.7 pounds per day;

(b) Bioventing systems shall be equipped with a means of air emissions treatment unless the Remedial Action Plan design is based on respiration rates and optimum ~~optimal~~ air flow that result in soil remediation primarily by bioremediation with minimal volatilization of hydrocarbons. This objective shall be confirmed by emissions sampling during startup;

(c) In situ air sparging systems shall be designed and operated in conjunction with air emissions treatment system(s) unless the Remedial Action Plan design is based on sparging rates and optimum ~~optimal~~ air flow with minimal volatilization of hydrocarbons. This objective shall be confirmed by emissions sampling during startup. If a vacuum extraction system is used, the vacuum extraction system shall operate at an air flow rate at least 50% greater than the sparging air flow rate, and the vacuum extraction system shall be provided with air emissions control as described in Rule 62-785.700(5)(a), F.A.C.;

(d) Biosparging systems shall be equipped with a means of air emissions control unless the Remedial Action Plan design is based on the optimum air sparging rates that promote biological activity with minimal ~~minimum~~ volatilization of hydrocarbons. This objective shall be confirmed by emissions sampling during startup;

(e) Multi-phase extraction systems shall be equipped with a means of air emissions treatment during system operation. Air emissions treatment may be discontinued if the total ~~volatile organic compounds in the~~ air emissions from all the on-site remediation equipment system(s) do not exceed is less than 13.7 pounds per day; and

(f) through (6) No change.

(7) The Remedial Action Plan may propose the use of new and innovative technologies or approaches to meet the No Further Action criteria in Rule 62-785.680, F.A.C., or the Natural Attenuation with Monitoring criteria in Rule 62-785.690, F.A.C. The Remedial Action Plan proposal of innovative technologies or approaches shall include a demonstration that the proposed technology or approach meets the criteria in Rules 62-785.700(1)-(6), F.A.C.; These technologies or approaches may include low-cost enhancements to natural attenuation.

(8) The remedial action plan summary form [(Form 62-785.900(4))] shall be completed and submitted as part of the Remedial Action Plan. The information provided in the remedial action plan summary form shall be resubmitted to be consistent with the final approved Remedial Action Plan and any subsequent modifications to the approved Remedial Action Plan.

(9) through (12)(j) No change.

(k) Results of analyses of soil samples taken to verify that the applicable No Further Action criteria in Rule 62-785.680, F.A.C., or the applicable Natural Attenuation with Monitoring criteria in Rule 62-785.690, F.A.C., have been met achieved, based on one of the following:

(k)1. through (13) No change.

(13)(a) A summary of the data requested in Rules 62-785.700(12)(a)-(k), F.A.C.;

(b) and (c) No change.

(d) One or more scaled site maps showing groundwater flow direction(s), and the current degree and extent of the contamination;

(e) through (15)(c) No change.

(16) Active remediation shall be deemed complete when the No Further Action criteria in Rule 62-785.680, F.A.C., or the Natural Attenuation with Monitoring criteria in Rule 62-785.690, F.A.C., have been met.

(17) If the site does not meet the No Further Action criteria in Rule 62-785.680, F.A.C., or the Natural Attenuation with Monitoring criteria in Rule 62-785.690, F.A.C., the PRFBSR may propose; the discontinuation of active groundwater remediation for review and approval by the Department or by the delegated local program, ~~the discontinuation of active groundwater remediation~~, provided the following demonstration and analyses are met:

(17)(a) No change.

(b) After a minimum of one year of groundwater treatment, concentrations of contaminants in designated monitoring wells and recovery wells have leveled off. This demonstration must be based on subsequent monthly sampling results obtained for a minimum of 180 days, unless an alternative frequency has been approved in the Remedial Action Plan or pursuant to paragraph (15). "Leveling-off" shall mean that the graph of contaminant concentrations versus time generally fits a curve defined by the equation  $C=C_f+Coe^{-kt}$ ,

that the lower limb of the curve is substantially linear, and that the slope of the final portion of the curve approaches zero. Applicable statistical methods shall be applied to demonstrate this conclusion. In the preceding equation, symbols are defined as follows:

1. through 8. No change.

(18) The results of the demonstration and analyses described in Rules 62-785.700(17)(a)-(c), F.A.C., shall be compiled in a report and submitted by the PRFBSR to the Department or to the delegated local program for review in accordance with the BSRA. The Department or the delegated local program shall determine, using the criteria specified in Rule 62-785.700(17)(c), F.A.C., whether modifications to the Remedial Action Plan are required pursuant to paragraph (15) to effect further treatment; however, if alternative methods are not required, active remediation shall be deemed complete.

(19) A Post Active Remediation Monitoring Plan shall be submitted by the PRFBSR to the Department or to the delegated local program pursuant to the Post Active Remediation Monitoring described in Rule 62-785.750, F.A.C., when the No Further Action criteria in Rule 62-785.680, F.A.C., or the leveling off criteria in Rule 62-785.700(17), F.A.C., have been met achieved.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History--New 7-6-98, Amended.

62-785.750 Post Active Remediation Monitoring.

(1) Groundwater monitoring shall be performed following the completion of active groundwater remediation or soil remediation as described in Rule 62-785.700, F.A.C. When active groundwater remediation has met achieved the No Further Action criteria in Rule 62-785.680, F.A.C., or the leveling off criteria in Rule 62-785.700(17)(6), F.A.C., a Post Active Remediation Monitoring Plan using the provisions of Rule 62-785.750(3)(4), F.A.C., and including analytical results demonstrating this conclusion, shall be submitted by the PRFBSR to the Department or to the delegated local program for review.

(2) through (2)(a) No change.

(b) Notify the PRFBSR in writing, stating the reason(s) why the Post Active Remediation Monitoring Plan does not contain information adequate to support the conclusion, pursuant to Rule 62-785.700, F.A.C., that the applicable cleanup target levels shall be achieved at the end of the monitoring period.

~~(3) If the Post Active Remediation Monitoring Plan meets the applicable criteria in Rule 62-785.700, F.A.C., then a Post Active Remediation Monitoring Plan approval shall be issued.~~

(3)(4) The monitoring program shall be performed as specified in the Post Active Remediation Monitoring Plan approval, as follows:

(a) No change.

1. at least one well shall be located at the downgradient edge of the plume edge of the plume downgradient from the area(s) of maximum contaminant concentrations; and

(a)2. through (3)(c) No change.

(d) The analytical results (laboratory report), chain of custody record form [~~(Form 62-785.900(2))~~], table summarizing the analytical results, and site map(s) illustrating the analytical results shall be submitted by the PRFBRSR to the Department or to the delegated local program in a Post Active Remediation Monitoring ~~Only~~ Report within the timeframes specified in the BSRA; and

(e) If analyses of groundwater samples indicate that concentrations of applicable contaminants exceed any action levels specified in the Post Active Remediation Monitoring Plan approval, the well or wells shall be resampled ~~within no later than~~ 30 days after the initial positive result is known. If the results of the resampling confirm the exceedance(s), then a proposal shall be submitted by the PRFBRSR to the Department or to the delegated local program within the timeframes specified in the BSRA to:

(e)1. through 3. No change.

~~(4)(5)~~ The remediation equipment shall be maintained in an inactive but operational status during the duration of post active remediation monitoring.

~~(5)(6)~~ Following completion of monitoring pursuant to Rule 62-785.750, F.A.C., two copies of a Site Rehabilitation Completion Report shall be submitted by the PRFBRSR to the Department or to the delegated local program for review within the timeframes specified in the BSRA, when the criteria for No Further Action pursuant to Rule 62-785.680, F.A.C., have been ~~met achieved within the timeframes specified in the BSRA~~. The Site Rehabilitation Completion Report shall contain documentation adequate to support the opinion that site cleanup objectives have been achieved.

~~(6)(7)~~ Within the timeframes specified in the BSRA, the Department or the delegated local program shall:

(a) Provide the PRFBRSR with a Site Rehabilitation Completion Order approving written approval of the Site Rehabilitation Completion Report; or

(b) No change.

~~(7)(8)~~ The Upon approval of the Site Rehabilitation Completion Report, the Department shall issue a Site Rehabilitation Completion Order. This Order shall constitute final agency action regarding cleanup activities at the site.

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended.

62-785.900 Forms.

The forms used by the Department or by the delegated local program in the Brownfields Cleanup Criteria program are adopted and incorporated by reference in this rule. Each form is listed by rule number, which is also the form number, and with the subject, title, and effective date. Copies of forms may

be obtained by writing to the Department of Environmental Protection, Bureau of Waste Cleanup, 2600 Blair Stone Road, Tallahassee, FL 32399-2400; to the applicable local district office of the Department; or to the applicable delegated local program.

(1) Form 62-785.900(1), Free Product Removal Notification Form for Brownfield Sites; (effective 7-6-98).

(2) Form 62-785.900(2), Chain of Custody Record ~~Form~~; (effective 7-6-98).

(3) Form 62-785.900(3), Brownfield Site Water Sampling Log ~~Form~~; (effective 7-6-98).

(4) Form 62-785.900(4), Remedial Action Plan Summary ~~Form~~; (effective 7-6-98).

(5) Form 62-785.900(5), Active Remediation Status Report Summary ~~Form~~; (effective 7-6-98).

Specific Authority 376.81 FS. Law Implemented 376.81 FS. History—New 7-6-98, Amended.

The following tables and figures were deleted from Chapter 62-785, F.A.C.:

- TABLE I Groundwater Cleanup Target Levels
- TABLE II Soil Cleanup Target Levels
- TABLE III Soil Properties and Test Methods
- TABLE IV Site-Specific Conditions and Geochemical Parameters for Technical Evaluation of Natural Attenuation
- TABLE V Natural Attenuation Default Source Concentrations
- TABLE VI Default Parameters for Figures 4 and 5
- FIGURE 1 EQUATION FOR DERIVING SITE-SPECIFIC CLEANUP TARGET LEVELS FOR CARCINOGENS IN GROUNDWATER
- FIGURE 2 EQUATION FOR DERIVING SITE-SPECIFIC CLEANUP TARGET LEVELS FOR SYSTEMIC TOXICANTS IN GROUNDWATER
- FIGURE 3A EQUATIONS USED TO CALCULATE FRESHWATER OR MARINE SURFACE WATER CRITERIA BASED ON HUMAN HEALTH ENDPOINTS
- FIGURE 3B METHODOLOGY USED TO CALCULATE FRESHWATER AND MARINE SURFACE WATER CRITERIA BASED ON CHRONIC TOXICITY
- FIGURE 4 MODEL EQUATION FOR DEVELOPING ACCEPTABLE RISK-BASED CONCENTRATIONS IN SOIL (Acceptable Soil Cleanup Target Levels for Carcinogens)
- FIGURE 5 MODEL EQUATION FOR DEVELOPING ACCEPTABLE RISK-BASED CONCENTRATIONS IN SOIL (Acceptable Soil Cleanup Target Levels for Non-Carcinogens)
- FIGURE 6 DERIVATION OF THE PARTICULATE EMISSION FACTOR
- FIGURE 7 EQUATION USED FOR THE DETERMINATION OF THE VOLATILIZATION FACTOR

FIGURE 8 EQUATION USED FOR THE DETERMINATION OF Csat

FIGURE 9 EQUATION FOR THE DETERMINATION OF SOIL CLEANUP TARGET LEVELS (SCTLs) BASED ON LEACHABILITY

NAME OF PERSON ORIGINATING PROPOSED RULE: John M. Ruddell

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kirby B. Green, III

DATE PROPOSED RULE APPROVED: April 2, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 1998

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Law Enforcement

DOCKET NO.: 99-10R

RULE TITLE: RULE NO.:

Okeechobee Waterway Boating Restricted Areas 62N-24.011

PURPOSE AND EFFECT: Martin County has requested that this department establish boating safety areas along the Okeechobee Waterway portion of the Florida Intracoastal Waterway as it makes its way through Martin County. These areas will be at the Timer Powers Park and boat ramp, the Palm City Bridge, the Florida Turnpike Bridge, the I-95 Bridge and the Moore Haven Lock Structure. The wakes from speeding vessels present a danger to vessels being launched or recovered at the public boat ramps located at the Timer Powers Park, Phipps Park and Leighton Park. Obstruction of visibility is also a concern in the areas around the Florida Turnpike Bridge, I-95 Bridge, the St. Lucie Lock and Dam, the Moore Haven Lock Structure.

The local offices of the Florida Marine Patrol and Florida Game and Fresh Water Fish Commission have confirmed that hazardous conditions exist at these locations.

By codifying these zones by rule, all zones established heretofore by the Department (or by the Department of Natural Resources, DNR) other than by rulemaking are disestablished, and any regulatory markers other than those installed to implement this rule will be removed.

This action is being coordinated with the Martin County Commission, United States Army Corps of Engineers and the United States Coast Guard.

SUMMARY: The establishment of Slow Speed Minimum Wake zones are as follows: A zone to begin 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of island located east of Leighton Park at the public boat ramp in the Florida Intracoastal Waterway. A zone to begin at the St. Lucie Lock and Dam easterly, shoreline to shoreline, to 1,000 feet east of the eastern span of the northbound traffic lane of I-95. A zone beginning 1,000 feet east of the centerline of the Timer Powers Boat Ramp, shoreline to shoreline, to 1,000 feet west

of the centerline of the Timer Powers Boat Ramp at Timer Powers Park. A zone beginning at the Moore Haven Lock Structure 1,000 feet north of the lock gates to 500 feet southwest of the lock gates within Martin County.

Martin County will be authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted area and shall install and maintain "Resume Normal Safe Operation" markers at the boundaries of the boating restricted areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 327.04, 327.46 FS.

LAW IMPLEMENTED: 327.46 FS.

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

TIME AND DATE: 7:00 p.m. - 9:00 p.m., May 26, 1999

PLACE: The United States Army Corps of Engineers, St. Lucie Lock & Dam Visitors Center, 2200 S. W. Canal Street, Stuart, Florida 33497, (561)219-4575 during normal business hours).

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Tara Alford, Division of Law Enforcement, Office of Enforcement Planning & Policy Coordination, Mail Station 650, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)488-5600, extension 136

THE FULL TEXT OF THE PROPOSED RULE IS:

62N-24.011 Okeechobee Waterway Boating Restricted Areas.

(1) For the purpose of regulating speed and operation of vessel traffic on the Okeechobee Waterway, the following Boating Restricted Areas are established:

(a) 1. through 3. No change.

4. Palm City Bridge (C. R. 714) - A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 200 feet north of the centerline of the Palm City Bridge to 1,500 feet south of the centerline of the Palm City Bridge at the northern tip of the island located east of Leighton Park and the public boat ramp as depicted in drawing D.

5. St. Lucie Lock and Dam Structure, the Florida Turnpike and I-95 Bridges – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the St. Lucie Lock and Dam easterly to 1,000 feet east of the eastern span of the northbound traffic lane of I-95, as depicted in drawing E.

6. Timer Powers Park and Boat Ramp – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, in and adjacent to the Okeechobee Waterway, from 1,000 feet east of the centerline of the Timer Powers Boat Ramp to 1,000 feet west of the centerline of the Timer Powers Boat Ramp, as depicted in drawing F.

7. Moore Haven Lock Structure – A Slow Speed Minimum Wake boating restricted area, shoreline to shoreline, north from the lock gates 1,000 feet in and adjacent to the Okeechobee Waterway to 500 feet southwest of the lock gates, as in depicted marker G.

(b) Martin County, Palm Beach County, the City of Clewiston (in coordination and cooperation with the South Florida Water Management District), and Glades County are authorized to install and maintain appropriate regulatory markers as directed by the Division of Law Enforcement within the boating restricted areas, or portions thereof, located within the respective counties. These local governmental entities may enter into agreements with public or private organizations or individuals to effect this purpose.

(2) The boating restricted areas ~~described in 62N 24.011~~ are depicted on the following drawings:











Specific Authority 327.04, 327.46 FS. Law Implemented 327.46 FS. History—New 1-5-88, Formerly 16N-24.011, 62N-24.011, Amended 1-8-96,

NAME OF PERSON ORIGINATING PROPOSED RULE: Tara Alford, Division of Law Enforcement, Marjorie Stoneman Douglas Building, 3900 Commonwealth Boulevard, Mail Station 650, Tallahassee, Florida 32399-3000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary, Department of Environmental Protection, Marjorie Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 1999

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Division of Marine Resources**

DOCKET NO.: 99-08R

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code RULE CHAPTER NO.: 62R-7

RULE TITLES: Shellfish Harvesting Area Standards RULE NOS.: 62R-7.004

Container Identification, Terminal Sale Date; Prohibitions 62R-7.010

PURPOSE AND EFFECT: This amendment will reclassify the Apalachicola Bay System shellfish harvesting area in Franklin County during the summer months of July, August, and September. This reclassification was initiated based on a request made by the shellfish industry in Franklin County for harvesting during the summer months to continue from the summer approved West 1 area, to continue harvesting from an oyster bar commonly known as East Hole in the summer conditionally approved east area, and to discontinue harvesting from an oyster bar commonly known as Cat Point.

SUMMARY: The reclassification will remove the summer east conditionally approved area which includes the East Hole and Cat Point oyster bars and establish a new summer approved East Hole area which includes the East Hole oyster bar. Currently the Summer Conditionally Approved East area is closed to shellfishing during summer months when Apalachicola River discharge measured the same day at Blountstown exceeds 29,838 cubic feet per second (equivalent to Apalachicola River stage measured the same day at Blountstown exceeds 12.93 feet) or five-day cumulative rainfall measured at the Apalachicola Airport exceeds 4.99 inches. The summer approved East Hole area will be closed during emergency conditions in accordance with 62R-7.003(13) and 62R-7.004(9). The proposed reclassification of the East Hole oyster bar from summer conditionally approved East to summer approved East Hole is

expected to decrease the duration of closure during the summer months by an average of 2.6 days per month, from 2.6 days per month closed to 0.0 days per month closed.

The acres of current classifications during the summer are 19,377 acres Summer Approved (10,688 in the Summer Approved area + 8,709 acres in the Summer West 1 Approved area), 20,581 acres Summer Conditionally Approved (3,714 acres in the Summer Conditionally Approved North area + 9,550 acres in the Summer Conditionally Approved South area + 7,317 acres in the Summer Conditionally Approved East area), 10,807 acres Conditionally Restricted; and 11,059 acres Prohibited. The reclassification will remove the 7,317 acre Summer Conditionally Approved East area and establish a new 1,785 acre Summer Approved East Hole area.

The sanitary conditions in these areas are appropriate for the proposed classifications to protect public health of shellfish consumers.

Additionally, the text descriptions of the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Apalachicola Bay shellfish harvesting area. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area.

These amendments place descriptions, references to shellfish harvesting area map numbers, and operating criteria for the Apalachicola Bay System shellfish harvesting area (#16) in the document Shellfish Harvesting Area Classification Boundaries and Management Plans. This document is hereby incorporated by reference in 62R-7.004(1). Additionally, these amendments provide an illustration of the Apalachicola Bay System shellfish harvesting area classification boundaries in shellfish harvesting area map #16. This map is hereby incorporated by reference in 62R-7.004(1).

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

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

SPECIFIC AUTHORITY: 370.021(1), 370.071(1) FS.

LAW IMPLEMENTED: 370.071 FS.

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

TIME AND DATE: 9:00 a.m., Tuesday, May 14, 1999

PLACE: Marjory Stoneman Douglas Building, Conference Room B, First Floor, 3900 Commonwealth Boulevard, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John McDowell, Bureau of Marine Resource Regulation and Development, 3900 Commonwealth Boulevard, Room 822, Tallahassee, Florida, Phone (850)488-5471

THE FULL TEXT OF THE PROPOSED RULES IS:

62R-7.004 Shellfish Harvesting Area Standards.

(1) The Department shall describe and/or illustrate harvesting areas and provide harvesting area classifications as approved, conditionally approved, restricted, conditionally restricted, prohibited, or unclassified as defined herein, including criteria for opening and closing shellfish harvesting areas in accordance with Section C of the National Shellfish Sanitation Program Manual of Operations, Part I. Copies of individual shellfish harvesting area maps, revised April 14, 1999 ~~January 6, 1999~~, and the document Shellfish Harvesting Area Classification Boundaries and Management Plans, revised April 14, 1999 ~~January 6, 1999~~, containing shellfish harvesting area descriptions, references to shellfish harvesting area map numbers, and operating criteria herein incorporated by reference may be obtained by writing to the Department at 3900 Commonwealth Boulevard, Room 822, Tallahassee, Florida 32399.

(2) through (10) No change.

This rule will take effect on 7-1-99.

Specific Authority 370.021(1), 370.071(1) FS. Law Implemented 370.071 FS. History—New 1-4-87, Amended 5-21-87, 8-26-87, 8-10-88, 8-31-88, 10-27-88, 7-18-89, 8-30-89, 11-11-90, 1-9-91, 11-5-92, 5-6-93, 5-31-94, Formerly 16R-7.004, Amended 7-3-95, 6-18-97, 7-1-97, 7-22-97, 10-12-97, 12-16-97, 12-28-97, 2-12-98, 2-25-98, 7-1-98, 7-20-98, 11-3-98, 12-28-98, 3-18-98, 7-1-99.

62R-7.010 Container Identification, Terminal Sale Date; Prohibitions.

(1) through (2) No change.

(3) The harvester's tag's shall contain legible waterproof information arranged in the specific order as follows:

- (a) The harvester's saltwater product license number as assigned by the Department;
- (b) The date of harvesting;
- (c) The time of harvest;
- (d) The time of refrigeration, if applicable;
- (e) The identification of the harvest area using the four digit code or name of the harvest area listed in Table 2, which is incorporated herein and appears at the end of this Chapter, as well as the most precise identification within that area as practicable;
- (f) Common name of shellfish and quantity of shellfish;

(g) The following statement will appear in bold capitalized type "THIS TAG IS REQUIRED TO BE ATTACHED UNTIL CONTAINER IS EMPTY AND THEREAFTER KEPT ON FILE FOR 90 DAYS."

(4) through (12) No change.

This rule will take effect on 7-1-99.

Specific Authority 370.071 (1) FS., Law Implemented 370.071 FS. History—New 1-4-87, 5-21-87, 8-10-88, 7-9-89, 8-30-89, 5-6-93, 9-14-93, 8-21-94, Formerly 16R-7.010, Amended 9-1-95, 5-8-96, 2-6-97, 10-12-97, 2-12-98, 2-25-98, 7-1-98, 11-3-98, 12-28-98, 3-18-98, 7-1-99.

TABLE 2: FOUR DIGIT CODES AND NAMES OF HARVEST AREAS

AREA	CODE	HARVEST AREA NAME
	0222	Pensacola Bay: Conditionally Approved (Escambia Bay, Winter, November 1 through March 30)
	0232	Pensacola Bay: Conditionally Approved (East Bay, Winter, November 1 through March 30)
	0242	Pensacola Bay: Conditionally Approved (Escambia Bay, Spring/Fall, April 1 through June 30 and October 1 through October 31)
	0252	Pensacola Bay: Conditionally Approved (East Bay, Spring/Fall, April 1 through June 30 and October 1 through October 31)
	0215	Pensacola Bay: Restricted (Escambia Bay Spring/Fall, April 1 through June 30 and October 1 through October 31)
	0216	Pensacola Bay: Conditionally Restricted (Escambia Bay Winter, November 1 through March 30)
	0226	Pensacola Bay: Conditionally Restricted (East Bay, Winter, November 1 through March 30)
	0622	Choctawhatchee: Conditionally Approved (Central)
	0632	Choctawhatchee: Conditionally Approved (Eastern)
	0806	West Bay: Conditionally Restricted (Spring/Fall, April 1 through June 30 and October 1 through November 30)
	0812	West Bay: Conditionally Approved (Winter, December 1 through March 31)
	0822	West Bay: Conditionally Approved (Spring/Fall, April 1 through June 30 and October 1 through November 30)
	1012	North Bay: Conditionally Approved (Western)
	1022	North Bay: Conditionally Approved (Eastern)
	1206	East Bay: Conditionally Restricted
	1212	East Bay: Conditionally Approved (Section 1)
	1222	East Bay: Conditionally Approved (Section 2)
	1401	St. Joe Bay: Approved
	1506	Indian Lagoon: Conditionally Restricted
	1512	Indian Lagoon: Conditionally Approved Zone X (April 1 – June 30 & October 1 – December 31)
	1522	Indian Lagoon: Conditionally Approved Zone Y (April 1 – June 30 & October 1 – December 31)
	1532	Indian Lagoon: Conditionally Approved Zone Z (April 1 – June 30 & October 1 – December 31)

- 1542 Indian Lagoon: Conditionally Approved Zone A (January 1 – March 31)
- 1552 Indian Lagoon: Conditionally Approved Zone B (January 1 – March 31)
- 1611 Apalachicola Bay: Approved (Winter)
- 1621 Apalachicola Bay: Approved (Summer)
- 1631 Apalachicola Bay: Approved, Shellfish lease numbers 525, 551, 551B, 580, 582, 609, 672, and 981 (Summer)
- 1612 Apalachicola Bay: Conditionally Approved West 1 (Winter) or Apalachicola Bay: Approved West 1 (Summer)
- 1622 Apalachicola Bay: Conditionally Approved West 2 (Winter)
- 1632 Apalachicola Bay: Conditionally Approved West 3 (Winter)
- 1642 Apalachicola Bay: Conditionally Approved East (Winter) or Apalachicola Bay Approved East Hole (Summer)  
~~Apalachicola Bay: Conditionally Approved East (Summer)~~
- 1652 Apalachicola Bay: Conditionally Approved North (Summer)
- 1662 Apalachicola Bay: Conditionally Approved South (Summer)
- 1606 Apalachicola Bay: Conditionally Restricted
- 2002 Ochlockonee Bay: Conditionally Approved
- 2006 Ochlockonee Bay: Conditionally Restricted
- 2206 Wakulla: Conditionally Restricted
- 2212 Wakulla: Conditionally Approved (Zone 1)
- 2222 Wakulla: Conditionally Approved (Zone 2)
- 2501 Horseshoe: Approved (Summer)
- 2502 Horseshoe: Conditionally Approved (Winter)
- 2506 Horseshoe: Conditionally Restricted (Winter)
- 2802 Suwannee Sound: Conditionally Approved
- 2806 Suwannee Sound: Conditionally Restricted
- 3012 Cedar Key: Conditionally Approved (Zone A)
- 3022 Cedar Key: Conditionally Approved (Zone B)
- 3006 Cedar Key: Conditionally Restricted
- 3202 Waccasassa Bay: Conditionally Approved
- 3206 Waccasassa Bay: Conditionally Restricted
- 3402 Withlacoochee Bay: Conditionally Approved
- 3406 Withlacoochee Bay: Conditionally Restricted
- 3702 Citrus County: Conditionally Approved
- 3706 Citrus County: Conditionally Restricted
- 4202 Boca Ciega Bay: Conditionally Approved
- 4802 Lower Tampa Bay: Conditionally Approved
- 4806 Lower Tampa Bay: Conditionally Restricted
- 5402 Sarasota Bay: Conditionally Approved
- 5406 Sarasota Bay: Conditionally Restricted
- 5602 Lemon Bay: Conditionally Approved
- 5802 Gasparilla: Conditionally Approved
- 6002 Myakka River: Conditionally Approved
- 6006 Myakka River: Conditionally Restricted
- 6202 Pine Island Sound: Conditionally Approved
- 6602 Ten Thousand Islands: Conditionally Approved
- 7001 Indian River/St. Lucie: Approved
- 7006 Indian River/St. Lucie: Restricted
- 7202 North Indian River: Conditionally Approved
- 7206 North Indian River: Conditionally Restricted
- 7412 Body F: Conditionally Approved (Zone 1)
- 7422 Body F: Conditionally Approved (Zone 2)
- 7416 Body F: Conditionally Restricted (Zone 3)
- 7426 Body F: Conditionally Restricted (Zone 4)
- 7506 Body E: Conditionally Restricted
- 7602 Body D: Conditionally Approved
- 7606 Body D: Conditionally Restricted
- 7712 Body C: Conditionally Approved (Zone 1, March 1 through November 30)
- 7722 Body C: Conditionally Approved (Zone 2, March 1 through November 30)
- 7732 Body C: Conditionally Approved (December 1 through February 28 (or February 29 during a leap year)
- 7716 Body C: Conditionally Restricted (December 1 through February 28 (or February 29 during a leap year)
- 7726 Body C: Conditionally Restricted (March 1 through November 30)
- 7802 Body B: Conditionally Approved
- 7805 Body B: Restricted
- 7902 South Banana River: Conditionally Approved
- 7906 South Banana River: Conditionally Restricted
- 8001 Body A: Approved
- 8005 Body A: Restricted
- 8201 Volusia: Approved
- 8212 Volusia: Conditionally Approved (Zone 1)
- 8222 Volusia: Conditionally Approved (Zone 2)
- 8206 Volusia: Conditionally Restricted
- 8802 St. Johns South: Conditionally Approved
- 8806 St. Johns South: Conditionally Restricted
- 9202 St. Johns North: Conditionally Approved
- 9206 St. Johns North: Conditionally Restricted

INDEX OF SHELLFISH HARVESTING AREA MAPS

Revised April 14, 1999 ~~January 6, 1999~~

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Revised date
Apalachicola Bay System	16	16	<del>April 14, 1999</del> April 22, 1998
Boca Ciega Bay	42	42	April 15, 1997
Body A	80	80	October 10, 1997
Body B	78	78	April 15, 1997
Body C	77	77A, 77B	April 15, 1997
Body D	76	76	April 15, 1997
Body E	75	75	April 15, 1997
Body F	74	74	April 15, 1997
Cedar Key	30	30	April 15, 1997
Choctawhatchee Bay	06	06	April 15, 1997
Citrus County	37	37	April 15, 1997
Duval County	96	96	April 15, 1997
East Bay	12	12	April 15, 1997
Gasparilla Sound	58	58	April 15, 1997
Horseshoe Beach	25	25A, 25B	January 6, 1999
Indian Lagoon	15	15A, 15B	April 15, 1997
Indian River/St. Lucie Counties	70	70	April 15, 1997
Lemon Bay	56	56	May 20, 1998
Lower Tampa Bay	48	48	April 15, 1997
Myakka River	60	60	October 28, 1998
North Bay	10	10	April 15, 1997
North Indian River	72	72	April 15, 1997
North St. Johns	92	92	April 15, 1997
Ochlockonee Bay	20	20	August 26, 1998
Pensacola Bay System	02	02A, 02B	April 15, 1997
Pine Island Sound	62	62	October 28, 1998
Sarasota Bay	54	54	April 15, 1997
South Banana River	79	79	May 21, 1997
South St. Johns	88	88	April 15, 1997
South Volusia	82	82A, 82B	December 10, 1997
St. Joseph Bay	14	14	April 15, 1997
Suwannee Sound	28	28	December 17, 1997
Ten Thousand Islands	66	66	April 15, 1997
Waccasassa Bay	32	32	April 15, 1997
Wakulla County	22	22	April 15, 1997
West Bay	08	08A, 08B	October 28, 1998
Withlacochee Bay	34	34	April 15, 1997

INDEX OF SHELLFISH HARVESTING AREA  
CLASSIFICATION BOUNDARIES AND MANAGEMENT PLANS

Revised April 14, 1999 ~~January 6, 1999~~

Shellfish Harvesting Area			
Name	Area Number	Map Number(s)	Revised date
Apalachicola Bay System	16	16	<del>April 14, 1999</del> April 22, 1998
Boca Ciega Bay	42	42	April 15, 1997
Body A	80	80	October 10, 1997
Body B	78	78	April 15, 1997
Body C	77	77A, 77B	April 15, 1997
Body D	76	76	April 15, 1997
Body E	75	75	April 15, 1997
Body F	74	74	April 15, 1997
Cedar Key	30	30	April 15, 1997
Choctawhatchee Bay	06	06	April 15, 1997
Citrus County	37	37	April 15, 1997
Duval County	96	96	April 15, 1997
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South Volusia	82	82A, 82B	December 10, 1997
St. Joseph Bay	14	14	April 15, 1997
Suwannee Sound	28	28	December 17, 1997
Ten Thousand Islands	66	66	April 15, 1997
Waccasassa Bay	32	32	April 15, 1997
Wakulla County	22	22	April 15, 1997
West Bay	08	08A, 08B	October 28, 1998
Withlacoochee Bay	34	34	April 15, 1997

NAME OF PERSON ORIGINATING PROPOSED RULE: Robert Thompson  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edwin Conklin, Director, Division of Marine Resources  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 1999

**DEPARTMENT OF HEALTH**  
**Board of Medicine**

RULE TITLE: Fees  
RULE NO.: 64B8-41.001

PURPOSE AND EFFECT: The Board of Medicine has approved for the Dietetics and Nutrition Practice Council to amend this rule to change some of the fees and update the rule text regarding special accommodations.

SUMMARY: Recommendations were made to the Board of Medicine to update this rule to amend some of the fees and to notify applicants of the proper rule to refer to when requesting special accommodations, and the Board agreed to the changes.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.711, 468.507, 468.508 FS.  
LAW IMPLEMENTED: 455.641, 455.711, 468.508 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-41.001 Fees.

(1) The application fee for licensure shall be \$75.00 ~~\$50.00~~.

(2) The endorsement fee for an applicant seeking licensure by endorsement shall be 25.00 ~~\$50.00~~.

(3) through (4) No change.

(5) When the Counsel certifies the applicant to sit for the examination or for re-examination, it is the applicant's responsibility to complete the examination process with the national vendor. In compliance with the Americans for Disabilities Act, any applicant requesting special

accommodations shall comply with the Department of Health's rule 64B-1.005, F.A.C. The examination fee for an applicant seeking licensure by examination shall be \$150.00.

~~(6) The reexamination fee for an applicant seeking licensure by examination shall be \$150.00.~~

~~(6)(7)~~ The biennial renewal fee shall be \$50.00 of which \$5.00 is specifically earmarked for the fund to combat unlicensed activity pursuant to Section 455.641, Florida Statutes.

~~(7)(8)~~ The reactivation fee for inactive licenses shall be \$50.00 ~~\$10.00~~.

~~(8)(9)~~ No change.

~~(9)(10)~~ The inactive status fee shall be \$25.00 ~~\$10.00~~.

~~(10)(11)~~ No change.

~~(11)(12)~~ No change.

Specific Authority 468.507, 468.508, 455.711 FS. Law Implemented 468.508, 455.641, 455.711 FS. History--New 4-9-89, Amended 8-28-90, 11-9-92, Formerly 21M-47.001, Amended 9-21-93, 11-4-93, 1-3-94, Formerly 61F6-47.001, Amended 12-28-94, 5-2-95, Formerly 59R-41.001, Amended 11-24-97, \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dietetics and Nutrition Practice Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 26, 1999

**DEPARTMENT OF HEALTH**  
**Board of Medicine**

RULE TITLE: Temporary Permits  
RULE NO.: 64B8-42.003

PURPOSE AND EFFECT: The Board of Medicine has approved for the Dietetics and Nutrition Practice Council to amend the rule text.

SUMMARY: Recommendations were made to the Board of Medicine to update the rule text with regard to temporary permits and the board agreed to the amendments.

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

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

SPECIFIC AUTHORITY: 468.511, 468.507 FS.

LAW IMPLEMENTED: 468.511 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-42.003 Temporary Permits.

(1) No change.

(2) An applicant who has been issued a temporary permit based on apparent eligibility to take the ~~for the next scheduled~~ examination but who has never passed an examination to determine competency as recognized by the Board and who is not qualified for licensure by endorsement, may practice dietetics and nutrition under the supervision of a licensed dietitian/nutritionist until notification of the results of the examination. An applicant must take the examination within six months of the issuance of a temporary permit. A temporary permit shall expire one year from the date of issuance. The expiration date shall be extended for an applicant who did not take the examination due to illness, death of a family member, jury duty, military service, or similar circumstances beyond the applicant's control, provided a notarized statement and supporting documentation is supplied. Such extension is valid only until notification of the results of the next examination.

(3) No change.

Specific Authority 468.511, 468.507 FS. Law Implemented 468.511 FS. History--New 4-9-89, Formerly 21M-48.003, 61F6-48.003, Amended 11-12-95, Formerly 59R-42.003, Amended 11-24-97, \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dietetics and Nutrition Practice Council

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 26, 1999

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

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

##### Division of Consumer Services

RULE NO.: RULE TITLE:  
5J-12.005 Local Ordinances

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 2, January 15, 1999, Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-96	State Highway System Connection Permits, Administrative Process
RULE NOS.:	RULE TITLES:
14-96.007	Application Submittal, Review, Approval, and Conditions
14-96.011	Permit Modification or Revocation; Alteration or Closure of Permitted Connections
14-96.012	Closure and Modification of Unpermitted Connections (Including Those to be Considered "Grandfathered")

#### NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed rule amendments in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of rulemaking was published in Vol. 25, No. 7, February 19, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments provided by the Joint Administrative Procedures Committee.

1. In 14-96.007(6)(b), the word "may" is changed to "will" so that the section reads as follows:

"(b) Permit Time Extension. The permit ~~will may~~ be extended past the one year time limit (only with Department approval) for good cause, such as weather delays, natural disasters, local government coordination delays, or other technical problems not within the control of the applicant."

2. In 14-96.007(9), the next to last sentence is reworded to read as follows:

"Action will be taken to revoke, close, or modify an existing access across a corridor may be revoked by the Department if it interferes with the safe or efficient operation of the corridor or the state highway."

3. 14-96.011(2)(b), last sentence is reworded to read as follows:

"Where the Department's action requirement to file an application has become final and no timely application for a new access connection has been filed, the Department ~~will may~~ take ~~immediate~~ action to close or modify the connection in accordance with the notice."

4. In 14-96.012(2), the first sentence is deleted in its entirety.

“(2) Closure or Modification of Grandfathered Connections. ~~With regard to grandfathered connections, the Department may initiate action to require that a permit be obtained or may modify or close such connections under the provisions of paragraph (3)(a).”~~

5. In 14-96.012(3)(b)1., the second sentence is changed to read as follows:  
“If necessary to ensure safety and highway integrity, modifications, relocation, or closure of unpermitted connections will may be required by the Department as a requirement of permit approval, subject to the requirements of this rule chapter and Chapter 120, Florida Statutes.”

**PUBLIC SERVICE COMMISSION**

DOCKET NO. 980253-TX

RULE NOS.:	RULE TITLES:
25-4.300	Scope and Definitions
25-4.301	Applicability of Fresh Look
25-4.302	Termination of LEC Contract

**NOTICE OF CORRECTION**

In the Notice of Proposed Rulemaking published in Vol. 25, No. 13, April 2, 1999, Florida Administrative weekly, the Florida Public Service Commission published the incorrect Date Notice of Proposed Rule Development Published in FAW as Vol. 24, No. 11, March 13, 1998. The correct date published was Vol. 24, No. 14, April 3, 1998.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40E-63	Everglades Program
RULE NO.:	RULE TITLE:
40E-63.145	Compliance and Enforcement of Individual Permits

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 25, No. 6, February 12, 1999 issue of Florida Administrative Weekly:

40E-63.145 Compliance and Enforcement of Individual Permits.

(3)(a) The District shall begin collecting monitoring data from the EAA Basin on January 1, 1995, for the purpose of determining compliance with the phosphorus load reduction requirement calculated in accordance with Appendix 40E-63-3 (Basin Compliance) (Amended April, 1999) which is incorporated by reference into this Chapter. Copies of Appendix 40E-63-3 are available from the South Florida Water Management District, Regulation Department, Everglades Regulation Division, 3301 Gun Club Road, West Palm Beach, FL 33406-3089.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.016, 373.085, 373.086, 373.119, 373.129, 373.136, 373.451, 373.453, 373.4592, 373.603 FS. History—New 1-22-92, Amended 7-7-92, 6-30-97.

**DEPARTMENT OF ELDER AFFAIRS**

**Assisted Living Program**

RULE NOS.:	RULE TITLES:
58A-14.002	Definitions
58A-14.003	License Application, Renewal & Conditional Licenses
58A-14.0061	Admission and Appropriateness of Placement
58A-14.007	Standards and Practices for Care and Services
58A-14.009	Physical Site Standards
58A-14.010	Administrative Enforcement

**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. 25, No. 9, March 5, 1999, issue of the Florida Administrative Weekly.

58A-14.002 Definitions.

(1) through (15) No change.

(16) “Pressure sore ulcer” means a breakdown in skin integrity caused by immobility and prolonged pressure. The 4 stages of pressure sores can be identified as follows: stage 1 – a nonblanching macule that may appear red or violet; stage 2 – a skin breakdown as far as the dermis; stage 3 – a skin breakdown into the subcutaneous tissue; stage 4 – penetrate bone, muscle or the joint.

(17) through (19) No change.

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) through (2)(b) No change.

(c) During the license renewal process the agency shall:

1. Conduct an on-site survey of the AFCH. During the survey the agency shall:

a. Visually inspect all rooms and the outside grounds of the home and determine that the home meets the minimum physical site requirements of Rule 58A-14.009. The agency shall refer all safety and sanitation concerns to the county health department, and all fire safety concerns to the local authority with jurisdiction over fire safety.

b. Verify that residents meet the criteria for continued residency in an AFCH as provided in Rule 58A-14.0061, and that resident services are being provided in accordance with the standards established in Rule 58A-14.007.

c. Verify that the AFCH provider is complying with all facility, staff, and resident records requirements as provided in Rule 58A-14.0085.

2. Obtain information from the district Long-Term Care Ombudsman Council regarding complaints and whether complaints have been successfully resolved.

3. Request documentation of adequate financial resources to operate the adult family-care home in compliance with health and safety standards if ~~the agency has reasonable cause to believe that~~ the financial stability of the AFCH is in question. Indicators of financial instability ~~are:~~ include filing of bankruptcy; issuance of checks returned for insufficient funds; non-payment of rent, mortgage, utilities, staff wages or salaries, or taxes; ~~and~~ confirmed complaints to the agency or ombudsman council regarding withholding of funds or refunds due residents; and any other information which indicates the inability of the home to meet its financial responsibilities in a full and timely manner.

(3) through (4) No change.

58A-14.0061 Admission and Appropriateness of Placement.

(1)through (5) No change.

(6) DISCHARGE.

(a) Except as provided in paragraph (b), a resident shall not be discharged without 30 days' written notice stating reasons for the move or transfer. The notice shall be delivered to the resident or the resident's representative. ~~A resident or resident's representative who objects to the move shall be given the opportunity of an informal conference if requested in writing within 10 days of receipt of notice. Participants shall include the resident or resident's representative, and at the resident's or representative's request, a family member, the resident's case manager, a district long term care ombudsman council representative (LTCOC), a Human Rights Advocacy Committee (HRAC) representative; and the provider and representation from a provider association if the provider requests it. The purpose of the conference is to determine if a satisfactory resolution can be reached. This is not to be considered an administrative hearing.~~

(6)(b) No change.

58A-14.007 Standards and Practices for Care and Services.

(1) through (4)(d) No change.

(d) In order to ensure adequate nutrition and variety, meals shall be planned based on the recommendations of the U.S. Department of Agriculture's Food Guide Pyramid - A Guide to Daily Food Choices, dated August 1992, which is incorporated by reference; prepared by methods which conserve nutritional value; and served in a form easy for the residents to manage. A copy of the Food Guide Pyramid may be obtained from the Assisted Living Program, Department of Elderly Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, telephone number 850-414-2309.

(4)(e) through (6) No change.

58A-14.009 Physical Site Standards.

(1) GENERAL REQUIREMENTS.

(a) through (b) No change.

(c) In order to ensure a safe and sanitary environment, the AFCH ~~must shall be inspected subject to inspection~~ by the county health department, pursuant to rule chapter 64E-12, at the time of license application and prior to license renewal.

(2) COMMON AREAS

(a) At a minimum, there must be 40 square feet of common space per each resident and household occupant member, or a total of 150 square feet of common area, whichever is greater. Common space includes the living room, family room, and dining room. The basement and garage shall not be included in the total common area unless such space was constructed or renovated to be used as a common area pursuant to a lawfully issued permit. Household occupants include residents and household members, 2 years of age and older, who reside in the AFCH.

(b) No change.

(c) The AFCH shall, at a minimum, maintain a telephone in the home which is available and accessible for the residents' use at all times and, to the extent practicable, situated so as to facilitate private communication.

(d) through (5) No change.

58A-14.010 Administrative Enforcement.

(1) GENERAL REQUIREMENTS

(a) No change.

(b) In addition to agency personnel, reasonable access to enter and inspect a licensed AFCH must be provided to any designated agent of the department, the Department of Health, the local authority with jurisdiction over fire safety, the Department of Children and Family Services, ~~the Long Term Care Ombudsman Council~~, and the Human Rights Advocacy Committee ~~may enter and inspect the home at any time between the hours of 8:00 a.m. and 8:00 p.m., or any other time if necessary to investigate a complaint. Representatives of the district long-term care ombudsman council shall be provided reasonable access pursuant to the provisions of s. 400.0073, F.S.~~

(2) through (7) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Dunn, Office of General Counsel, (850)414-2000, Meta Calder, Assisted Living Program, (850)414-2309, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-21.006  
RULE TITLE: Exam Review Procedure

**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. 24, No. 44, October 30,

1998, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on March 31, 1999, in Orlando, Florida. The rule shall now read as follows:

61G15-21.006 Exam Review Procedure.

Exam review procedures are governed by rule 61-11.017, F.A.C. All reviews of answers, questions, papers, grades, and grading key shall be at a mutually convenient time and subject to national testing security requirements in order to insure the integrity of the examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Baron, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-24.001                      RULE TITLE: Schedule of Fees Adopted by Board  
 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. 24, No. 40, October 2, 1998, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held on March 31, 1999, in Orlando, Florida. Subsections (2) and (3) of the rule shall now read as follows:

- (2) Engineering fees (individuals and firms):
  - (a) through (k) No change.
  - (l) Examination Review – \$35.00
  - (m) Exam Rescoring Fee – Actual cost of rescoring by NCEES at \$50.00 per item
    - (l) through (m) renumbered (n) through (o) No change.
    - (p) Duplicate Certificate – \$25.00
    - (q) Verification of Licensure – \$25.00
- (3) Engineer Intern Fees:
  - (a) through (b) No change.
  - (c) Examination Review – \$35.00
  - (d) Exam Rescoring Fee – Actual cost of re-scoring by NCEES at \$50.00 per item

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.009                      RULE TITLE: Standard of Care for Office Surgery

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. 25, No. 3, of the January 22, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on the rule held on April 11, 1999, in Ft. Lauderdale, Florida. The Board, following the public hearing voted to make the following changes to the rule:

1. The first sentence of subsection (2)(c) shall be reworded to read, “A maximum of 5000 cc of total volume aspirant may be removed by liposuction in the office setting.”
2. The first sentence of subsection (2)(d) shall be reworded to read, “The maximum planned duration of a procedure must not exceed 6 hours.”
3. In subsection (3)(a)1., the word “oral” shall be inserted before the word “tranquilization.”
4. Subsection (3)(a)2., shall be reworded to read, “Tumescent liposuction involving the removal of less than 2000 cc total volume aspirant is permitted.”
5. In the last sentence of subsection (3)(a)4., the word “oral” shall be inserted before the word “tranquilization.”
6. Subsection (4)(a)1., shall be reworded to read, “1. Level II Office Surgery is that in which peri-operative medication and sedation are required intravenously, intramuscularly, or rectally, thus making post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and tumescent liposuction involving the removal of more than 2000 cc total volume aspirant.”
7. In subsection (4)(b)3., the following new subsections shall be inserted:
  - f. Emergency intubation equipment.
  - g. End tidal CO2 monitor.
 In addition, the current subsections f. through i, shall be renumbered as h. through k.
8. Subsection (5)(b)3.c., shall be reworded to read: “Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.”
9. Subsection (5)(b)4., shall be reworded to read, “Assistance of Other Personnel Required. Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(b)6., Florida Administrative Code, must administer the general or regional anesthesia and an M.D., D.O., Registered Nurse, Licensed Practical Nurse, Physician Assistant, or Operating Room Technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. If the anesthesia provider is not an anesthesiologist, and the surgical case is classified under the American Society

of Anesthesiology's risk classification criteria as other than class I or II, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia. However, if the anesthesia provider is not an anesthesiologist, and the surgical case is classified under the American Society of Anesthesiology's risk classification criteria as class I or II, direct supervision may be provided by the surgeon instead of an M.D. or D.O. anesthesiologist, if the surgeon has the background, training or experience to adequately handle an anesthesia emergency. The surgeon must secure written informed consent from the patient reflecting the patient's consent to the type of anesthesia provider, i.e., M.D., or D.O., anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(b)6., Florida Administrative Code. A licensed registered nurse or licensed practical nurse certified in Basic Life Support must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-4.002  
 RULE TITLE: Occupational Therapy Aides and Other Unlicensed Personnel Involved in the Practice of Occupational Therapy

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 14, April 9, 1999, issue of the Florida Administrative Weekly. The change to this rule is in response to comments received from a Board meeting held in Pensacola, Florida on April 12, 1999. Subsection (5)(f) of this rule shall now read as follows:

(5)(f) Provide patient treatment

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-sufficiency Program Office**

RULE NO.: 65A-4.301  
 RULE TITLE: Drug Screening and Testing of Temporary Cash Assistance Applicants

**NOTICE OF CHANGE**

Notice is hereby given that changes are being made to the rule identified above as published in Vol. 24, No. 48, Florida Administrative Weekly, on November 25, 1998, and amended by a notice of change published in Vol. 25, No. 5, Florida Administrative Weekly, on February 5, 1999. These changes are the result of comments received at a noticed public hearing held on April 6, 1999.

The specific changes are as follows:

In paragraph (1) following sub-paragraph (a) insert a new sub-paragraph (b) as follows, "(b) "Medical Review Officer or MRO" means a licensed physician qualified under section 59A-24.008(1)(a)-(e), F.A.C."

In sub-paragraph (1)(c), following "applicant is", insert "possibly".

In sub-paragraph (1)(f), delete the last sentence as follows, "~~Copies of the SASSI screening instrument may be obtained from the Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.~~"

Renumber existing sub-paragraphs (1)(b) through (g) as (1)(c) through (h).

In sub-paragraph (3)(b)2., the first sentence, following, "Applicants shall sign" insert "form" and delete "~~Notice of Drug Screening, Testing and Treatment,~~", and following "CF-ES 2274," insert "Dec" and delete "Nov". In the same sub-paragraph, delete the second sentence, "~~Copies of form CF-ES 2274 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.~~"

In sub-paragraph (3)(b)3., in the single sentence following, "and treatment," insert, "a list of over-the-counter and prescription drugs as provided for under Section 59A-24.005(2)(g).".

In paragraph (4), in the first sentence, following "to a drug test", insert, "in accordance with Chapter 59A-24, Florida Administrative Code". In the same sub-paragraph, the second sentence, following "Drug testing" insert "shall consist of" and delete "~~in the context of this rule shall be done based upon~~".

In the same paragraph, the third sentence, following "shall be" insert "collected at collection sites as defined in section 59A-24.003(4), F.A.C." and delete "~~collected at the WAGES eligibility service site or treatment program site~~".

In sub-paragraph (4)(a)1., at the end of the sentence, insert "through a laboratory licensed under section 59A-24.006, Florida Administrative Code, and the training shall be documented in the person's personnel file."

Delete sub-paragraph (4)(a)5., "~~5. The requirements of section 112.0455 (9), (11), and (12), Florida Statutes, Drug-Free Workplace Act, shall also apply.~~"

In sub-paragraph (4)(b), the first sentence, following “the applicant” insert “shall be notified of the drug test results”, and delete “~~will be advised by the person who conducted the screening of the results of the initial drug test.~~” In the same sub-paragraph, the second sentence, following “will be informed of”, insert “the failure by the Medical Review Officer (MRO), who shall:

1. Inform the applicant that the MRO is an agent of the department whose responsibility is to make a determination on test results and report them to the department.

2. Inform the applicant that medical information revealed during the MRO’s inquiry will be kept confidential, unless the MRO believes that such information is relevant to the safety of the applicant or others. Any additional release of information shall be solely pursuant to a written consent form signed voluntarily by the applicant, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

3. Inform the applicant of available substance abuse treatment programs and of the requirement for treatment in order to be eligible for temporary cash assistance., and delete the words “~~available substance abuse treatment programs and of the requirement for treatment in order to be eligible for temporary cash assistance.~~”

In sub-paragraph (4)(c), the title, insert “Request for” and delete “~~Drug~~”. In the same sub-paragraph, insert

1. The applicant shall notify the laboratory in writing of the intent to challenge the test, and such notice shall include reference to the chain of custody specimen identification number. Following notification, the sample shall be retained by the laboratory until the appeal is settled.

2. Within 180 days of receiving notification of a positive test result, the applicant shall be permitted to have a portion of the specimen retested, at the applicant’s expense. The laboratory which performed the initial test shall be responsible for transferring a portion of the specimen to be retested to a second licensed laboratory, selected by the applicant, and shall be responsible for the integrity of the specimen and for the chain of custody during such transfer.

3. Authorization for Reanalysis. In those instances where the accuracy or validity of a test result is questioned, the MRO may order a reanalysis of the original sample at any licensed laboratory.

4. Scientifically Unsatisfactory Results. In those instances where the MRO determines that the results of a drug test are scientifically unsatisfactory, the MRO may request that the applicant provide another sample or request a reanalysis of the original sample prior to initiating further action. The MRO is permitted to request that the reanalysis be performed by the same laboratory or, that a portion of the original specimen be

sent to another licensed laboratory. The laboratory shall assist in this review as requested by the MRO and shall make available appropriate personnel to provide consultation as required by the MRO. The MRO shall report all findings based on the unsatisfactory specimen, but shall not include any personal identifying information in such reports.”

In sub-paragraph (4)(c), delete the balance of the current draft text as follows, “In those instances where an applicant fails the initial drug test, the applicant may request that a retest be conducted in accordance with the following:

1. The applicant has reason to believe that the results were based upon faulty specimen collection procedures, or were caused by faulty laboratory procedures;

2. In either case, the request shall be submitted in writing by the applicant to the screener who shall initiate and track the retest process;

3. Any additional testing shall be conducted at equal or greater sensitivity for the drug in question, and in accordance with subsection (4)(a)1. through 5., of this rule;

4. The additional testing shall be a confirmation test of the original specimen, and shall be conducted in accordance with section 112.0455(9), F.S., and at the applicant’s expense, payable in advance; and

5. The person who conducted the screening shall report results of the retest to the applicant.”

In paragraph (4), insert a new sub-paragraph (a) as follows: “(a) Responsibilities of the Medical Review Officer. The Medical Review Officer (MRO) shall evaluate all positive drug test results to verify that the specimen was collected, transported, and analyzed under proper procedures, as specified in Chapter 59A-24, and to determine if the positive test result was caused by other circumstances. The MRO will review and confirm all medical information provided by the applicant. As a safeguard to applicants, once an MRO verifies a positive test result, the MRO may change the verification of the result if the applicant presents information to the MRO which documents that a serious illness, injury, or other circumstance prevented the applicant from contacting the MRO within the specified time frame and if the applicant presents information concerning a legitimate explanation for the positive test result.

The MRO shall process applicant requests for a retest of the original specimen within 180 days of notice of the positive test result at another licensed laboratory selected by the applicant. The applicant shall be required to pay for the costs of the retest, including handling and shipping expenses. The MRO shall contact the original laboratory to initiate the retest.”

Re-letter the existing sub-paragraphs 65A-4.301(4)(a) through (c) to 65A-4.301(4)(b) through (d).

Insert a new sub-paragraph (4)(e) as follows, “(e) Right to Retake a Drug Test. The applicant has the right to retake a drug test when the original specimen is determined by the testing

laboratory and verified by the MRO to be designated as either "test not performed" or "test canceled". These designations are assigned to the specimen when it is determined during the initial screen and confirmation test that:

- 1. Something in the specimen is interfering with the testing process; or
- 2. There is reason to believe that a fatal error exists in the collection process that can not be corrected with an affidavit of explanation as follows:
  - a. Specimen label number on the bottle does not match the specimen label of the chain of custody form;
  - b. The seal on the specimen bottle has been broken; or
  - c. The seal has been broken and the content of the bottle is insufficient to perform the required test."

Re-number the existing sub-paragraph (4)(d), Drug Test Appeals, as paragraph (5). In the title of that paragraph, delete "Drug Test" and following "Appeals" insert "Hearings". In that paragraph, delete the first sentence, "Applicants have the right to appeal the results of drug tests.", and in the second sentence delete the words "regarding such appeals".

Inset a new sub-paragraph (4)(f) as follows: "(f) Notification of Drug Testing Rights. Notification of drug testing rights will be through form CF-ES 2281. Positive Drug Testing Notification of Rights. Apr 99 (incorporated by reference)."

Re-number existing paragraphs (5) through (9) as paragraphs (6) through (10).

In the re-numbered paragraph (6), Agreement to Seek Treatment and Consent to Release Confidential Information, in the fifth sentence following "CF-ES 2276," insert "Dec", and delete "Nov". In the same paragraph, delete the sixth sentence as follows, "Copies of form CF-ES 2276 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700."

In the re-numbered paragraph (7), Treatment, sub-paragraph (a), delete the fifth sentence as follows, "Copies of the Addiction Severity Index-LITE form may be obtained from the Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700."

In the same paragraph, sub-paragraph (c), the title, insert "Follow-up" following "Drug" and delete "Re" prior to "Test". In the second sentence following "applicant fail the" insert "follow-up" prior to "drug" and delete "re" prior to "test".

In the re-numbered paragraph (8), Formerly Treated Applicants, at the end of the single sentence, insert "at the time of application".

In the re-numbered paragraph (10), Treatment Program Resources, the first sentence, following "and local WAGES", insert "Coalitions or their contracted".

Insert a new paragraph (11), as follows, "(11) Forms Availability. Copies of the SASSI screening instrument and the Addiction Severity Index-LITE form may be obtained from the

Department of Children and Family Services, Substance Abuse Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Copies of forms CF-ES 2274, CF-ES 2276 and CF-ES 2281 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700."

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 69 Specifics  
 RULE NO.: 53ER99-16  
 SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 69, "COOL BILL" for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.  
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

- 53ER99-16 Instant Game 69 Specifics.
- (1) Name of Game. Instant Game Number 69. "COOL BILL."
  - (2) Price. COOL BILL tickets sell for \$1.00 per ticket.
  - (3) COOL BILL Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning COOL BILL Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any COOL BILL Lottery ticket, the VIRN number under the latex shall prevail over the bar code.
  - (4) The play symbols and play captions in COOL BILL are as follows:

INSERT CHART HERE

(5) The "BONUS BOX" play symbols and play captions in COOL BILL are as follows:

INSERT CHART HERE

(6) Determination of Prize Winners.

(a) The holder of a ticket having three "TICKET" play symbols exposed in the play area shall be entitled to a prize of a free \$1.00 ticket.

(b) The holder of a ticket having three like amounts exposed in the play area shall be entitled to a prize of the amount shown.

(c) The holder of a ticket having a "SUNGLASSES" symbol exposed in the play area shall be entitled to a prize of \$10.

(7) Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$5.00, \$20.00, \$25.00, \$50.00 \$100, \$500, \$2,000 and \$4,000.

(8) Number and Size of Prizes. The following prizes will be available in Instant Game Number 69 COOL BILL:

(a) Approximately 1,728,158 prizes falling in the cash categories of 50 pools of 240,000 tickets.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 69 are as follows:

GET:	WIN	NUMBER IN 50 POOLS	ODDS
3-TICKETS	TICKET	1,400,000	1 in 8.57
3-\$1s	\$1	920,000	1 in 13.04
3-\$2s	\$2	440,000	1 in 27.27
3-\$5s	\$5	160,000	1 in 75.00
SUNGLASSES	\$10	160,000	1 in 75.00
3-\$20s	\$20	40,000	1 in 300.00
3-\$25s	\$25	3,500	1 in 3,428.57
3-\$50s	\$50	2,500	1 in 4,800.00
3-\$100s	\$100	2,000	1 in 6,000.00
3-\$500s	\$500	150	1 in 80,000.00
3-\$2,000s	\$2,000	4	1 in 3,000,000.00
3-\$4,000s	\$4,000	4	1 in 3,000,000.00

(9) The over-all odds of winning any prize in Instant Game Number 69 are 1 in 3.84.

Specific Authority 24.105(10)(a),(c),(e), 24.109(1) FS. Law Implemented 24.105(10)(a),(c),(e), 24.109(1) FS. History--New 4-7-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 7, 1999

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game 66 Specifics  
 RULE NO.: 53ER99-19  
 SUMMARY OF THE RULE: This emergency rule relates to Florida Lottery Instant Game 66, "BLACKJACK," for which Lottery retailers will begin selling tickets on a date to be

determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-19 Instant Game 66 Specifics.

(1) Name of Game. Instant Game Number 66, "BLACKJACK."

(2) Price. BLACKJACK tickets sell for \$1.00 per ticket.

(3) BLACKJACK Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning BLACKJACK Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any BLACKJACK Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "YOUR CARDS" play symbols and play symbol captions in BLACKJACK are as follows:

INSERT CHART HERE

(5) The "PRIZE" play symbols and captions in BLACKJACK are as follows:

INSERT CHART HERE

(6) The "DEALER'S TOTAL" play symbols and captions in BLACKJACK are as follows:

INSERT CHART HERE

(7) Determination of Prize Winners. There are 4 games on each ticket. In order for a ticket to be a winning ticket, the two cards exposed in the "YOUR CARDS" play area in one of the 4 games when added together must be higher than the number exposed in the "DEALER'S TOTAL" play area. Players may win in one or more games per ticket.



(a) The holder of a ticket having two cards exposed in the "YOUR CARDS" play area in a game, the sum of which is greater than the number exposed in the "DEALER'S TOTAL" play area, and a TICKET shown as the corresponding game prize, shall be entitled to a prize of a free \$1.00 ticket.

(b) The holder of a ticket having two cards exposed in the "YOUR CARDS" play area in a game, the sum of which is greater than the number exposed in the "DEALER'S TOTAL" play area, shall be entitled to the corresponding prize amount shown for that game.

(8) The point value assigned to Kings, Queens and Jacks is 10, and the point value assigned to Aces is 11.

(9) Prize amounts which may appear in the "PRIZE" play area are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$100, \$700 and \$2,100.

(10) Number and Size of Prizes. The following prizes will be available in Instant Game Number 66, BLACKJACK:

(a) Approximately 1,568,616 prizes falling in the cash categories of 50 pools of 240,000 tickets.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 66 are as follows:

IF YOUR CARDS TOTAL BEAT THE DEALER'S TOTAL WITH PRIZE(S) OF:	WIN TICKET	NUMBER IN 50 POOLS	ODDS
TICKET		1,440,000	1 in 8.33
\$1	\$1	480,000	1 in 25.00
\$1 + \$1	\$2	360,000	1 in 33.33
\$1 + \$1 + \$1 + \$1	\$4	360,000	1 in 33.33
\$2 + \$2	\$4	160,000	1 in 75.00
\$4	\$4	80,000	1 in 150.00
\$1 + \$2 + \$2 + \$5	\$10	80,000	1 in 150.00
\$5 + \$5 + \$5 + \$5	\$20	40,000	1 in 300.00
\$10 + \$10 + \$10 + \$10	\$40	4,300	1 in 2,790.70
\$20 + \$20	\$40	4,250	1 in 2,823.53
\$100 x 4	\$400	50	1 in 240,000.00
\$700 + \$700 + \$700	\$2,100	8	1 in 1,500,000.00
\$2,100	\$2,100	8	1 in 1,500,000.00

(11) The over-all odds of winning any prize in Instant Game Number 66 are 1 in 3.99.

Specific Authority 24.105(10)(a),(c),(e), 24.109(1) FS. Law Implemented 24.105(10)(a),(c),(e) FS. History--New 4-7-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: April 7, 1999

**DEPARTMENT OF THE LOTTERY**

RULE TITLE: Instant Game 70 Specifics  
 RULE NO.: 53ER99-21

SUMMARY OF THE RULE: This emergency rule relates to the Instant Game 70, "STARS & STRIPES" for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-21 Instant Game 70 Specifics.

(1) Name of Game. Instant Game Number 70. "STARS & STRIPES."

(2) Price. STARS & STRIPES tickets sell for \$2.00 per ticket.

(3) STARS & STRIPES Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning STARS & STRIPES Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any STARS & STRIPES Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) The "WINNING NUMBERS" play symbols and play symbol captions in STARS & STRIPES are as follows:

INSERT CHART

(5) The "YOUR NUMBERS" play symbols and play symbol captions in STARS & STRIPES are as follows:

INSERT CHART

(6) The prize symbols and prize symbol captions in STARS & STRIPES are as follows:

INSERT CHART

(7) Determination of Prize Winners.

(a) The holder of a ticket having any number exposed in the "YOUR NUMBERS" play area that matches any number in the "WINNING SYMBOLS" play area and a TICKET shown as the prize shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that total \$2.00.

(b) The holder of a ticket having any number exposed in the "YOUR NUMBERS" play area that matches any number in the "WINNING NUMBERS" play area shall be entitled to a prize of the amount shown for that number.

(c) The holder of a ticket having a "FIRECRACKER" symbol exposed in the "YOUR NUMBERS" play area shall be entitled to a prize of \$10.

(8) Prize amounts which may appear in the play area are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$50.00, \$500, \$1,000, and \$10,000.

(9) Number and Size of Prizes. The following prizes will be available in Instant Game Number 70 STARS & STRIPES:

(a) Approximately 1,703,530 prizes falling in the cash categories of 84 pools of 120,000 tickets per pool.

(b) The expected value, number of prizes, and odds of winning in Instant Game Number 70 are as follows:

IF EITHER WINNING NUMBER MATCHES ANY OF YOUR NUMBERS OR GET FIRECRACKER WITH PRIZES OF:			
WIN	NUMBER IN	ODDS	
	84 POOLS		
FREE TICKET	1,209,600	1 in 8.33	
\$2	806,400	1 in 12.50	
\$2 + \$2	268,800	1 in 37.50	
\$4	201,600	1 in 50.00	
\$2 x 4	67,200	1 in 150.00	
\$1 x 10	67,200	1 in 150.00	
FIRECRACKER	201,600	1 in 50.00	
\$2 x 10	33,600	1 in 300.00	
\$20	33,600	1 in 300.00	
\$50	16,800	1 in 600.00	
\$5 x 10	3,948	1 in 2,553.19	
\$1 x 2 + \$4 x 2 + \$5 x 2 + \$20 x 4	1,260	1 in 8,000.00	
\$5 x 4 + \$20 x 4	1,260	1 in 8,000.00	
\$500	168	1 in 60,000.00	
\$50 x 10	84	1 in 120,000.00	
\$1,000 x 10	5	1 in 2,016,000.00	
\$10,000	5	1 in 2,016,000.00	

(10) The over-all odds of winning any prize in Instant Game Number 70 are 1 in 3.46.

Specific Authority 24.105(10)(a),(b),(c), 24.109(1) FS. Law Implemented 24.105(10)(a),(b),(c) FS. History—New 4-12-99.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE  
EFFECTIVE DATE: April 12, 1999

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE TITLES:	RULE NOS.:
Definitions	61H1ER99-1
Fifth Year of Accounting Education Program	61H1ER99-2
General Requirements	61H1ER99-3
Eligibility Criteria	61H1ER99-4
Scholarships	61H1ER99-5
Terms for Council Members	61H1ER99-6
Fees	61H1ER99-7

SPECIFIC REASON FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Legislature granted authority to the Board to establish a minority scholarship fund under Section 473.3065, Florida Statutes. The scholarships are to be awarded for the 1999 fall school session. Failure to promulgate emergency rules will prevent those minorities entitled to apply from understanding the criteria and qualifications needed to apply.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The deadline for applying for the newly created scholarship program is May 1, 1999. Under such a circumstance it is important that an emergency rule be enacted until such time that the Board may promulgate new formal administrative rules addressing the procedural issues in administering the fund and standards for application. Absent these rules, there is no established procedure for which applicants may submit applications for the 1999-2000 school year.

SUMMARY OF THE RULE: The Legislature has granted the Board authority under Section 473.3065, Florida Statutes, to establish standards and procedures under which minorities may apply for scholarship assistance.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Martha Willis, Executive Director, Board of Accountancy, 2610 N. W. 43 Street, Suite 1A, Gainesville, Florida 32606

THE FULL TEXT OF THE EMERGENCY RULES IS:

61H1ER99-1 Definitions.  
Minority – As used herein, the term "minority" shall have the same meaning as set out in Section 288.703(3), F.S.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History—New 4-14-99.

61H1ER99-2 Fifth Year of Accounting Education Program.

As used in Section 473.3065(1), a student will be deemed to be enrolled in the "fifth year of accounting education program" so long as the student has completed or is in the final semester of completing a minimum of one hundred and twenty (120) semester hours of academic credit and either is in the process of matriculation in an academic program of higher learning in

this state that will result in completion of at least thirty (30) semester hours in excess of that required for a baccalaureate degree or, when the scholarship authorized under Section 473.3065, F.S., will be awarded, has been accepted into and will be enrolled in a different program of higher learning at an approved institution of higher learning in this state that will result in the completion of at least thirty (30) semester hours in excess of that required for a baccalaureate degree. Any program meeting this definition must be configured such that successful completion of the program will qualify a candidate to take the CPA examination on Florida under the provisions of Chapter 473, F.S., and the rules promulgated thereto.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 4-14-99.

61H1ER99-3 General Requirements.

Approved Institutions – Residency scholarships will only be awarded to students who are Florida residents and who are enrolled in the fifth year of an accounting education program in an institution of higher learning in this state which is accredited by one of the accrediting bodies set forth in Rule 61H1-27.001, F.A.C.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 4-14-99.

61H1ER99-4 Eligibility Criteria.

A student who meets the foregoing general criteria shall be eligible to be chosen to receive a scholarship so long as the following criteria are met:

(1) Applicants must demonstrate a financial need which is defined as the cost of attendance at an institution of higher education less the expected family contribution and any gift aid for which the student is entitled. “Cost of attendance” is defined as a Board approved estimate of the expenses incurred by a typical financial aid student attending college. It includes direct educational costs (tuition, supplies, computers) as well as indirect costs (room and board, transportation, laundry, child care and personal expenses). Applicants will be required to authorize the Certified Public Accountant Education Minority Assistance Advisory Council (Council) to verify information submitted including financial assistance and educational costs. It is the intent that scholarship money from this source should not affect a student’s eligibility for other scholarships, but should reduce their self-help aid. However, the Council shall take other assistance into consideration when determining a student’s eligibility for a scholarship under this section.

(2) Applicants must be enrolled as full-time students in a fifth year accounting program as defined in 473.306(2), F.S., at an approved institution as defined in 61H1-27.001, F.A.C., and declared a major in accounting.

(3) Applicants must demonstrate scholastic ability of a minimum undergraduate grade point average of 2.5 based on a 4.0 scale.

(4) Applicants must academically in good standing as defined by the college or university.

(5) Applicants must be of “good moral character” as that term is defined in Section 473.306(4)(a), F.S.

(6) All applications must be postmarked by May 1 of the year to which the scholarship will apply.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 4-14-99.

61H1ER99-5 Scholarships.

(1) Scholarships will be awarded in the amount of \$3,000.00 per semester up to a maximum of two (2) semesters.

(2) Scholarship checks will be made payable jointly to the institution and the student and will be mailed during August for those enrolled in the fall term and during December for those enrolled in the winter term.

(3) A maximum of \$100,000.00 may be expended for all scholarships each year.

(4) A minimum of \$1,000.00 must be maintained in the program account.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 4-14-99.

61H1ER99-6 Terms for Council Members.

Initial terms will be phased in by appointing two (2) members for a two (2) year term to expire December 31, 2000, and two (2) members to a three (3) year term to expire December 31, 2001. Thereafter all terms will be three (3) years except for the Board Member who shall be appointed annually by the Board Chair.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 4-14-99.

61H1ER99-7 Fees.

An equal assessment per license not to exceed \$10 per license shall be made in an amount needed to collect \$105,000.00 during the first fiscal year of the fund and to collect \$100,000.00 per fiscal year thereafter in order to fund the authorized scholarships.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New 4-14-99.

THIS EMERGENCY RULE SHALL TAKE EFFECT IMMEDIATELY UPON FILING WITH THE DEPARTMENT OF STATE

EFFECTIVE DATE: April 14, 1999

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### **PUBLIC SERVICE COMMISSION**

NOTICE IS HEREBY GIVEN that on December 17, 1998, the Florida Public Service Commission received a Petition for Waiver of Rules 25-24.515(7), 25-24.620(2)(c), and 25-24.620(2)(d), Florida Administrative Code, from Public Payphone U.S.A., Inc., DOCKET NO. 981878-TC. These rules prohibit the provision and billing of 0+ local and 0+ intraLATA calls placed by inmates from confinement institutions. Public Payphone U.S.A., Inc., sought waiver of these rules to allow it to provide and bill for 0+ local and 0+ intraLATA calls placed by inmates using its store-and-forward pay telephones. No comments on this Petition were received. By letter dated March 3, 1999, the company withdrew its request. By Order No. PSC-99-0662-FOF-TC, issued April 5, 1999, we acknowledged the company's withdrawal of its request. A copy of this Order may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850. This Docket shall, therefore, be closed. For additional information, contact Beth Keating, Division of Legal Services, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or telephone (850)413-6212.

NOTICE IS HEREBY GIVEN that on December 17, 1998, the Florida Public Service Commission received a Petition for Waiver of Rule 25-24.515(9), Florida Administrative Code, and Commission Order No. 14529 from Public Payphone U.S.A., Inc., DOCKET NO. 981877-TC. Rule 25-24.515(9), Florida Administrative Code, requires that each pay telephone be connected as provided in the tariff of the local exchange company. Order No. 14529 requires that there be only one pay telephone per access line. No comments on this Petition were received. By letter dated February 8, 1999, the company withdrew its request. By Order No. PSC-99-0663-FOF-TC, issued April 5, 1999, we acknowledged the company's withdrawal of its request. A copy of this Order may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399-0850. This Docket shall, therefore, be closed. For additional information, contact Beth Keating, Division of Legal Services, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or Telephone (850)413-6212.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Florida Power & Light Company filed March 3, 1999, in Docket No. 990249-EG, Petition by Florida Power & Light Company for

approval of a standard offer contract and revised COG-2 tariff; seeking waiver from Rule 25-17.0832(4)(3)(e), Florida Administrative Code. The rule addresses minimum specifications for standard offer contracts. Comments on the petition should be filed with the Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days after publication of this notice. A copy of the petition can be obtained from the Division of Records and Reporting. For additional information, please contact Leslie Paugh, Division of Legal Services, at the above address or telephone (850)413-6199.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Telaleasing Enterprises, Inc.'s petition for waiver for Rule 25-24.515(13), Florida Administrative Code, filed January 8, 1999, in Docket No. 990031-TC and 990032-TC, was approved by the Commission at its March 16, 1999 Agenda Conference. Order No. PSC-99-0680-FOF-TC, issued April 7, 1999 memorialized the decision. The rule requires pay telephone stations to allow incoming calls to be received. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on February 12, 1999. A copy of the Order can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Public Communications, Inc.'s petitions for waiver of Rule 25-24.515(13), Florida Administrative Code, filed January 8, 1999 in Docket No. 990030-TC, and January 21, 1999 in Docket No. 990078-TC, were approved by the Commission at its March 16, 1999 Agenda Conference. Order No. PSC-99-0681-FOF-TC, issued April 7, 1999 memorialized the decision. The rule requires pay telephone stations to allow incoming calls to be received. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition in Docket No. 990030-TC was published in the FAW on February 5, 1999. Notice of the petition in Docket No. 990078-TC was published in the FAW on February 12, 1999. A copy of the Orders can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that Allnet Communication Services, Inc. d/b/a Frontier Communications Service's petition for waiver of Rule 24-24.490(2), Florida Administrative Code, filed January 7, 1999, in Docket No. 990027-TI, was approved by the

Commission at its March 16, 1999 Agenda Conference. Order No. PSC-99-0685-FOF-TI, issued April 7, 1999 memorialized the decision. The rule requires an interexchange telecommunications company to maintain on file with the Commission a bond covering its current balance of deposits and advance payments from its customers. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on February 12, 1999. A copy of the Order can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission received a petition from PhoneTel Technologies, Inc. in Docket No. 990460-TC, seeking waiver from Rule 25-24.515(16)(a) and Rule 25-24.515(16)(b), Florida Administrative Code. The rules require telephone directories to be maintained at pay telephone stations, and require that a notice appear on the telephone placard if local directory assistance is being provided at no charge. Comments on the petition should be filed with the Commission's Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, within 14 days of publication of this notice. For additional information, please contact John Miller, Division of Legal Services, at the above address or telephone (850)413-6199.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on March 24, 1999, a petition from LFR, Inc., seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), Florida Administrative Code, for the use of a remediation process to clean up sites with contaminated ground water. The petition has been assigned OGC case number 99-0479. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on March 22, 1999, a petition from IT Corporation, seeking a variance under section 120.542 of the Florida Statutes from the prohibition from a zone of discharge under rule 62-522.300(2)(a), Florida Administrative Code, for the use of a remediation process to clean up sites with contaminated ground water. The petition has been assigned OGC case number 99-0467. Copies may be

received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

NOTICE IS HEREBY GIVEN that the Florida Department of Environmental Protection received, on January 6, 1999, a petition from Island Water Association, Inc., seeking a variance from the 500-foot radial setback requirement of a wellhead protection area under rules 62-521.200(7), and 62-521.400(1)(f) of the Florida Administrative Code, to place a Class I underground injection control well 273.7 feet from a public supply well which provides water to petitioner's reverse osmosis water treatment plant in Lee County. The injection well would discharge concentrate from the reverse osmosis process for petitioner's public drinking water system and effluent from the City of Sanibel's wastewater treatment plant. The petition has been assigned OGC case number 99-0048. Copies may be received from, and written comments submitted to, Department of Environmental Protection, Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000; Attn: Cynthia Christen. Comments must be received no later than 14 days from the date of publication of this notice.

On August 10, 1998, the Department received a petition for variance under section 120.542 of the Florida Statutes from the Milwaukee Metropolitan Sewerage District to obtain a variance from the specific criteria of rule 62-640.850(4)(f) and (6) and rule 62-640.850(5)(b) of the Florida Administrative Code. These rules address the requirement that residuals be analyzed by a Florida certified laboratory and the labeling requirements for residuals being shipped into Florida. A Notice of Variance Petition was published in the August 28, 1998, edition of the Florida Administrative Weekly.

On April 8, 1999, the Department issued an order granting in part and denying in part the petition for variance. The Department granted the requested variance from the labeling requirements for residuals being shipped into Florida on the grounds that the petitioner demonstrated that the application of the rule would create a substantial hardship and that the granting of the variance would achieve the underlying purpose of the statute. The Department denied the requested variance from having residuals analyzed by a Florida certified laboratory on the grounds that the petitioner did not demonstrate that the application of the rule would create a substantial hardship nor that the granting of the variance would achieve the underlying purpose of the statute. A copy of this order may be obtained by contacting: Jennifer Fitzwater, Office

of General Counsel, Department of Environmental Protection, 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000, Telephone (850)488-9314.

The Department's proposed action on this variance shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57 of the Florida Statutes before the deadline for filing a petition. The procedures for petitioning for a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed decision may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Petitions filed by any persons other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within twenty-one days of publication of the notice or within twenty-one days of receipt of the written notice, whichever occurs first.

Under section 120.60(3) of the Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within twenty-one days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under sections 120.569 and 120.57 of the Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case identification number and the county in which the subject matter or activity is located; (b) A statement of how and when each petitioner received notice of the Department action; (c) A statement of how each petitioner's substantial interests are affected by the Department action; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action; (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wants the Department to take.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by rule 28-106.301.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under section 120.573 of the Florida Statutes is not available for this proceeding.

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## Section VI Notices of Meetings, Workshops and Public Hearings

### DEPARTMENT OF STATE

The Board of Directors of the **Historic Pensacola Preservation Board** announce a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 10, 1999, 12:00 noon

PLACE: 330 S. Jefferson Street, Pensacola, FL 32501

PURPOSE: General Business Meeting

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, 330 S. Jefferson Street, Pensacola, Florida 32501.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

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The **Board of Directors of Historic Pensacola, Inc.**, the direct support organization of the Historic Pensacola Preservation Board announce a public meeting to which all persons are invited.

DATE AND TIME: Monday, May 10, 1999, immediately following the meeting of the Historic Pensacola Preservation Board, 12:00 noon

PLACE: T. T. Wentworth Museum, 330 S. Jefferson Street, Pensacola, FL 32501

PURPOSE: General business meeting

A copy of the agenda may be obtained by writing: Historic Pensacola Preservation Board, 330 S. Jefferson Street, Pensacola, Florida 32501.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

**DEPARTMENT OF LEGAL AFFAIRS**

The Policies and Procedures Committee of the **Florida Commission on the Status of Women** will hold a telephone conference.

DATE AND TIME: May 12, 1999, 10:00 a.m.

PLACE: Call (850)414-3300 for instructions on participation

PURPOSE: To discuss general issues.

If you need an accommodation because of disability in order to participate, please notify FCSW in writing at least five days in advance at Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DEPARTMENT OF INSURANCE**

The **Department of Insurance**, Division of Insurer Services announces a public hearing to which all persons are invited.

DATE AND TIME: May 25, 1999, 9:00 a.m. – 5:00 p.m.

PLACE: Hyatt Regency, Hibiscus Room B, 400 S. E. 2nd Avenue, Miami, Florida 33131

PURPOSE: To take public testimony regarding the acquisition of American Bankers Insurance Group, Inc. by Fortis, Inc.

If you need an accommodation because of disability in order to participate, please advise the Department at least 5 calendar days prior to the hearing by contacting: Becky Jacobs, (850)413-4162.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Department of Agriculture and Consumer Services**, Bureau of Entomology and Pest Control, Subcommittee on Managed Marshes announces a Quarterly Business Meeting and Field Trip to which all interested persons are invited to attend.

Field Trip

DATE AND TIME: Wednesday, May 5, 1999, 9:00 a.m.

PLACE: St. Vincent’s National Wildlife Refuge, Visitor’s Center, Apalachicola, FL

This visit will include an evening cookout on an island within the refuge. The cookout will be “seafood boil” with an approximate cost of \$15/person (depending on the current price of seafood). In order to properly plan for this, we will require positive confirmation that you will be attending the field trip and cookout. A maximum of 28 persons can be accommodated so you should make reservations with Doug Carlson as soon as possible. A firm commitment for the cookout must be provided to the refuge by April 26, 1999, and

we will be responsible for payment for that number of people. Consequently, if you make a reservation, even if you do not attend, you will be responsible for the cost of the meal.

Quarterly Business Meeting

DATE AND TIME: Thursday, May 6, 1999, 8:45 a.m.

PLACE: Apalachicola Community Center, 1 Bay Avenue, Apalachicola, FL 32320

Directions when traveling east to west: when coming off Gorrie Bridge in the City of Apalachicola, take an immediate left (Gibson Hotel is in front). At the stop sign take a left. Go straight until you see the Community Center (house on stilts).

Nearby accommodation suggestions: Apalachicola Inn/Best Western, 249 Hwy. 98, West, (850)653-2115, King – \$50, 2 Queens – \$59; Bay City Lodge, Bay City Road, (850)653-9294, \$45; Breakaway Motel, 200 Waddell Road, (850)653-8897, 2 people/night – \$39; Coombs Inn (Bed & Breakfast), Hwy. 98, (850)653-9199; Gibson Inn, 57 Market Street, (850)653-2191, Weekdays, Twin – \$55, Queen – \$60, King – \$65, contact Charlene Carter; Rainbow Inn, 123 Water Street, (850)653-8139, \$49.95 – 2 double beds; Rancho Inn, 240 Hwy. 98, West, (850)653-9433, 1 person – \$36, 2 people – \$42.

For more information or to include additional items on the agenda contact: Doug Carlson, Subcommittee on Managed Marshes, P. O. Box 670, Vero Beach, Florida 32961-0670, Phone (561)562-2393, Fax (561)562-9619, e-mail: dearlson1@hotmail.com.

**NOTICE CANCELLATION** – The Florida **Department of Agriculture and Consumer Services** announces cancellation of public meeting of the Fertilizer Materials Assessment Advisory Group that was originally scheduled for:

DATE AND TIME: May 14, 1999, 9:00 a.m.

PLACE: Florida Fruit and Vegetable Association, 4401 East Colonial Drive, Orlando, Florida 32814, Phone (407)894-1351 Please contact Ms. Leigh Humphreys, Chairperson, (850)414-1555, should you have any questions or concerns.

The **Department of Agriculture and Consumer Services** announces a meeting of the Animal Industry Technical Council.

DATE AND TIME: June 19, 1999, 9:30 a.m. – 3:00 p.m.

PLACE: Marco Island Marriott Resort, 400 South Collier Boulevard, Marco Island, Florida, (941)394-2511

PURPOSE: To discuss animal health issues of concern to the agricultural industry both intrastate and interstate and to provide a forum for the Department to keep agricultural industry groups abreast of state and national activities as they relate to animal health issues in Florida, and activities of other states and USDA, affecting Florida’s agriculture animal industries.

A copy of the agenda can be obtained by contacting: Dr. Leroy Coffman, Florida Department of Agriculture and Consumer Services, 335 Mayo Building, Tallahassee, FL 32399-0800, (850)488-7747.

If special accommodations are needed to attend this meeting because of a disability, please contact the above mentioned as soon as possible.

The **Department of Agriculture and Consumer Services** announces a meeting of the Viticulture Advisory Council (VAC) Committees.

DATE AND TIME: May 10, 1999, 9:00 a.m.

PLACE: Collins Building, Innovation Park, 2051 E. Dirac Drive, Tallahassee, FL 32319-3760

PURPOSE: To determine research and promotion grants requests for FY 1999/2000.

A copy of the agenda can be obtained by contacting: George Demetree, 407 South Calhoun Street, 427 Mayo Building, Tallahassee, Florida 32399-0800 or by calling (850)488-4131.

If special accommodations are needed to attend this meeting because of a disability, please contact George Demetree as soon as possible.

The **Department of Agriculture and Consumer Services** announces a meeting of the Viticulture Advisory Council (VAC).

DATE AND TIME: May 11, 1999, 9:00 a.m.

PLACE: Collins Building, Innovation Park, 2051 E. Dirac Drive, Tallahassee, FL 32319-3760

PURPOSE: To determine research and promotion grants requests for FY 1999/2000 that will be recommended to the Commissioner for his approval. Quarterly report on trust fund collections. Progress report on active promotions and research contracts. Biennial Viticulture Plan revision – organization.

A copy of the agenda can be obtained by contacting: George Demetree at 407 South Calhoun Street, 427 Mayo Building, Tallahassee, Florida 32399-0800 or by calling (850)488-4131.

If special accommodations are needed to attend this meeting because of a disability, please contact George Demetree as soon as possible.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the silviculture Best Management Practices Technical Advisory Committee - Working Group, to which all persons are invited.

DATE AND TIME: May 4, 1999, 9:00 a.m. – 4:30 p.m.

PLACE: Division of Forestry Headquarters, Lake City, Florida

PURPOSE: To review and discuss issues related to the application of Special Management Zone criteria to poorly defined stream channels. Since the meeting will involve a field trip, personal transportation to the field may be required by all participants.

For more information about the meeting, for a copy of the agenda, or if special accommodations are needed to attend this meeting because of a disability, please contact: Jeff Vowell, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650 or call (850)414-9935.

**DEPARTMENT OF EDUCATION**

The Florida **Department of Education**, State Advisory Committee for the Education of Exceptional Students, announces a public meeting to which all interested persons are invited.

DATES AND TIMES: Tuesday, May 11, 1999, 1:30 p.m. – 4:30 p.m.; Wednesday, May 12, 1999, 8:30 a.m. – 4:30 p.m.; Thursday, May 13, 1999, 8:30 a.m. – 12:30 noon

PLACE: Clarion Capital Hotel, 316 West Tennessee Street, Tallahassee, Florida, Telephone (850)222-9555

PURPOSE: Exceptional student education update and organizational meeting of the State Advisory Committee, which is required under the Individuals with Disabilities Education Act (20 U.S.C. Chapter 33, as amended by Pub. L. 105-17) for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the State.

A copy of the agenda may be obtained by writing: State Advisory Committee, Bureau of Instructional Support and Community Services, Florida Department of Education, 614 Turlington Building, Tallahassee, Florida 32399-0400, or by calling the Bureau, (850)488-1570, Suncom 278-1570.

Any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours in advance by calling the number indicated above.

The public is invited to a telephone conference call meeting of the Florida **Board of Regents**.

DATE AND TIME: May 7, 1999, 9:00 a.m.

PLACE: Conference Room, 15th Floor, Florida Education Center, Tallahassee, Florida

PURPOSE: To consider: legislative issues and updates; and other matters pertaining to the State University System.

A copy of the agenda may be obtained by writing: Mary-Anne Bestebreurtje, Corporate Secretary, Florida Board of Regents, 325 West Gaines Street, Tallahassee, Florida 32399-1950.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equal Opportunity and Diversity, (850)487-1896 (Voice), (850)921-2413 (TDD), at least 5 days in advance, so that their needs can be accommodated.

The **Gulf Coast Community College**, District Board of Trustees will hold its monthly meeting as follows.

DATE AND TIME: May 13, 1999, 10:00 a.m. (EDT)



PLACE: The Gulf/Franklin Center, 3800 Garrison Ave., Port St. Joe, FL 32456

PURPOSE: Regular monthly meeting.

Contact person for the meeting is: Dr. Robert L. McSpadden, President.

The Board of Trustees of the **Florida School for the Deaf and the Blind** announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, May 1, 1999, 9:00 a.m.

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind including a workshop on rule 6D-16.002 Human Resource Management and Development.

A copy of the agenda may be obtained by writing: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799, or by calling (904)823-4000.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance from the aforementioned address.

**DEPARTMENT OF TRANSPORTATION**

The Florida **Department of Transportation** announces two public teleconferences of the Freight Stakeholders Task Force Executive Committee to which all interested persons are invited.

DATE AND TIME: May 3, 1999, 1:30 p.m. – 3:30 p.m.

PLACE: Teleconference Only – Phone (904)633-5802, I.D. #2000

DATE AND TIME: May 24, 1999, 1:30 p.m. – 3:30 p.m.

PLACE: Teleconference Only – Phone (904)633-5802, I.D. #2000

PURPOSE: General Business Meetings – Executive Committee.

A copy of the Agenda for each teleconference may be obtained one week in advance by writing: Robert G. Hebert, Jr., Administrator-Ports/Intermodal, Florida Department of Transportation Rail Office, M.S. #25, 605 Suwannee Street, Tallahassee, Florida 32399-0450.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

DATE AND TIME: May 13, 1999, 1:00 p.m. until conclusion of agenda

PLACE: Executive Conference Room, 5th Floor, DOT Building, 605 Suwannee Street, Tallahassee, Florida

PURPOSE: Regular meeting of the Florida Transportation Commission.

Information and a copy of the agenda may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450, Phone (850)414-4105.

Notice is hereby given that the Florida **Department of Transportation** will offer the opportunity for a public hearing concerning the proposed jurisdictional roadway transfer in Pasco County. The Department of Transportation has requested the transfer of SR 54, from 0.287 miles north of Cypress Creek Road to CR 581, from the State Highway System to the Pasco County Road System and the transfer and access classification of CR 581, from the proposed SR 56 to SR 54 from the Pasco County Road System to the State Highway System. The hearing will be held on:

DATE AND TIME: May 14, 1999, 9:00 a.m. – 12:00 noon

PLACE: Land O’ Lakes Recreation Complex, 3230 Collier Parkway, Land O’ Lakes, Florida 34639

All persons interested on this subject please contact: Charles A. Q. Gray, Jr., Florida Department of Transportation District Seven, 11201 N. McKinley Drive, Tampa, Florida 33612, Phone (813)975-6439 or 1(800)226-7220, Ext. 7796.

The **Florida Highway Beautification Council** announces a meeting to which all persons are invited.

DATES AND TIMES: Wednesday, June 2, 1999, 1:00 p.m. – 5:00 p.m.; Thursday, June 3, 1999, 8:00 a.m. – 5:00 p.m.; Friday, June 4, 1999, 8:00 a.m. – 12:00 noon

PLACE: Hampton Inn, St. Augustine Beach, 430 A-1-A Beach Boulevard, St. Augustine Beach, Florida

PURPOSE: The purpose of the meeting is to rank the 1999-2000 Highway Beautification Council Grant Applications, elect officers and conduct minor business.

For information please contact: Mr. Gary L. Henry, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450 or call (850)922-7210.

**STATE BOARD OF ADMINISTRATION**

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Advisory Council to the Florida Hurricane Catastrophe Fund to which all persons are invited.

DATE AND TIME: Monday, May 10, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: Hermitage Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

**PURPOSE:** To discuss the May, 1999 bonding capacity estimates; to discuss the 1999 legislative session; and to discuss the general business of the Council.

Anyone wishing a copy of the agenda should contact: Anne Bert, Florida Hurricane Catastrophe Fund, P. O. Drawer 13300, Tallahassee, FL 32317-3300.

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Patti Elsbernd, (850)413-1346, five days prior to the meeting so that appropriate arrangements can be made.

**FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, May 5, 1999, 9:00 a.m.

**PLACE:** Florida Parole Commission, 2601 Blairstone Road, Bldg. C., Third Floor, Tallahassee, Florida

**PURPOSE:** Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blairstone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone (850)488-3417.

**EXECUTIVE OFFICE OF THE GOVERNOR**

The **Executive Office of the Governor** announces the following meeting for the Year 2000 Task Force meetings to which all persons are invited:

**MEETING:** Year 2000 Task Force

**DATE AND TIME:** Friday, May 7, 1999, 10:00 a.m. until completion

**PLACE:** Room 2103, The Capitol, Tallahassee, FL

**PURPOSE:** To discuss issues and activities regarding the state's readiness for the Year 2000.

You also may consult the state's Year 2000 web site for task force meeting dates and times: <http://y2k.state.fl.us>

A copy of the agenda may be obtained by writing: Glenn Mayne, Project Manager, Year 2000 Project Office, 225 Knott Building, Tallahassee, Florida 32399-0001 (or through the Internet at <http://y2k.state.fl.us>). Call the Year 2000 Project

Office, (850)921-2235, Suncom 291-2235, to verify the date and location of a meeting or check the state's Year 2000 web site.

Anyone requiring a special accommodation to participate in this meeting is requested to advise the Executive Office of the Governor at least 5 working days before the meeting by contacting Lori Tinney, (850)921-2439, Suncom 291-2439 or the Executive Office of the Governor's TDD number, (850)488-7146.

The **Executive Office of the Governor**, Office of Tourism, Trade and Economic Development announces a public meeting to which all persons are invited.

**MEETING:** The Florida Economic Summit. (The meeting is free of charge and registration is not required.)

**DATE AND TIME:** Friday, May 14, 1999, 9:00 a.m. – 12:30 p.m.

**PLACE:** The Radisson Resort in Coral Springs, 11775 Heron Bay Blvd., Coral Springs, FL, (954)753-5598.

**GENERAL SUBJECT MATTER TO BE DISCUSSED:** Major business climate issues influencing the state's competitive economic future in the areas of tourism, international trade and economic development.

For further information contact: Katherine Morrison, Office of Tourism, Trade and Economic Development, The Capitol, Tallahassee, FL 32399-0001 or by telephone (850)487-2568.

Any person requiring a special accommodation at this meeting because of a disability should contact Katherine Morrison, (850)487-2568, at least seven (7) days prior to the meeting. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a Commission Workshop in the following docket to which all persons are invited.

**UNDOCKETED:** Merchant Plant Study

**DATE AND TIME:** Thursday, May 13, 1999, 10:00 a.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**PURPOSE:** The purpose of this workshop is to explore issues relative to merchant power plants in Florida.

A copy of the agenda may be obtained by writing: Director, Division of Records and Reporting, Gerald L. Gunter Building, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Interested persons are encouraged to submit issues they wish to have addressed. Please file issue statements on or before May 6, 1999.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior

to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

**REGIONAL PLANNING COUNCILS**

The **North Central Florida Regional Planning Council** announces a meeting of the Finance Committee to which all persons are invited.

DATE AND TIME: May 5, 1999, 3:00 p.m.  
PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Suite A, Gainesville, Florida  
PURPOSE: To develop the budget for the North Central Florida Regional Planning Council for Fiscal Year 1999-2000. Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meetings may need to ensure that a verbatim record of the proceedings are made. A copy of the agenda may be obtained by writing: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603. Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **South Florida Regional Planning Council** announces the following Clean Cities meeting to which all persons are invited.

MEETING: Clean Cities Coalition Steering Committee  
DATE AND TIME: Monday, May 10, 1999, 10:00 a.m.  
PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021  
PURPOSE: The Gold Coast consists of Broward, Miami-Dade and Palm Beach Counties. The Coalition was formed through Governor's Executive Order to accelerate the widespread use of cleaner, alternatively fueled fleet vehicles in the Florida Gold Coast area. The purpose of this meeting is to discuss relevant Coalition issues. A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021. If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152 (TDD), if you require additional information regarding the above

meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The **Treasure Coast Regional Planning Council** announces the following public meeting:

DATE AND TIME: May 7, 1999, 9:30 a.m.  
PLACE: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, FL 34994  
GENERAL SUBJECT MATTER: To conduct a meeting of the Treasure Coast Regional Planning Council Energy Task Force. The goal of the task force is to develop an energy element for the Strategic Regional Policy Plan. The topics of discussion may include energy conservation, power generation, power transmission, electric restructuring, community design, building design and transportation.

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Privatization Commission, announces a meeting to which the public is invited.

DATE AND TIME: Tuesday, May 4, 1999, 9:00 a.m. – 5:00 p.m.  
PLACE: 301 F Forrest Building, 2728 Centerview Drive, Tallahassee, FL 32399  
PURPOSE: The purpose of the meeting is for the RFP team designated by the Commission to review, discuss and revise the RFPs presented at the April 16, 1999 Special Disability Trust Fund Privatization Commission meeting in preparation for the May 7, 1999 Special Disability Trust Fund Privatization Commission Meeting.

For further information regarding the meeting, please contact Anne Mackenzie, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Anne Mackenzie by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Anne Mackenzie using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) or 1(800)955-8771 (TDD).

The Florida **Department of Labor and Employment Security, Division of Workers' Compensation**, Special Disability Trust Fund Privatization Commission, announces a meeting to which the public is invited.

DATE AND TIME: Friday, May 7, 1999, 9:00 a.m. – 12:00 p.m.  
PLACE: Room 214, The Capitol, Tallahassee, FL 32399-0001

**PURPOSE:** The purpose of the meeting is to consider public testimony and discuss further action to be taken by the Commission and consider information relevant to the issues of privatization and conduct any business for the Commission to fulfill their responsibilities.

Interested parties are invited to present oral comments and/or submit written comments at the public meeting. Written comments may also be submitted to the Department of Labor and Employment Security, Special Disability Trust Fund Privatization Commission, 535 John Knox Road, Tallahassee, Florida 32399-4101, no later than April 30, 1999. Any person desiring to present oral comments should appear at the public meeting, however, time will be limited to 10 minutes per person in order to accommodate all persons wishing to speak.

For further information regarding the meeting, please contact: Anne Mackenzie, (850)488-4896.

Persons with a disability or handicap requiring reasonable accommodations should contact Anne Mackenzie by telephone at least two business days in advance to make appropriate arrangements. If you are hearing or speech impaired, please contact Anne Mackenzie using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) or 1(800)955-8771 (TDD).

**WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces a Central Region Recreational Advisory Council Meeting to which all persons are invited. The meeting is scheduled for:

**MEETING:** Central Region Recreation Advisory Council

**DATE AND TIME:** Wednesday May 5, 1999, 9:30 a.m. – 12:00 p.m.

**PLACE:** The Great Outdoors, Plantation Manor Recreation Hall, I-95 Exit 79 on Highway 50, Palatka, FL

**PURPOSE:** To discuss recreation on District lands in the Central Region.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

If, due to disability, you require a special accommodation to participate in this public meeting, contact Linda Lorenzen, (904)329-4262 or (904)329-4450 (TDD), at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces the following public meetings to which all persons are invited:

**MEETING:** Governing Board Meeting

**DATE AND TIME:** Thursday, May 6, 1999, 9:00 a.m.

**PLACE:** The Refuge at Ocklawaha, 14835 S. E. 85th Street, Ocklawaha, Florida 32179

**PURPOSE:** Approval of Fiscal Year 1999-2000 District Strategic Plan to be used for planning purposes and to provide guidance for budget development and implementation of District programs.

**MEETING:** Governing Board Workshop

**DATE AND TIME:** Tuesday, May 11, 1999, 10:00 a.m.

**PLACE:** District Headquarters, Highway 100, West, Palatka, FL 32177

**PURPOSE:** Discussion of District informational items and consideration of District business.

**MEETING:** Regulatory

**DATE AND TIME:** Tuesday, May 11, 1999, 1:00 p.m.

**PLACE:** District Headquarters, Highway 100, West, Palatka, Florida 32177

**PURPOSE:** Consideration of permit applications, other regulatory matters and other District business

**MEETING:** Policy Committee

**DATE AND TIME:** Tuesday, May 11, 1999, following the Regulatory meeting

**PLACE:** District Headquarters, Highway 100, West, Palatka, Florida 32177

**PURPOSE:** Discussion of Policy Committee agenda items followed by committee recommendations to be approved by the full Board

**MEETING:** Finance Committee

**DATE AND TIME:** Tuesday, May 11, 1999, following the Policy Committee meeting

**PLACE:** District Headquarters, Highway 100, West, Palatka, Florida 32177

**PURPOSE:** Discussion of Finance Committee agenda items followed by committee recommendations to be approved by the full Board

**MEETING:** Facilities/Planning/Construction Committee

**DATE AND TIME:** Tuesday, May 11, 1999, following Finance Committee meeting

**PLACE:** District Headquarters, Highway 100, West, Palatka, Florida 32177

**PURPOSE:** Discussion of Facilities/Planning/Construction Committee agenda items followed by committee recommendations to be approved by the full Board

**MEETING:** Land Acquisition and Management Committee meeting

**DATE AND TIME:** Tuesday, May 11, 1999, following Facilities/Planning/Construction Committee meeting

**PLACE:** District Headquarters, Highway 100, West, Palatka, Florida 32177

**PURPOSE:** Discussion of Land Acquisition and Management Committee agenda items followed by committee recommendations to be approved by the full Board

**MEETING:** Personnel Committee

**DATE AND TIME:** Tuesday, May 11, 1999, following Land Acquisition and Management Committee meeting

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of personnel agenda items followed by committee recommendations for approval by the full Board

MEETING: Information Technology Committee

DATE AND TIME: Tuesday, May 11, 1999, following Personnel Committee

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of Information Technology agenda items followed by committee recommendations for approval by the full Board

Any committee agenda items not acted upon on Tuesday, May 11, 1999, may be considered by the committees on Wednesday, May 12, 1999, 8:00 a.m. prior to the opening of the Governing Board meeting.

MEETING: Public Hearing for land acquisition pursuant to Section 373.139, Florida Statutes

DATE AND TIME: Wednesday, May 12, 1999, 9:00 a.m.

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Public Hearing to consider District acquisition of land

MEETING: Governing Board

DATE AND TIME: Wednesday, May 12, 1999, following Public Hearing on land acquisition

PLACE: District Headquarters, Highway 100, West, Palatka, Florida 32177

PURPOSE: Discussion of District informational items and consideration of District business

A copy of the agenda for meetings on May 11 or 12, 1999 may be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, Attention: Ann Freeman, Governing Board Support Specialist.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is requested to advise the District at least 48 hours before the workshop/hearing/meeting by contacting Ann Freeman, (904)329-4101. If you are hearing or speech impaired, please contact the District by calling (904)329-4450 (TDD).

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearing(s), such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** announces the following meeting to which all interested parties are invited.

**GREEN INDUSTRY ADVISORY COMMITTEE**

DATE AND TIME: Thursday, May 6, 1999, 12:00 noon

PLACE: Tampa Service Office, 7601 Highway 301, North, Bldg. 1, Tampa, Florida

**ENVIRONMENTAL ADVISORY COMMITTEE**

DATE AND TIME: Wednesday, May 12, 1999, 6:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301, North, Bldg. 1, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
Conduct Committee Business

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by writing: Community Affairs Department, Southwest Florida Water Management District, 7601 Highway 301, North, Building 1, Tampa, Florida 33637.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)836-0797 (Florida), or (813)985-7481, Extension 2036, Fax (813)987-6726, TTD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public meetings to which all persons are invited.

**NEW BASIN BOARD MEMBER ORIENTATION**

DATE AND TIME: Monday, May 17, 1999, 9:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

**GENERAL SUBJECT MATTER TO BE DISCUSSED:**  
Orientation of new Basin Board members

**GOVERNING BOARD FINANCE AND ADMINISTRATION COMMITTEE WORKSHOP**

DATE AND TIME: Tuesday, May 18, 1999, 9:00 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, FL

**GENERAL SUBJECT MATTER TO BE DISCUSSED:**  
Consideration of draft Fiscal Year 2000 budget

**NEW BASIN BOARD MEMBER ORIENTATION**

DATE AND TIME: Thursday, May 20, 1999, 9:00 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL

**GENERAL SUBJECT MATTER TO BE DISCUSSED:**  
Orientation of new Basin Board members

**GOVERNING BOARD MEETING, PUBLIC HEARING AND COMMITTEE MEETINGS**

DATE AND TIME: Tuesday, May 25, 1999, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

**GENERAL SUBJECT MATTER TO BE DISCUSSED:**  
Conduct of Meeting, Public Hearing and Committee Meetings

GOVERNING BOARD MEETING AND PUBLIC HEARING (Items not completed at Tuesday's meeting may be carried over to Wednesday's meeting. If all business is concluded at Tuesday's meeting, there will be no meeting on Wednesday.)

DATE AND TIME: Wednesday, May 26, 1999, 9:00 a.m.

GENERAL SUBJECT MATTER TO BE DISCUSSED: Conduct of Meeting and Public Hearing and New Board Member Orientation Workshop

NEW BASIN BOARD MEMBER ORIENTATION

DATE AND TIME: Thursday, May 27, 1999, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE DISCUSSED: Orientation of new Basin Board members

A copy of the agenda for the above meetings may be obtained by writing: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899.

If a party decides to appeal any decision made with respect to any matter considered at a meeting, that party will need a record of the proceedings, and for such purposes that party may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should call 1(800)423-1476 (Florida), or (352)796-7211, Extension 4604, Fax (904)754-6874, TDD ONLY 1(800)231-6103 (Florida).

The **Southwest Florida Water Management District** announces the following public hearing to which all interested persons are invited:

DATES AND TIME: May 25, 1999, 9:00 a.m., continuing May 26, 1999, 9:00 a.m., if necessary

PLACE: Governing Board Room, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34609-6899

PURPOSE: The acquisition of certain lands eligible to be considered for funding from the Water Management Lands Trust Fund (Save Our Rivers)/Florida Preservation 2000 Trust Fund which lands are further described as follows:

Part of the Upper Lake Marion Creek Watershed project comprised one parcel referred to as SWF Parcel No. 20-597-104, consisting of 157.41± acres lying in Sections 13 & 24, Township 27, South, Range 27, East, Polk County, Florida. Part of the Green Swamp project comprised of one parcel referred to as SWF Parcel No. 10-20-1215, consisting of 2.5± acres, lying in Section 18, Township 24, South, Range 24, East, in Lake County, Florida.

As part of the Green Swamp project, a donation comprised of one parcel referred to SWF Parcel Nos. 10-200-1222, consisting of 5± acres, lying in Section 22, Township 24, South, Range 24, East, in Lake County, Florida.

Any person deciding to appeal any decision made by the District Governing Board concerning the above-referenced hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal may be based.

A copy of the agenda or a more specific legal description of the lands proposed for acquisition may be obtained by contacting Fritz H. Musselmann, Land Resources Director, Southwest Florida Water Management District, at the above address. The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act should contact: Cheryl Hill, (352)796-7211 or 1(800)423-1476 (Florida only), Extension 4452, Fax (352)754-6877, TTD only 1(800)231-6103, Fax Number (352)754-6877, Suncom 663-6877.

The **South Florida Water Management District** announces public meetings to which all interested parties are invited:

DATE AND TIME: May 4, 1999, 9:00 a.m.

PLACE: District Headquarters, B-1 Building, Conference Room 2-B, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Meeting of the Selection Committee to discuss and tabulate scores of evaluations of proposals in response to RFP C-E017, Multi-Disciplined Professional Engineering Services.

DATE AND TIME: May 5, 1999, 9:00 a.m.

PLACE: District Headquarters, B-1 Building, Conference Room 2-A, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A meeting of the Selection Committee to discuss and tabulate scores of evaluations of proposals in response to RFP C-E019, Professional Engineering Support Services – Geotechnical.

DATE AND TIME: May 6, 1999, 9:00 a.m.

PLACE: District Headquarters, B-1 Building, Conference Room 2-B, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Meeting of the Selection Committee to discuss and tabulate scores of evaluations of proposals in response to RFP C-E020, Professional Engineering Support Services – Survey & Mapping.

A copy of the agendas may be obtained by writing: South Florida Water Management District, Procurement Division, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For more information, contact: Jessica Flathmann, Procurement Division, (561)682-2823.

The **South Florida Water Management District** announces regular and special public workshops and meetings which may be conducted by means of or in conjunction with communications technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: May 4, 1999, 4:00 p.m. – 6:00 p.m.

PLACE: Florida Keys Service Center, 80431 Old Highway, Islamorada, Florida

PURPOSE: Office hours for Governing Board members to discuss relevant issues with public.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information may contact: Tony Burns, District Clerk, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-6206.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: May 7, 1999, 9:00 a.m.

PLACE: Hendry County Extension Service, 235 Pratt Blvd., LaBelle, Florida

PURPOSE: To review and gather public input on the Lower West Coast Water Supply Plan. The development of the plan will project future water demands and plan for water supplies to meet those demands for all or a portion of Hendry, Collier, Glades, Lee and Charlotte counties through the year 2020.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally

recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For further information, contact Jim Gross, Planning Department, (561)682-6803.

The **South Florida Water Management District** announces public meetings of the Advanced Treatment Technologies Task Force to which all interested parties are invited:

DATE AND TIME: May 7, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Building, Richard Rogers Room, 2nd Floor, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: May 14, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: May 21, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Building, Richard Rogers Room, 2nd Floor, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: May 28, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: June 4, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Building, Conference Room 3-B, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: June 11, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: June 18, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

DATE AND TIME: June 25, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: District Headquarters, B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A series of weekly meetings to discuss the incorporation of advanced treatment technologies into STA-3/4 and other STAs, as well as to provide updates on the advanced treatment technology research projects.

A copy of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them

to ensure that a verbatim record of the proceedings are made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For further information, contact: Dr. Susan Gray, (561)682-6919.

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The **South Florida Water Management District** announces public meetings to which all interested parties are invited:

DATE AND TIME: May 11, 1999, 9:00 a.m.

PLACE: District Headquarters, Building B-1, Conference Room 2-A, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Meeting of the Selection Committee for oral presentations and final tabulation of scores for proposals submitted in response to RFP C-E017, Multi-Disciplined Professional Engineering Services.

DATE AND TIME: May 12, 1999, 9:00 a.m.

PLACE: District Headquarters, Building B-1, Conference Room 2-A, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Meeting of the Selection Committee for oral presentations and final tabulation of scores for proposals submitted in response to RFP C-E019, Professional Engineering Support Services – Geotechnical.

DATE AND TIME: May 13, 1999, 9:00 a.m.

PLACE: District Headquarters, Building B-1, Conference Room 2-A, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Meeting of the Selection Committee for oral presentations and final tabulation of scores for proposals submitted in response to RFP C-E020, Professional Engineering Support Services – Survey & Mapping.

A copy of the agendas may be obtained by writing: South Florida Water Management District, Procurement Division, P. O. Box 24680, West Palm Beach, Florida.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, at least two business days in advance to make appropriate arrangements.

For more information, contact: Jessica Flathmann, Procurement Division, (561)682-2823.

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The **South Florida Water Management District** announces a public meeting which may be conducted by means of or in conjunction with communications media technology, specifically by telephonic conference to which all interested parties are invited:

DATE AND TIME: May 12, 1999, 9:00 a.m.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Governing Board workshop and meeting to discuss and consider District business, including regulatory and non-regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members. In the event of emergency conditions due to an imminent tropical storm or hurricane, this meeting may be conducted by teleconference in order to take action on items listed on the Thursday, May 13th meeting agenda, including regulatory and non-regulatory items.

DATE AND TIME: May 12, 1999, 1:00 p.m.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Human Resources Committee meeting to discuss regular committee business.

DATE AND TIME: May 12, 1999, 2:00 p.m.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Audit Committee meeting to discuss regular committee business. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: May 13, 1999, 8:30 a.m.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Governing Board meeting for consideration of District business other than regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

DATE AND TIME: May 13, 1999, 2:00 p.m.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Governing Board meeting for consideration of regulatory matters. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although affected persons are advised that it may be necessary for them



to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

Those who desire more information, or those wishing to submit written or physical evidence may contact: Tony Burns, District Clerk, District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33416-4680, (561)682-6206.

The **South Florida Water Management District** announces a private attorney-client session:

DATE AND TIME: May 13, 1999, Immediately following Governing Board meeting, but not to begin before 2:00 p.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Attorney-Client session pursuant to Fla. Stat. Section 286.011(8) (1993) to discuss settlement negotiations or strategy related to litigation expenditures in Basore vs. South Florida Water Management District.

ATTENDEES: Governing Board members M. Collins, M. Berger, V. Carter, G. Fernandez, P. Gleason, N. Gutierrez, Jr., M. Minton, H. Thornton, T. Williams, Interim District Executive Director J. Harvey, District attorneys T. Wolfe, R. Clements, and District outside counsel P. Nettleton.

The subject matter shall be confined to the pending litigation. At the conclusion of the session, the Governing Board meeting shall be re-opened. Pursuant to Florida law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. Transcript of the attorney-client session shall be made part of the public record upon conclusion of the litigation.

The **South Florida Water Management District** announces a private attorney-client session:

DATE AND TIME: May 13, 1999, Immediately following Governing Board meeting, but not to begin before 2:00 p.m.

PLACE: South Florida Water Management District Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Attorney-Client session pursuant to Fla. Stat. Section 286.011(8) (1993) to discuss settlement negotiations or strategy related to litigation expenditures in Barley, Mullins, Wermeil, Reed, et al. v. SFWMD.

ATTENDEES: Governing Board Members M. Collins, M. Berger, V. Carter, G. Fernandez, P. Gleason, N. Gutierrez, Jr., M. Minton, H. Thornton, T. Williams, Interim District Executive Director J. Harvey, District attorneys T. Wolfe, R. Clements, G. Miller, and District outside counsel P. Nettleton.

The subject matter shall be confined to the pending litigation. At the conclusion of the session, the Governing Board meeting shall be re-opened. Pursuant to Florida law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. Transcript of the attorney-client session shall be made part of the public record upon conclusion of the litigation.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: May 18, 1999, 10:00 a.m. – 4:00 p.m.

PLACE: Mounts Building, Palm Beach Cooperative Extension, 559 North Military Trail, West Palm Beach, Florida

PURPOSE: Public workshop for Alternative Water Supply Funding Support Program.

DATE AND TIME: May 20, 1999, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, B-1 Building, Conference Room 2-B, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Public meeting to discuss Alternative Water Supply Funding Support Program.

A copy of the agendas may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: May 20, 1999, 1:00 p.m. – 6:00 p.m.

PLACE: District Headquarters, B-1 Building, Governing Board Chambers, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Meeting of the Subcommittee of the Lower East Coast Regional Water Supply Advisory Committee to discuss definitions of water resources and water supply development.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For additional information, contact: John Mulliken, Lower East Coast Regional Water Supply Plan Project Manager, (561)682-6649.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: May 24, 1999, 10:30 a.m. – 1:30 p.m.

PLACE: District Headquarters, B-1 Building, Storch Room, 3rd Floor, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: A regular meeting of the Environmental Advisory Committee to discuss environmental matters and inform the District Governing Board of its position on them.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For further information, contact: Woodie Van Voorhees, (561)682-6332.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: May 25, 1999, 10:00 a.m. – 3:00 p.m.

PLACE: District Headquarters, B-1 Building Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: Meeting of the Lower East Coast Regional Water Supply Plan Advisory Committee to review and discuss the development of the Lower East Coast Regional Water Supply Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary

for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance of the meeting to make appropriate arrangements.

For additional information, contact: John Mulliken, Lower East Coast Regional Water Supply Plan Project Manager, (561)682-6649.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: May 25, 1999, 1:00 p.m. – 4:00 p.m.

PLACE: South Florida Water Management District Headquarters, B-1 Building, Richard Rogers Room, 2nd Floor, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: The regular meeting of the Technical Oversight Committee.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

For further information, contact: Nancy Urban, (561)682-6603.

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**The South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATE AND TIME: June 10, 1999, 8:50 a.m.

PLACE: District Headquarters, Building B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida

PURPOSE: To consider the purchase of lands or property rights generally described in the South Florida Water Management District 1999 Save Our Rivers Five Year Plan.

A copy of the agenda may be obtained by writing: South Florida Water Management District, P. O. Box 24680, West Palm Beach, Florida.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements. For additional information, please contact: Blair LittleJohn, III, Director, Real Estate Division,(561)682-6842.

**DEPARTMENT OF ELDER AFFAIRS**

The **State Long-Term Care Ombudsman Council** announces the following conference call which took place as follows:  
DATE AND TIME: April 16, 1999, 1:00 p.m. – 2:00 p.m.  
GENERAL SUBJECT MATTER CONSIDERED: Issues related to the Long-Term Care Ombudsman Program. You may contact the office of the Long-Term Care Ombudsman at (850)488-6190 for more information.

The **Department of Elder Affairs** announces the following meeting to which all interested parties are invited.  
DATE AND TIME: May 3, 1999, 12:30 p.m. – 5:00 p.m.  
PLACE: Crowne Plaza Hotel Tampa West Shore, 700 North West Shore Blvd., Room: Royal Palm 2, Tampa, Florida 33609  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Prioritization Methodology for Waiting List

**DEPARTMENT OF MANAGEMENT SERVICES**

The **Department of Management Services, Division of Information Technology Program**, announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.  
DATE AND TIME: April 23, 1999, 9:00 am.  
PLACE: Via Meet-Me-Conference call. The call in number is (850)414-1708 or Suncom 994-1708  
PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Building 4030, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he will need a record of the proceedings and he may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing or speech

impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services, Division of Information Technology**, announces a workshop on the progress of the Joint Task Force Radio Communications System to which all persons are invited.

DATE AND TIME: May 14, 1999, 9:00 a.m.  
PLACE: Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Bldg. 4030, Room 225A, Tallahassee, FL 32399  
PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Building 4030, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing or speech-impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services, Division of Information Technology**, announces a public meeting of the Board of Directors of the Joint Task Force on State Agency Law Enforcement Communications to which all persons are invited.

DATE AND TIME: May 14, 1999, immediately following the workshop  
PLACE: Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Bldg. 4030, Room 225A, Tallahassee, FL 32399  
PURPOSE: To discuss and take action on the items included in the meeting agenda.

A copy of the agenda may be obtained by writing: Lee Moreno, Department of Management Services, Division of Information Technology, 4050 Esplanade Way, Building 4030, Suite 280M, Tallahassee, Florida 32399-0950.

If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he/she will need a record of the proceedings and may need to ensure a

verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of Information Technology, (850)488-3866, at least five calendar days prior to the meeting. If you are hearing- or speech-impaired, please contact the Division of Information Technology by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD).

The **Department of Management Services**, Information Technology, announces a public meeting of the Florida – Region 9 Committee to which all persons are invited.

DATE AND TIME: May 3, 1999, 1:00 p.m.

PLACE: Indian River Plantation Marriott Resort, 555 N. E. Ocean Blvd., Stuart, Florida. Room location will be listed in the lobby.

PURPOSE: To discuss mutual aid communications; applicant submittal procedures; electronic distribution of the Plan, FRIP and the database; Amendment #12 issues; definition of “contention”; channels with benchmarks; Subregion chairmen; and items brought up during the meeting.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at the meeting, they will need a record of the proceedings and they may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring some accommodation at this hearing because of a physical impairment should call: Mr. Mark Pallans, (954)761-5790. If you are hearing or speech impaired, please call the same office by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Florida **Department of Business and Professional Regulation** announces the following meeting to which all parties are invited to attend.

DATE AND TIME: April 30, 1999, 10:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399, Call (850)921-6455 to attend this meeting via telephone

PURPOSE: Final Agency Action

To obtain a copy of the agenda, further information or submit written or other physical evidence, contact in writing: Department of Business and Professional Regulation, ATTN: Paul Kirsch, Senior Attorney, 1940 N. Monroe Street, Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Department with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department, (850)922-8038, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces the following meetings to be conducted by the Florida Board of Architecture and Interior Design (Board):

MEETING: Architecture and Interior Probable Cause Panel Meeting

DATE AND TIME: May 19, 1999, 9:00 a.m.

PLACE: Club Hotel by Doubletree Miami Airport, 1101 N. W. 57th Avenue, Miami, FL 33126, Telephone (305)266-0000, Fax (305)269-8632

PURPOSE: To conduct an official meeting of the Probable Cause Panel of the Florida Board of Architecture and Interior Design. Only that portion of the meeting wherein cases are presented for reconsideration by the Panel will be open to the public.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Gregory Spence, at the Department of Business and Professional Regulation, Board of Architecture and Interior Design, (850)488-6754, at forty eight (48) hours prior to the meeting. If you are hearing or speech impaired, please call Vickie Booher at the Florida Board of Architecture and Interior Design using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIMES: Wednesday, May 12, 1999, 8:00 a.m.; Thursday, May 13, 1999, 8:00 a.m.; and Friday, May 14, 1999, 8:00 a.m.

PLACE: Wyndham Miami Airport, Miami, Florida

PURPOSE: Committee, Disciplinary Actions and General Session meetings of the Board.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Rodney Hurst, (904)727-3689, at least seven calendar days prior to the meeting. (Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Electrical Contractors' Licensing Board** announces an Official Board, and Committee Meetings, to which all interested persons are invited. (Parts of this meeting are confidential and closed to the public)

DATE AND TIME: May 25, 1999, 10:00 a.m. Probable Cause Panel Meeting (Closed to Public)

DATE AND TIME: May 25, 1999, 12:00 p.m. or soon thereafter

DATE AND TIME: May 26, 1999, 9:00 a.m. or soon thereafter

DATE AND TIME: May 27, 1999, 8:30 a.m. or soon thereafter

PLACE: Hilton Daytona Beach Oceanfront Resort, 2637 South Atlantic Avenue, Daytona Beach, Florida 32118, (904)767-7350

PURPOSE: Official Board Meeting

A copy of the agenda may be obtained by writing: Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771.

Any persons requiring special accommodations at this meeting because of a disability or physical impairment should contact Henrietta Isom, Electrical Contractors' Licensing Board at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call Henrietta Isom using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD)

The Florida **Board of Funeral Directors and Embalmers** announces a Date and Time change to the following meetings to which all parties are invited to attend.

DATE AND TIME: May 4, 1999, 9:00 a.m.

PURPOSE: Rules Workshop

DATE AND TIME: May 4, 1999, 10:00 a.m.

PURPOSE: Finance Committee meeting immediately followed by Probable Cause Panel meeting, agenda available on request.

DATE AND TIME: May 4, 1999, 1:00 p.m.

PURPOSE: General Board and Business meeting.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, FL 32399, (850)487-7991

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Funeral Directors and Embalmers, 1940 N. Monroe St. Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office, (850)488-8690, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

The **Department of Environmental Protection** announces a public workshop to which all persons are invited:

DATE AND TIME: May 7, 1999, 9:00 a.m.

PLACE: Southeast District Office, Florida Department of Environmental Protection, 400 N. Congress Avenue, West Palm Beach, Florida

PURPOSE: Rule development workshop for the capacity development program for public drinking water systems.

A copy of the agenda or a copy of the draft rules may be obtained by writing: Virginia Harmon, Drinking Water Section, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, or by calling Virginia Harmon, (850)921-6844.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting the Personnel Service Specialist in the Bureau of Personnel, (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 800-955-8771 (TDD).

The **Department of Environmental Protection** announces a public hearing of the Governor and Cabinet, sitting as the Power Plant Siting Board, to consider the Administrative Law Judge's Recommended Order in the case of the Duke Energy New Smyrna Beach Power Co., Ltd., L.L.P. and Utilities Commission, City of New Smyrna Beach Power Plant Siting Application, PA98-39, DOAH Case No. 98-4570EPP.

DATE AND TIME: May 11, 1999, 9:00 a.m.

PLACE: Cabinet Hearing Room, Lower Level, State Capitol, Tallahassee, Florida

PURPOSE: The Governor and Cabinet, sitting as the Power Plant Siting Board, will consider, pursuant to the Florida Electrical Power Plant Siting Act, section 403.501, et seq., Florida Statutes, the Recommended Order dated March 16, 1999, from the Administrative Law Judge, finding that the New Smyrna Beach Power Project site is in compliance with existing land use plans and zoning ordinances.

For a copy of the agenda please contact: Judy Brooks, Department of Environmental Protection, Marjory Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, (850)922-3766.

CABINET AIDES BRIEFING: The Cabinet Aides will meet and discuss the item on May 5, 1999, 9:00 a.m., in the same location. The purpose of the briefing is to review and gather information regarding this item for consideration by the Siting Board.

**DEPARTMENT OF HEALTH**

The **Department of Health** announces a public meeting to which all persons are invited.

DATE AND TIME: May 13, 1999, 9:00 a.m.

PLACE: Florida Association of Realtors, 7025 Augusta National Drive, Orlando, FL 32822, Local Telephone (407)438-1400

PURPOSE: Identify and discuss issues relating to onsite sewage treatment and disposal systems which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Water and Onsite Sewage Programs, 2020 Capital Circle, S. E., Bin #A08, Tallahassee, Florida 32399-1713.

The **Board of Acupuncture** announces a meeting to be held by way of conference telephone hookup.

DATE AND TIME: May 3, 1999, 11:30 a.m.

PLACE: Number – Bill Buckhalt, Exec. Director, Tallahassee, FL (850)921-2470, Suncom 291-2470.

PURPOSE: To conduct general Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which records includes the testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by writing: Mr. William H. Buckhalt, Executive Director, Board of Acupuncture, Northwood Centre, 2020 Capital Circle, S. E., BIN C06, Suite 60, Tallahassee, Florida 32399-3256, or you may call (850)488-6016.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Penny L. Perkins, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Penny L. Perkins using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, announces a Telephone Conference Call to be held via meet me #(850)921-2470

DATE AND TIME: Wednesday, May 5, 1999, 12:00 Noon or soon thereafter

PLACE: The Florida Board of Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399

PURPOSE: To conduct general business of the Board.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)488-0595, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

A copy of the agenda may be obtained by writing: Tanya Williams, Board Director, Medical Quality Assurance, 2020 Capital Circle, N. E., Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health, Board of Opticianry** announces a change to the General Business Meeting advertised in the April 16, 1999 issue of the Florida Administrative Weekly. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: May 6, 1999, Committee Meetings – 9:00 a.m., General Business Meeting – at the conclusion of Committee Meetings; May 7, 1999, General Business meeting – 9:00 a.m., if necessary

PLACE: Double Tree Hotel in the Gardens, 4431 PGA Boulevard, Palm Beach Gardens, FL 33410

PURPOSE: Board Business

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 2020 Capital Circle, S. E., BIN #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made. Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8771.

Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster by Thursday, April 29, 1999.

The **Department of Health, Council of Licensed Midwifery** announces a General Council Meeting to which all persons are invited.

DATE AND TIME: May 20-21, 1999, 8:30 a.m., or soon thereafter

PLACE: Hilton Garden Inn, 3333 Thomasville Road, Tallahassee, FL

PURPOSE: To review rules and conduct general business of the Council.

A copy of the agenda may be obtained by writing: William H. Buckhalt, Department of Health, Council of Licensed Midwifery, 2020 Capital Circle, S. E., BIN #C06, Tallahassee, FL 32399-3256.

If a person decides to appeal any decision made by the Department of Health, Council of Licensed Midwifery with respect to any matter considered at the meeting, they will need to ensure that a verbatim record of the proceeding is to be made.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Dianne Clark, (850)488-8154, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Clark using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The **Department of Children and Family Services**, District Ten (Broward County), Health and Human Services Board will conduct the following meeting during the month of May:

The Health and Human Services Board announces a public meeting to which you are invited:

DATE AND TIME: May 3, 1999, 1:00 p.m.

PLACE: 1771 S. E. 9 Street, Ft. Lauderdale, FL 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Issues relating to The Department of Children and Family Services.

A copy of the agenda may be obtained by writing: Scott Silverman, Management Review Specialist, Regional Office, 201 W. Broward Blvd., Suite 406, Ft. Lauderdale, FL 33301.

Anyone requiring a special accommodation to participate in this meeting is requested to advise District Administration (Scott Silverman) at least 5 working days before the meeting at (954)467-4298 or (954)467-4509 (TDD).

NOTICE OF CANCELLATION – The meeting for the **Health and Human Services Board**, Organization Committee which was published in the April 15, 1999, FAW has been canceled.

DATE AND TIME: May 5, 1999, 8:15 a.m.

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: May 5, 1999, 8:00 a.m.

PLACE: Lowndes, Drosdick, Doster, Kantor & Reed, 215 North Eola, Orlando, Florida

PURPOSE: General Business Meeting

The **Department of Children and Family Services**, District 5, Health and Human Services Board announces the following public meetings to which all persons are invited:

Health and Human Services Board

DATE AND TIME: May 5, 1999, 9:30 a.m.

PLACE: St. Petersburg Service Center, 3151 3rd Avenue, North, St. Petersburg, FL

PURPOSE: Regular meeting for general business.

The Health and Human Services Board standing committees will meet as follows:

Organization Committee

DATE AND TIME: May 5, 1999, 8:15 a.m.

PLACE: St. Petersburg Service Center, 3151 3rd Avenue, North, St. Petersburg, FL

PURPOSE: Regular meeting for general business.

Planning, Budget and Evaluation Committee

DATE AND TIME: May 5, 1999, immediately following board meeting

PLACE: St. Petersburg Service Center, 3151 3rd Avenue, North, St. Petersburg, FL

PURPOSE: Regular meeting for general business.

Legislative Committee

DATE AND TIME: May 21, 1999, 10:00 a.m.

PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

PURPOSE: Regular meeting to discuss general business.

Comprehensive Services for Adults and Children Committee

DATE AND TIME: May 10, 1999, 3:00 p.m.  
 PLACE: Emmanuel Community Baptist Church, 1150 Co. Rd. 1, Palm Harbor, FL

PURPOSE: Regular meeting to discuss general business.  
 Family Support Committee

DATE AND TIME: May 19, 1999, 9:00 a.m.  
 PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

PURPOSE: Regular meeting to discuss general business.  
 Family Care Council

DATE AND TIME: May 26, 1999, 7:00 p.m.  
 PLACE: Countryside Library, 2741 Route 580, Clearwater, FL  
 PURPOSE: Regular meeting to discuss general business.

Community-Based Care Initiative Pasco Task Force  
 DATES AND TIME: May 12 and June 9, 1999, 2:30 p.m.  
 PLACE: Counsel Square II, Conference Room 150, 7601 Little Road, New Port Richey, FL

PURPOSE: To discuss implementation of community based care initiatives in District 5.

Community-Based Care Initiative Pinellas Task Force  
 DATES AND TIME: May 26 and June 23, 1999, 9:00 a.m.  
 PLACE: Mary Grizzle State Office Building, Room 418D, 11351 Ulmerton Rd., Largo, FL

PURPOSE: To discuss implementation of community based care initiatives in District 5.

New Board Member Orientation  
 DATES AND TIME: April 30, May 3 and May 4, 1999, 8:30 a.m.

PLACE: Mary Grizzle State Office Building, Room 418C, 11351 Ulmerton Rd., Largo, FL

PURPOSE: Orientation for new board members.  
 Agendas can be obtained seven days in advance of each meeting at: Suite 414, Mary Grizzle State Office Building, 11351 Ulmerton Road, Largo, Florida.

Persons needing accommodation to participate in these meetings should call at least 3 days in advance of the meeting, (727)588-7071 or TDD (727)588-6662 to arrange assistance.

The **Department of Children and Family Services** announces a meeting to solicit public input and comments on the designation of certain community hospitals and crisis stabilization units as Baker Act receiving facilities. Pursuant to FS 394, a public meeting will be held as follows:

DATE AND TIME: May 10, 1999, 9:00 a.m. – 12:00 p.m.  
 PLACE: Department of Children and Family Services Building, Auditorium, 5920 Arlington Expressway, Jacksonville, Florida 32231

For further information, contact: Gene Costlow, Office of Alcohol, Drug Abuse and Mental Health Program, (7904)23-5347.

The **Health and Human Services Board** of District 4 announces the following public meetings to which all persons are invited.

DATE AND TIME: May 13, 1999, 2:00 p.m.  
 PLACE: District 4 Headquarters, Roberts Building, Auditorium, 5920 Arlington Expressway, Jacksonville, FL  
 PURPOSE: Regular Meeting of the Board

The Health and Human Services Board Committees will meet as follows:

COMMITTEE: Children’s Committee  
 DATE AND TIME: May 13, 1999, 12:30 p.m.

COMMITTEE: Adult Committee  
 DATE AND TIME: May 13, 1999, 12:30 p.m.

COMMITTEE: Planning & Budget  
 DATE AND TIME: May 6, 1999, 12:00 p.m.

COMMITTEE: Health Committee  
 DATE AND TIME: May 5, 1999, 3:30 p.m.

PLACE: Conference Room 1  
 A copy of the agenda may be obtained by writing: Department of Children and Family Services, P. O. Box 2417, Jacksonville, FL 32231-0083 (Attention: Harry Smith).

If you need special accommodations (i.e. assistive listening devices, sign language interpreter, etc.) please notify Harry Smith, (904)723-2151, at least 48 hours in advance of the meeting. Hearing impaired please call (904)646-2859 (TDD).

The **Department of Children and Family Services**, District 11, Mental Health Office, announces a public meeting to which all persons are invited:

DATE AND TIME: May 18, 1999, 9:00 a.m. – 12:30 p.m.  
 PLACE: Department of Children and Family Services, 401 N. W. 2nd Avenue, Room 1007, Miami, Florida 33128

PURPOSE: Issues will be heard on the following facilities: Bayview Center, CHI Community Health of South Dade, Citrus Health Network, Lock Towns Community Mental Health Center, Miami Behavioral Health Center, New Horizons Community Mental Health Center, Jackson Memorial Hospital, Aventura Hospital, Cedars Medical Center, Doral Palms, Deering Hospital, Northshore Hospital, Windmoor Health Care of Miami, Westchester Hospital, Southern Winds Hospital, Miami Children’s Hospital, South Shore Hospital, Parkway Regional Hospital, Larkin Hospital, Mercy Hospital, Palmetto Hospital and Mount Sinai Hospital.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of Miami-Dade County Baker Act receiving facilities.



This will be an open forum with each speaker free to speak about any facility if they so wish. A sign-in-sheet for each speaker will be available. Written comments will also be welcome.

For those requesting special needs accommodations and/or for those who have further questions, please contact: William Brown, 401 N. W. 2nd Avenue, Suite N-812, Miami, Florida 33128, (305)377-5029

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La Oficina de Salud Mental del Distrito 11 del **Departamento de Ninos y Familias**, anuncia una audiencia publica a la cual estan invitados todos los ciudadanos:

FECHA Y HORA: 18 de Mayo de 1999, 9:00 a.m. – 12:30 p.m.

LUGAR: Departamento de Ninos y Familias, 401 N. W. 2nd Avenue, Salon de Conferencias #N 1007, Miami, Florida 33128

Asuntos sobre estas facilidades seran escuchados: Centro Bayview, CHI Centro Comunitario de Salud del Sur de Dade, Centro de Salud Citrus, Centro Comunitario de Salud Mental Lock Towns, Centro de Salud Miami, Centro Comunitario de Salud Mental New Horizons, Hospital Jackson Memorial, Hospital Aventura, Centro Medico Cedars, Hospital Doral Palms, Hospital Deering, Hospital Northshore, Centro de Salud Windmoor, Hospital Westchester, Hospital Southern Winds, Hospital de Ninos de Miami, Hospital South Shore, Hospital Regional Parkway, Hospital Larkin, Hospital Mercy, Hospital Palmetto y Hospital Mount Sinai.

ASUNTOS GENERALES QUE SERAN CONSIDERADOS: El Departamento desea oir la opinion publica e informacion acerca de la re-designacion de las facilidades publicas y privadas que reciben Baker Act en el condado de Miami Dade. Esta sera una sesion abierta donde cada asistente podra expresar libremente sus opiniones acerca de las facilidades. Tambien habra una pagina para apuntarse. Comentarios por escrito seran aceptados.

Aquellas personas que necesiten atencion especial y/o aquellos que deseen hacer mas preguntas, por favor haga contacto con: William Brown, 401 N. W. 2nd Avenue, Suite N-812, Miami, Florida 33128, (305)377-5029

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The **Department of Children and Family Services**, District 11, Mental Health Office, announces a public meeting to which all persons are invited:

Lower Florida Keys Health System and Guidance Clinic of the Middle Keys.

DATE AND TIME: May 20, 1999, 1:30 p.m. – 3:00 p.m.

PLACE: Department of Children and Family Services, 1111 12th Street, Room 310, Key West, Florida 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department is seeking public input and information regarding the re-designation of Monroe County Baker Act receiving facilities.

This will be an open forum with each speaker free to speak about both facilities if they so wish. A special sign-in-sheet for each speaker will be available. Written comments will also be welcome.

For those requesting special needs accommodations and/or for those who have further questions, please contact: RaiEtte Arael, 1111 12th Street, Key West, Florida 33040, (305)687-6784

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The **Department of Children and Family Services**, Refugee Programs Administration Office announces the following public meetings to which all interested persons are invited.

MEETING: District 4/Duval County Refugee Task Force

DATE AND TIME: Thursday, May 27, 1999, 2:00 p.m. – 4:00 p.m.

PLACE: Lutheran Social Services, 421 West Church Street, Suite 322, Jacksonville, Florida 32202. Contact person is Russell Bloom, Phone (904)632-0022

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to refugee resettlement in the Duval County/Children and Family Services, District 4 area.

A copy of the agenda may be obtained by writing: Cheraka Thomas, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

MEETING: Districts 5, 6 and 14 – Tampa Bay Area Refugee Task Force

DATE AND TIME: Friday, May 27, 1999, 9:30 a.m. – 11:30 a.m.

PLACE: Good Shephard Luthern Church, 501 South Dale Mabry, Tampa, FL, Contact Person: Danielle Kearney, (813)877-9303, Fax (813)348-4145.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Tampa Area/Children and Family Services, District(s) 5, 6 and 14.

A copy of the agenda may be obtained by writing: Taddesse Fessehaye, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

MEETING: District 9/Palm Beach County Refugee Task Force

DATE AND TIME: Wednesday, May 19, 1999, 1:30 p.m. – 3:30 p.m.

PLACE: Naval and Marine Corps Reserve Center, 1227 Marine Drive, West Palm Beach, Florida, Phone (561)687-3954. Contact person is George Lewis or Susan Sullivan, Phone (850)488-3791.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Palm Beach County/Children and Family Services, District 9 area.

A copy of the agenda may be obtained by writing: Susan Sullivan, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

MEETING: District 10/Broward County Refugee Task Force  
DATE AND TIME: Tuesday, May 25, 1999, 9:00 a.m. – 12:00 noon

PLACE: First Lutheran Church, 441 N. E. 3rd Avenue, Ft. Lauderdale, Florida 33301, Phone (954)467-1111. Contact person: Osman Uzun, (850)413-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Broward County/Children and Family Services, District 10 area.

A copy of the agenda may be obtained by writing: Osman Uzun, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

MEETING: District 11/Miami Area Refugee Task Force  
DATE AND TIME: Friday, May 14, 1999, 10:00 a.m. – 12:00 noon

PLACE: Radisson Mart Plaza Hotel, 711 N. W. 72nd Avenue, Miami, Florida 33126, Phone (305)261-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of issues relevant to Refugee resettlement in the Miami Area/Children and Family Services, District 11.

A copy of the agenda may be obtained by writing: Juel Kamke, Refugee Programs Administration Office, 1317 Winewood Blvd., Building 2, Room 202, Tallahassee, Florida 32399-0700.

Pursuant to the Provisions of the American's with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting at the Refugee Programs Administration Office, (850)488-3791 or Fax (850)487-4272. If you are hearing or speech impaired, please contact the agency by calling TDD Number (850)922-4449 and reference the specific Refugee Task Force Meeting by location and date.

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### FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Professional Services Selection Committee; FHFC Board Workshop

DATE AND TIME: May 6, 1999, 9:00 a.m.

PLACE: Bay Point Marriott, 4200 Marriott Drive, Panama City Beach, Florida 32408

PURPOSE: 1) Consider, review and/or approve recommendations made by the Fiscal Committee; 2) Consider, review, and/or approve recommendations made by the Guarantee Program Committee; 3) Consider, review and/or approve recommendations made by the Professional Services Selection Committee; 4) Consider, review and/or approve recommendations made by the Executive Committee; 5) Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds on upcoming multifamily issues; 6) Consider financing and inducement resolutions for various multifamily developments, under any multifamily program, including the ranking of projects; 7) Consider approval of trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs; 8) Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms; 9) Consider adopting resolutions authoring negotiated or competitive sale of bonds on various single-family and multifamily issues; 10) Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor; 11) Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues; 12) Consider and adopt targeting for use of the 1998 Multifamily Tax Exempt Bond Allocation; 13) Consideration of approval of underwriters for inclusion on approved master list and teams; 14) Consideration of all necessary actions with regard to the HOME Rental Program; 15) Consideration of all necessary actions with regard to the HC (Housing Credits) Program; 16) Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program; 17) Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program; 18) Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program; 19) Consideration of all necessary actions with regard to the Home Ownership Programs; 20) Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.

A copy of the agenda may be obtained by contacting: Mary Floyd, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech

impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The Counsel for the **Florida Housing Finance Corporation** (the "Corporation") will request a special meeting of the Board of Directors to be held as follows:

DATE AND TIME: May 7, 1999, 9:00 a.m.

PLACE: Bay Point Marriott, 4200 Marriott Drive, Panama City Beach, Florida 32408

PURPOSE: 1) Opening of a public meeting; 2) An attorney-client closed session of the Corporation, in accordance with Section 286.011(8), Florida Statutes, as to settlement negotiations or strategy relating to litigation expenditures by the Corporation in connection with litigation by Worthwhile Development II and IV, Ltd. against the Corporation. Present at the meeting will be: Corporation Board Members B Richard Martin, Chairman; Stephanie Baldwin; Clark Bennett; Edward Lee; John Lowndes; Charles Lydecker; Carl Mayes; Steve Seibert; and Frank Visconti – Corporation Counsel Stephen M. Donelan, Esq.; Corporation Chief Executive Officer Susan J. Leigh; Attorneys representing the Corporation in such litigation, Michael Glazer, Esq.; Mark Mustain, Esq.; Maureen Daughton, Esq.; Harry F. Chiles, Esq.; David Self, Esq.; and Tom Lang, Esq; 3) A reopening of the public meeting following termination of the attorney-client session.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting of the Board of Directors to which all interested parties are invited:

Fiscal Committee; Guarantee Committee; Professional Services Selection Committee; FHFC Board Meeting

DATE AND TIME: May 7, 1999, 9:00 a.m.

PLACE: Bay Point Marriott, 4200 Marriott Drive, Panama City Beach, Florida 32408

PURPOSE: 1) Consider, review and/or approve recommendations made by the Fiscal Committee; 2) Consider, review, and/or approve recommendations made by the Guarantee Program Committee; 3) Consider, review and/or approve recommendations made by the Professional Services Selection Committee; 4) Consider, review and/or approve recommendations made by the Executive Committee; 5) Authorize the Corporation Staff to proceed with all actions necessary for the sale of bonds on upcoming multifamily issues; 6) Consider financing and inducement resolutions for various multifamily developments, under any multifamily program, including the ranking of projects; 7) Consider approval of trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs; 8) Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms; 9) Consider adopting resolutions authoring negotiated or competitive sale of bonds on various single-family and multifamily issues; 10) Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor; 11) Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues; 12) Consider and adopt targeting for use of the 1998 Multifamily Tax Exempt Bond Allocation; 13) Consideration of approval of underwriters for inclusion on approved master list and teams; 14) Consideration of all necessary actions with regard to the HOME Rental Program; 15) Consideration of all necessary actions with regard to the HC (Housing Credits) Program; 16) Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program; 17) Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program; 18) Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program; 19) Consideration of all necessary actions with regard to the Home Ownership Programs; 20) Consideration of all necessary actions, for initiating new rules or rule amendments on an emergency or non-emergency basis.

A copy of the agenda may be obtained by contacting: Mary Floyd, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Linda Hawthorne, Deputy Administrative Officer, Florida Housing Finance Corporation, (850)488-4197, at least five

calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and that, for such purpose he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

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Notice is hereby given that the **Florida Housing Finance Corporation** ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

DATE AND TIME: May 11, 1999, 10:00 a.m.

PLACE: 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

PURPOSE: To conduct a TEFRA hearing concerning the future issuance of bonds by Florida Housing to finance the acquisition of land and new construction, acquisition and rehabilitation, or refinancing of the following rental properties in the aggregate face amounts, not to exceed the amounts listed below for each property:

Valencia Village Apartments, 340 units located at Valencia Community College Lane at Central Florida Greenway, Orange County, Orlando, Florida. The owner of the residential property is NuRock Corporation, 5920 Roswell Road, Suite B107-184, Atlanta, Georgia 30328, or such successor in interest in which NuRock is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$11,898,000.

Raceway Pointe Apartments, 208 units located at Bill France Boulevard and Dunn Avenue, Volusia County, Daytona Beach, Florida. The owner of the residential property is CED Construction, 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which CED Construction is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$7,278,960.

Sanctuary at Winterlakes, 284 units located east of East Tornino Parkway A and south of Midway Road, St. Lucie County, Port St. Lucie, Florida. The owner of the residential property is Brisben Companies, 7800 East Kemper Road, Cincinnati, Ohio 45249, or such successor in interest in which Brisben Companies is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$9,939,716.

Logan's Pointe Apartments, 248 units located at south of Beach Boulevard and west of St. John's Bluff Road, Duval County, Jacksonville, Florida. The owner of the residential property is Cornerstone Group, 2121 Ponce de Leon

Boulevard, PH 2, Coral Gables, Florida 33134, or such successor in interest in which Cornerstone Group is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$9,800,000.

Logan Heights Apartments, 360 units located at Lake Mary Boulevard and Rolling Hills Boulevard, Seminole County, Sanford, Florida. The owner of the residential property is Vestcor, 3030 Hartley Road, Suite 100, Jacksonville, Florida 33257, or such successor in interest in which Vestcor is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$14,300,000.

Riley Chase Apartments 312 units located south of Interstate 75 and east of Toledo Blade Road, Sarasota County, North Port, Florida. The owner of the residential property is Vestcor, 3030 Hartley Road, Suite 100, Jacksonville, Florida 32257, or such successor in interest in which Vestcor is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$12,400,000.

Spring Harbor Apartments, 248 units located at Eurora Road, south of US 441, Lake County, Mt. Dora, Florida. The owner of the residential property is Wendover Housing Partners, 615 Crescent Executive Court, Suite 120, Lake Mary, Florida 32746, or such successor in interest in which Wendover Housing Partners is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$9,900,000.

Timberline Apartments, 224 units located at Brown Chapel Road, St. Cloud Road, Osceola County, St. Cloud, Florida. The owner of the residential property is CED Construction, 1551 Sandspur Road, Maitland, Florida 32751, or such successor in interest in which CED Construction is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$8,948,800.

Bernwood Trace Apartments, 340 units located between Colonial Boulevard and Daniels Parkway, south of Challenger Boulevard on Six Mile Cypress Parkway, Lee County, Ft. Myers, Florida. The owner of the residential property is Cornerstone Group, 2121 Ponce de Leon Boulevard, PH 2, Coral Gables, Florida 33134, or such successor in interest in which Cornerstone Group is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$13,595,000.

Heritage Point Apartments, 340 units located at Cross Creek Boulevard, Hillsborough, Tampa, Florida. The owner of the residential property is White Oak Real Estate Development Corporation, 322 Banyan Bay Boulevard, West Palm Beach, Florida, or such successor in interest in which White Oak Real Estate Development Corporation is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$13,596,600.

Hampton Court Apartments, 288 units located at Australian Avenue, north of 45th Street, Palm Beach County, Mangonia Park, Florida. The owner of the residential property is Royal

Castle Development, 12550 Biscayne Boulevard, Suite 215, North Miami, Florida 33181, or such successor in interest in which Royal Castle is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$12,700,000.

The Woods of Vero Beach, 176 units located at Oslo Road and 20th Avenue, Indian River County, Indian River, Florida. The owner of the residential property is Creative Choice Homes XVI, Ltd., 4243-D Northlake Boulevard, Palm Beach Gardens, Florida 33410, or such successor in interest in which Creative Choice Homes is a managing, general partner and/or controlling stockholder. The bond amount is not to exceed \$7,666,000.

All interested parties are invited to submit written comments and/or present oral comments at the public hearing regarding the bond issuance of the properties being financed. Written comments should be received by Florida Housing on or before Friday, May 7, 1999. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Joyce Martinez, Program Manager, Multifamily Bond Program, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing impaired, please contact the Florida Housing using the Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Any person who decides to appeal any decision made by Florida Housing with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which will include the testimony and evidence upon which the appeal is based.

**PINELLAS WAGES COALITION**

The **Pinellas WAGES Coalition** and the Pinellas Workforce Development Board announce the following public forums:

DATE AND TIME: Thursday, April 29, 1999, 9:00 a.m. – 11:30 a.m.

PLACE: St. Petersburg Times, 490 1st Avenue, South, St. Petersburg, FL

DATE AND TIME: Thursday, April 29, 1999, 1:30 p.m. – 4:00 p.m.

PLACE: Clearwater Library, 2251 Drew Street, Clearwater, FL

PURPOSE: The Hudson Institute will be soliciting information from the public regarding an integrated service delivery system between the Pinellas Workforce Development Board and the Pinellas WAGES Coalition as it relates to the upcoming joint request for proposal.

SUBJECT MATTER: Discussion of the joint request for proposal between the Pinellas WAGES Coalition and the Pinellas Workforce Development Board and Hudson Institute's work in Pinellas County.

Members of the public are invited to attend. Agendas can be obtained seven days in advance of the meeting at: Suite 304, Pinellas WAGES Coalition, or Suite 312, Pinellas Workforce Development Board, 13770 58th Street North, Clearwater or by calling (727)507-6197 or (727)524-4344.

Persons needing special accommodations to participate in the meeting should call at least 3 days in advance at (727)507-6197.

**INDIAN TRAIL IMPROVEMENT DISTRICT**

The **Indian Trail Improvement District** announces a public meeting of the L-8 Selection Committee

DATE AND TIME: April 30, 1999, 1:30 p.m.

PLACE: Offices of Shalloway, Foy, Rayman and Newell, 1201 Belvedere Road, West Palm Beach, FL

PURPOSE: To select the most qualified firm for Prof. Civil Engineering services for preparing portions of a General Reevaluation Report (GRR) as determined by the U. S. Army Corps of Engineers for the L-8 Basin.

**FLORIDA RESIDENTIAL PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION**

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Audit Committee to which all interested parties are invited.

DATE AND TIME: Thursday, May 6, 1999, 5:00 p.m., EDT

PLACE: 7550 Augusta National Drive, Orlando FL, (407)240-5555.

PURPOSE: Items of discussion include, but are not limited to, audited financial statements and loss reserve analysis.

For additional information, please call 1(800)807-7647, Extension 3761.

The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Investment Committee to which all interested parties are invited.

DATE AND TIME: Thursday, May 6, 1999, 6:00 p.m., EDT

PLACE: Doubletree Guest Suites Orlando Airport, 7550 Augusta National Drive, Orlando FL, (407)240-5555.

PURPOSE: Items of discussion include, but are not limited to, investment results through March 31, 1999.

For additional information, please call 1(800)807-7647, Extension 3761.

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The **Florida Residential Property and Casualty Joint Underwriting Association** announces a meeting of its Board of Governors to which all interested parties are invited.

DATE AND TIME: Friday, May 7, 1999, 8:00 a.m., EST

PLACE: Doubletree Guest Suites Orlando Airport, 7550 Augusta National Drive, Orlando, FL, (407)240-5555.

PURPOSE: Items of discussion include, but are not limited to, takeout proposals, audited financial statements, and Underwriting Committee report.

For additional information, please call 1(800)807-7647, Extension 3761.

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**FLORIDA MUNICIPAL INSURANCE TRUST**

The **Florida Municipal Insurance Trust**, an interlocal entity created pursuant to Fla. Stat. 768.28 and 163.01, announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 21, 1999, 9:30 a.m. – 4:00 p.m.; Saturday, May 22, 1999, 9:00 a.m. – 12:00 noon

PLACE: Omni Hotel, 100 CNN Center, Atlanta, Georgia 30335, (404)659-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business meeting of the Board of Trustees.

A copy of the proposed agenda may be obtained by contacting: Linda Bridges, Florida League of Cities, Inc., Tallahassee, FL, (850)222-9684.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is based.

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**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF LABOR AND EMPLOYMENT SECURITY**

NOTICE IS HEREBY GIVEN that the Public Employees Relations Commission has received and will consider the following Petition for Declaratory Statement:

Case No.: DS-98-002

In Re: Petition for Declaratory Statement of the Teamsters Local 385

Teamsters Local 385 is petitioning the Public Employees Relations Commission to issue a Declaratory Statement concerning the following issues:

Issue: Whether Section 116.021(4) or Section 447.309(3) require referendum approval for recent pension changes which petitioner and the city have collectively bargained, or whether such a requirement interferes with Article I, Section 6, of the Florida Constitution guaranteeing to public employees the right to collective bargain.

A copy of the petition may be obtained by writing: Clerk, Public Employees Relations Commission, 2586 Seagate Drive, Suite 100, Tallahassee, Florida 32301-5032.

Any person desiring to submit a statement regarding the petition may do so by filing such statement at the above address within 20 days of the date of this publication.

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**MARINE FISHERIES COMMISSION**

NOTICE IS HEREBY GIVEN that the Florida Marine Fisheries Commission received a Petition for Declaratory Statement on April 5, 1999, from Walter D. Pine. Mr. Pine has asked a number of questions regarding his status as a disabled person and the application of a number of Commission rules, Florida Statutes, a provision of the State Constitution, and a federal act, to his circumstances.

A copy of the petition may be obtained by contacting Lisa Rubenstein, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301, (850)487-0554.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN, pursuant to Section 120.565, Florida Statutes, that the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, issued a Final Order Denying Petition for Declaratory Statement on Thursday, April 8, 1999, in DBPR Case No. DS 99-001 disposing of the Petition for a Declaratory Statement filed by David Budin on January 12, 1999. The following is a summary of the agency's disposition of the petition: The Petition was denied because the Petitioner sought a declaratory statement that would have general application and an interpretation of a federal statute and/or a federal court order.

A copy of the Final Order may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida State University, State of Florida, announces that professional services for minor projects are required in the disciplines of civil/structural and mechanical/electrical engineering. The University is interested in contracting with no more than two firms to provide electrical/mechanical engineering services and a single firm for civil/structural engineering. The University reserves the right to reject all proposals and halt the selection process in either area independent of the other.

Minor projects are specific projects for construction, renovation, alterations or additions that have a basic construction budget estimated to be \$500,000 or less; or studies for which the fee for professional services is \$25,000 or

less. Campus Service contracts for minor projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1, 1999 – June 30, 2000, beginning with the start date of the contract. At the option of the University and the consultant, the contract may be renewed for a second year.

Firms desiring to provide professional services shall apply by letter specifying the campus service agreement for which they are applying. Proximity of location will be a prime factor in the selection of the firm.

Attach to each letter of application:

1. A completed Board of Regents "Professional Qualifications Supplement," dated February, 1999. (Note: This is a new edition of the PQS Form) Applications on any other form or applications exceeding the 40 page limit will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered in the State of Florida to practice the required profession at the time of application. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. A separate application is required for each area if the firm intends to apply for both civil/structural and mechanical/electrical. Applications which do not comply with the above instructions will not be considered. Application material will not be returned.

The plans and specifications for campus service projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualification Supplements, descriptive project information, and selection criteria may be obtained by contacting: Lynetta Mills, Facilities Planning & Construction, 109 Mendenhall Maintenance Building A, Florida State University, Tallahassee, Florida 32306-4152, (850)644-2843 telephone, (850)644-8351 facsimile.

For further information on campus service projects, contact Lisa Durham, Sr. Project Manager, at the address and phone listed above.

Submittals must be received at the above location, by 2:00 p.m., local time, Thursday, May 27, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

REVISION TO CALL FOR BIDS

Florida A & M University, on behalf of the State of Florida, Board of Regents.

PROJECT NAME: Utilities Improvements/Central Chilled Water Plant, Phase V

PROJECT NUMBER: BR-389

PLACE: Florida A & M University, Tallahassee, Florida 32307

Florida A & M University placed a Call for Bids in the April 2, 1999 issue (Vol. 25, No. 13, Pages 1382-1383) for the referenced project. The University hereby give notice of revision to the QUALIFICATION section of the call as follows:

Revision:

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on:

DATE AND TIME: Unchanged

PLACE: Unchanged

NOTE: (Same notice also given on April 20, 1999 at the PRE-SOLICITATION/PRE-BID MEETING)

INVITATION TO BID

BID NO.: 7208

BID TITLE: Lafayette Vineyards Center

QUALIFICATION: All Bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2. Sealed bids will be received on May 25, 1999 until 2:00 p.m., local time, Florida A & M University, Facilities Planning Department, 2400 Wahnish Way, Bldg. A, Suite 100, Tallahassee, Florida 32307, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings, specifications, biddin conditions and contractual condiditions, which may be examined and obtained from the architect/engineer: Hicks Nation Miller Architects, Inc., 1382 Timberlane Road, Suite C, Tallahassee, Florida 32312.

MINORITY PROGRAM: At least 21 percent of the project contracted amount will be expended with minority business enterprises certified by the Minority Business Advocacy and Assistance Office, as set forth under the Florida Small Business Assistance Act, Chapter 287, Florida Statutes. If the 21 percent is not attainable, the University will recognize Good Faith Efforts by the bidder.

The bidder is advised to review these requirements in the special Conditions section immediately, in order to schedule the necessary tasks to accomplish Good Faith Efforts.

MANDATORY PRE-BID MEETING: The Bidder is required to attend the pre-bid meeting. Failure to attend will result in disqualification. Minority Business Enterprises are invited to

attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. This meeting has been scheduled for:

DATE AND TIME: May 13, 1999, 2:00 p.m., local time

PLACE: Plant Operation and Maintenance Building, Room 120A, 2400 Wahnish Way, Tallahassee, Florida 32307

DEPOSIT: \$125.00 per set of drawings and Project Manual is required with a limit of three (3) sets per general contractor or prime bidder; and two (2) sets of drawings and Project Manuals for Plumbing, Heating/Ventilating/Air Conditioning and Electrical Contractors acting as Subcontractors.

REFUND: The deposit shall only be refunded to those general contractors, prime bidders, or plumbing, heating/ventilating/air conditioning and electrical contractors acting as either prime or subcontractors, who after having examined the drawings and specifications submit a bona fide bid or provide written evidence that they have submitted bids as subcontractors and who return the drawings and Project Manual in good condition within fifteen (15) days after receipt of bids.

PURCHASE: Full sets of bidding documents may be examined at the Architect/Engineer's office and local plan rooms. Full sets may be purchased through the Architect/Engineer for \$125.00 per set for the printing and handling cost. Partial sets may be purchased at \$35.00 per Project Manual, and are sold subject to the provisions of Article B-27 of the Instructions to Bidders.

ACCOMODATION FOR DISABILITIES: If a special accommodation is required to permit attendance, contact the Facilities Planning Office 7 days prior to the scheduled meeting.

NOTICE TO PROFESSIONAL CONSULTANTS

The University of Central Florida announces that Professional Services in the discipline of Civil/Mechanical/Fire Protection/Engineering will be required for the project listed below:

Project No. BR-437

Project and Location: Campus Fire Protection Water System, University of Central Florida, Orlando, Florida 32816-3500.

The project consists of:

The design and construction of a dedicated water supply system for campus fire protection needs. The system shall be of sufficient capacity to serve the main UCF campus at its buildout in approximately 2010. The cost for this project will be approximately \$4,000,000.00.

The selected firm will provide design, construction documents and administration for the referenced project.

Blanket professional liability insurance will be required for this project in the amount of \$250,000, and will be provided as a part of Basic Services.



**INSTRUCTIONS:**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed Board of Regents "Professional Qualifications Supplement," dated 2/99. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit four (4) copies of the above requested data bound in the order listed above. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned.

The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Mr. Jim Uhlir, Director of Environmental Health & Safety, University of Central Florida, Environmental Health & Safety, 4000 Central Florida Boulevard, P. O. Box 163500, Orlando, FL 32816-3500, Phone (407)823-6300, Fax (407)823-0146, Email: jimuhli@mail.ucf.edu, Our homepage www.fp.ucf.edu.

Submittals must be received in the Physical Plant Building, University of Central Florida, by 5:00 p.m. local time, on Tuesday, May 25, 1999. Facsimile (FAX) submittals are not acceptable and will not be considered.

**Request for Proposal**

#99P-013 – Audio-Video Recording/Observation System

Sealed Bids will be received at Florida Gulf Coast University, Purchasing Department, Suite 234, 10501 FGCU Boulevard, South, Fort Myers, FL 33965

Bids will open, 2:00 p.m. EST, May 21, 1999.

Interested parties may contact the Major Projects Department, (941)590-1147, Monday through Friday, 8:00 a.m. – 5:00 p.m., to receive information and obtain a copy of the proposal.

**GAME AND FRESH WATER FISH COMMISSION**

**INVITATION TO BID**

Competitive sealed invitation to bid will be received by the Purchasing Office until the time and date shown for the following:

DATE: May 26, 1999, 10:00 a.m.

BID NO.: GFC 98-89

BID TITLE: REPAIR OF DAMAGES TO THE HICKORY MOUND IMPOUNDMENT DIKE IN TAYLOR COUNTY

MANDATORY PRE-BID CONFERENCE: May 12, 1999, 1:00 p.m. at the Cow Creek Check Station, Hickory Mound Unit, Big Bend WMA (fig.1). The Cow Creek Check Station is on the Cow Creek Grade. The intersection of the Cow Creek Grade and Hwy. 98 is marked by a green Department of Transportation sign. From the West, use U.S. Hwy. 98 and travel 21.3 from Newport, Florida east to Cow Creek Grade and follow the dirt road south 6 miles to the Cow Creek Check Station. From the east, use U.S. Hwy. 98 and travel 16 miles from Perry Florida west to Cow Creek Grade and follow the dirt road south 6 miles to the Cow Creek Check Station.

PROPOSAL: Proposals must be submitted in full accordance with requirements of the Bidding and Contractual Conditions. Bid specifications may be obtained from the Florida Game and Fresh Water Fish Commission, 620 South Meridian Street, Purchasing Room 364, Bryant Building, Tallahassee, Florida 32399-1600.

A copy of the ITB may be obtained from the above address or by calling (904)488-3427. The Commission reserves the right to reject any and all bid/proposals.

**DEPARTMENT OF MANAGEMENT SERVICES**

**ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: AG-98007020

SAMAS CODE: 42-30-1-000709-42060000-083977-99

PROJECT NAME & LOCATION: Immokalee State Farmers Market Miscellaneous Structural Repairs, Immokalee Florida  
FOR: Florida Department of Agriculture, Bureau of State Farmers' Market

PREQUALIFICATION: Each bidder whose field is governed by Chapter 399, 455, 489 and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date if not previously qualified by the Owner for the current biennium (July 1 through June 30) of odd numbered years. Call (850)488-6233 for information on prequalification with the State of Florida, Department of

Management Services. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004. A copy of the rule requirements is included in the Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures."

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND:** If the construction contract award amount is \$100,000 or less, a Performance Bond and a Labor And Material Payment Bond are not required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** May 14, 1999, Until 2:00 p.m., local time

**PLACE:** Immokalee State Farmers Market Managers Office, 424 New Market Road, Immokalee, Florida 34142

**PROPOSAL:** Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

**ARCHITECT-ENGINEER:** Corzo Castella Carballo Thompson Salman, P.A., 901 Ponce de Leon Blvd, Suite 901, Coral Gables, FL 33134, Telephone (305)445-2900

**DEPOSIT:** \$50.00 per set of Drawings and Specifications is required with a limit of two (2) sets per General Contractor or Prime Bidder and one set per mechanical subcontractor and/or electrical subcontractor. The deposit shall only be returned to those General Contractors, or Prime Bidders, mechanical subcontractors and/or electrical subcontractors, who, after having examined the Drawings and Specifications:

- a. Submit a request for pre-qualification and fail to qualify, or
- b. Submit a bid (in the case of mechanical and/or electrical subcontractor's submission of a bid to a prime bidder), and return the Drawings and Specifications in good condition within fifteen (15) days of the date of receipt of bids.

**CONTRACT AWARD:** The Bid Tabulation and Notice of Award Recommendation will be posted at 5:00 p.m., local time on May 17, 1999 at the State of Florida, Department of Management Services Office, 4508 Oak Fair Boulevard, Tampa, FL 33610. In the event that the Bid Tabulation and Notice of Award Recommendation cannot be posted in this

manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions to Bidders, the Owner will award the contract "Notice and Protests Procedures," to the qualified, responsive low bidder in accordance with Rule 60D-5.

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## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Request for Proposals

The Florida Department of Children and Family Services is requesting proposals, pending legislative funding, to establish a data brokering services contract which will assist the Department in determining eligibility for public assistance programs and in detecting and preventing fraud.

The Florida Department of Children and Family Services seeks to contract for a data brokering service to obtain public records on applicant income, financial resources, household composition, and other relevant information for determining eligibility. The Department will use the information to compliment interview tools and to identify elements that should be verified prior to finalizing eligibility decisions. The data brokering service must provide information from credit reports, vehicle registration, SSN information, address verification, property and business ownership, and other public record information and other available data that, in the vendor's opinion, would help meet the objective of accurately determining eligibility and reducing and preventing fraud.

The contract will be for one year and will be a fixed-price unit cost contract. The Department of Children and Family Services may renew the contract for up to two one-year periods. The Department is seeking to rapidly deploy the availability of this information to its field staff.

Copies of the Request for Proposal (#ML631TB) may be obtained from the Department of Children and Family Services on or after Friday, April 23, 1999. Written notices of intent to submit proposals should be received by the department by Friday, May 7, 1999. A prospective respondent's conference will be held on Friday, May 14, 1999, 10:00 a.m., Building 3, Room 414, Department of Children and Family Services, Winewood Office Complex, 1317 Winewood Boulevard, (off Blairstone Road), Tallahassee, Florida.

All proposals for data brokering services must be received by the department no later than Friday May 25, 1999, 12:00 noon (EDST). Proposals received after that time will not be considered. Notification of contract awards will be issued on Wednesday, June 8, 1999.

Certified minority business enterprises are encouraged to participate in any respondent conferences, presolicitation or prebid meetings which are scheduled.

The department reserves the right to reject any and all bids or accept minor irregularities in the best interest of the state.

All requests for proposals, inquiries, notices of intent to respond to the Request for Proposals and submission of proposals for data brokering services are to be directed in writing to the following: Eileen Schilling, Department of Children and Family Services, Economic Self-Sufficiency Services, Quality Assurance Program, 1317 Winewood Boulevard, Building 3, Room 403A, Tallahassee, Florida 32399-0700

**SCHOOL BOARD OF BROWARD COUNTY**

**INVITATION TO BID**

The School Board of Broward County, Florida  
Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:  
BID NUMBER: 20-106X  
BID TITLE: Single Strength Fruit Juice for Cafeterias  
DUE DATE/TIME: June 2, 1999, on or before 2:00 p.m.  
LOCATION OF BID OPENING: Purchasing Department, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704  
CONTRACT TERM: August 15, 1999 through August 14, 2000  
ESTIMATED DOLLAR VALUE OF THE BID: \$2,000,000.00  
TELEPHONE NUMBER: (954)765-6209

**INVITATION TO BID**

The School Board of Broward County, Florida  
Competitive sealed bids will be received by the Purchasing Department until the date and time shown for the following:  
BID NUMBER: 20-108X  
BID TITLE: Doughnuts and Pastries for Cafeterias  
DUE DATE/TIME: June 2, 1999, on or before 2:00 p.m.  
LOCATION OF BID OPENING: Purchasing Department, 7720 W. Oakland Park Boulevard, Suite 323, Sunrise, Florida 33351-6704  
CONTRACT TERM: August 15, 1999 through August 14, 2000  
ESTIMATED DOLLAR VALUE OF THE BID: \$50,000.00  
TELEPHONE NUMBER: (954)765-6209

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

**REQUEST FOR PROPOSALS  
(FDDC RFP #177IP98)**

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. The purpose of this RFP is to encourage initiatives that will build and foster relationships between Floridians of all ages with and without developmental disabilities and result in Floridians with disabilities being included into the social makeup of their neighborhoods and communities. The goal is to build

relationships and networks that will endure beyond the life of the project(s). Non-disability related community organizations or associations may submit proposals. Disability related or other human service organizations may submit proposals but only as a joint, collaborative effort with one or more non-disability related group.

The total amount of funds available for project(s) awarded based on this RFP will be \$50,000.00. The amount of funding of each contract awarded will be developed during contract negotiations.

Copies of this RFP will be available from: Wesley White, Florida Developmental Disabilities Council, 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, (850)488-4180 or Toll Free 1(800)580-7801 or TDD toll free 1(888)488-8633. The deadline for written questions is 4:30 p.m., EST on May 10, 1999. The deadline for submitting proposals is 4:30 p.m., EST on May 28, 1999.

**Section XII  
Miscellaneous**

**DEPARTMENT OF BANKING AND FINANCE**

IN RE:  
SOVEREIGN EQUITY MANAGEMENT CORP., a/k/a  
Administrative Proceeding  
TUSCANY EQUITY MANAGEMENT CORPORATION,  
No. 2735-S-10/98  
and JOHN NEWELL WOHLBERG,  
Maxine Martincich  
Respondents.

**NOTICE OF INTENT TO ENTER A FINAL ORDER  
GRANTING RECOVERY FROM THE SECURITIES  
GUARANTY FUND AND NOTICE OF RIGHTS**

The State of Florida Department of Banking and Finance, Division of Securities and Investor Protection (the "Department"), being authorized and directed to administer and to accept and pay claims against the Securities Guaranty Fund (the "Fund"), codified in Sections 517.131, 517.141 and 517.151, Florida Statutes, does hereby give Notice of its intention to enter a Final Order granting the application of Maxine Martincich ("Martincich" and "Claimant") for payment from the Fund for violations of the Florida Securities and Investor Protection Act by Respondents Sovereign Equity Management Corp., a/k/a Tuscan Equity Management Corporation and John Newell Wohlberg.

The Securities Guaranty Fund is disbursed as provided in Section 517.141, Florida Statutes, to a person who is adjudged by a court of competent jurisdiction to have suffered monetary

damages as a result of a dealer, investment advisor, or associated person having violated Sections 517.07 or 517.301, Florida Statutes.

#### STATEMENT OF FACTS

1. Under the provisions of the Florida Securities and Investor Protection Act (the "Act"), the Department is charged with the responsibility and duty of administering the fund, which includes the duty to approve or deny applications for payment from the Fund, as set forth in Section 517.141(3)(a), Florida Statutes.

2. At all times material hereto, Sovereign Equity Management Corp., a/k/a Tuscany Equity Management Corporation, ("Sovereign") was registered pursuant to Chapter 517, Florida Statutes (BD No. 20016).

3. At all times material hereto, John Newell Wohlberg ("Wohlberg") was registered pursuant to Chapter 517, Florida Statutes (CRD No. 2255653).

4. On or about October 16, 1998, the Department received a letter from Allan J. Fedor, Attorney for the Claimant. The letter provided notice to the Department that Claimant was making a claim against the Securities Guaranty Fund for acts committed by Sovereign and Wohlberg. Also, the letter provided:

a. A copy of NASD Arbitration Award No. 96-04875 dated October 21, 1997, finding Respondents violated Section 517.301, Florida Statutes, and awarding Claimant \$42,983.56 as compensatory damages;

b. A copy of the Final Judgment Confirming Binding Arbitration Award from the Circuit Court for the Sixth Judicial Circuit in and for Pinellas County, Florida, Case No. 97-7650-CI-7;

5. On or about February 10, 1999, the Department received a letter from Richard R. Logsdon, Attorney for the Claimant. The letter provided:

a. A copy of the Writ of Execution from the Circuit Court for the Sixth Judicial Circuit in and for Pinellas County, Florida, Case No. 97-7650-CI-7;

b. A copy of the Receipt from the Pinellas County Sheriff's Office indicating the docketing and indexing of the Writ of Execution; and

c. An Affidavit from Richard R. Logsdon, stating that they have made all reasonable and diligent efforts and inquiries in attempt to achieve collection, but the court judgment against Respondents remains completely unsatisfied.

#### CONCLUSIONS OF LAW

6. The requirements for perfecting a claim to the Fund are found in Sections 517.131 and 517.141, Florida Statutes.

7. Based upon the foregoing Statement of Facts, the Department concludes that the Claimant has satisfied the requirements in Section 517.131, Florida Statutes, in that:

a. Claimant has been adjudged by the Circuit Court for the Sixth Judicial Circuit in and for Pinellas County, Florida, to have suffered monetary damages in the amount of \$42,983.56;

b. Respondents actions in regards to Claimant's money amounts to a violation of Section 517.301, Florida Statutes;

c. Claimant has attempted to collect from the judgement debtors, but she has not recovered any amount from the Respondents, or any other source in satisfaction of these damages;

d. At all times material hereto, Respondents Sovereign and Wohlberg were licensed under Chapter 517, Florida Statutes; and

e. The act for which Claimant seeks recovery occurred after January 1, 1979.

8. Claimant is limited to recovering the amount equal to the unsatisfied portion of her judgment or \$10,000, whichever is less, as set forth in Section 517.141(1), Florida Statutes.

9. The total claims may not exceed \$100,000, and all claims will be prorated based upon the ratio that the person's claim bears to the total claims filed, as set forth in Section 517.141(2), Florida Statutes.

10. Section 517.141(3), Florida Statutes, provides that no payment from the Fund shall be made until 2 years after the first claim has been determined by the Department to be eligible for payment from the Fund. This subsection further provides that any additional claims or potential claims filed with or approved by the Department during the two year period shall also be considered by the Department and provision made for further prorations concerning such additional claims, if any, two years hence.

11. It is the conclusion of the Department that no payment shall be made in connection with the Claimant's claim until two years from the date of this first Final Order regarding Respondents Sovereign and Wohlberg.

#### PROPOSED FINAL ORDER

Upon due consideration of the factual statement set forth above and the law applicable thereto, NOTICE is hereby given that the Department intends to and will issue a Final Order substantially as follows, subject only to the Notice of Rights attached hereto and made a part hereof:

1. The Department hereby grants the claim of Martincich;

2. No payment from the Fund shall be made until two years from the date of entry of this first Final Order regarding Sovereign and Wohlberg;

3. Upon expiration of such period, provided that no further claims are duly received or approved by final order by the Department alleging violations of the Act by Sovereign and Wohlberg, and subject to further proration and limitation as may be required by section 517.141(3) and (4), Florida Statutes, the Department shall pay Maxine Martincich the amount of up to \$10,000.00 from the Fund;

4. Martincich shall assign any right, title, and interest in the debt to the extent of and prior to any payment by the Department from the Fund.

NOTICE OF RIGHTS

Notice is hereby given that Respondent may request a hearing on the Notice of Intent to enter a Final Order Granting Recovery from the Securities Guaranty Fund to be conducted in accordance with the provisions of Section 120.57, Florida Statutes. Requests for such a hearing must comply with the provisions of Florida Administrative Code 28-106.201, and must be filed with: Clerk, Office of the Comptroller, Department of Banking and Finance, Legal Section, 101 East Gaines Street, The Fletcher Building, Room 526, Tallahassee, Florida 32399-0350, within twenty-one (21) days after Respondent receives a copy of this Notice of Intent to enter a Final Order Granting Recovery from the Securities Guaranty Fund and Notice of Rights, otherwise Respondent shall be deemed to have waived all rights to such hearing. Should Respondent request such a hearing, they are further advised that at such hearing they will have the right to offer testimony, either written or oral; to call and cross-examine witnesses; and to have subpoena and subpoenas duces tecum issued on their behalf.

Mark A. Graves, Assistant General Counsel, Office of the Comptroller, 101 East Gaines Street, The Fletcher Building, Suite 526, Tallahassee, Florida 32399-0350, (850)410-9896.

Copies furnished to: Don Saxon, Director, Division of Securities; Jo Schultz, Chief Counsel, Office of the Comptroller

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Intent to enter a Final Order Granting Recovery from the Securities Guaranty Fund and Notice of Rights were duly sent by U.S. Certified Mail, Return Receipt Requested, to all of the following: Richard R. Logsdon, Attorney for Claimant, Richard R. Logsdon, P.A., 1423 South Fort Harrison Avenue, Clearwater, Florida 33756; Allan J. Fedor, Attorney for Claimant, Fedor & Fedor, 10225 Ulmerton Road, Suite 8-A, Largo, Florida 33771; Sovereign Equity Management Corp., a/k/a Tuscany Equity Management Corporation, 1313 South Military Trail, Suite #313, Deerfield Beach, Florida 33486, Attention Glen T. Vittor; Sovereign Equity Management Corp., a/k/a Tuscany Equity Management Corporation, 5200 Town Center Circle, Suite #303, Boca Raton, Florida 33486, Attention Thomas W. Hands; and John Newell Wohlberg, 1014 Baybreeze Terrace, Largo, Florida 34640, this 17th day of March, 1999.

Mark A. Graves, Assistant General Counsel

NOTICE OF FILINGS OF APPLICATIONS FOR LICENSES AND MERGERS

Notice is hereby given that the Department of Banking and Finance, Division of Banking, has received the following applications. Comments may be submitted to the Director, Division of Banking, 101 East Gaines Street, Suite 636, Fletcher Building, Tallahassee, Florida 32399-0350, for

inclusion in the official record without requesting a hearing; however, any person may request a public hearing by filing a petition with the Clerk, Legal Division, Department of Banking and Finance, 101 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0350, pursuant to provisions specified in Chapter 3C-105.100, Florida Administrative Code. Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 14, 1999):

APPLICATION WITHDRAWN

Application for a New Financial Institution
Applicant: The Commercial Bank of Highlands County, Sebring, Florida
Withdrawn: April 9, 1999

DEPARTMENT OF INSURANCE

OFFICE OF THE TREASURER
BUREAU OF COLLATERAL SECURITIES
PUBLIC DEPOSITS SECTION

\*\*\*\*\*
THE FOLLOWING QUALIFIED PUBLIC DEPOSITORIES ARE AUTHORIZED TO HOLD PUBLIC DEPOSITS. THEY ARE LISTED UNDER THE STATE OF HOME OFFICE LOCATION. ONLY FLORIDA BRANCHES OF THESE INSTITUTIONS ARE ALLOWED TO HOLD FLORIDA PUBLIC DEPOSIT ACCOUNTS. INSTITUTIONS MARKED WITH AN ASTERISK HAVE LIMITED THE AMOUNT OF PUBLIC DEPOSITS THEY WILL ADMINISTER AND ARE NOT ACCEPTING NEW PUBLIC DEPOSIT ACCOUNTS. DEPOSITORIES WITHDRAWING FROM THE PROGRAM HAVE A STATED EFFECTIVE DATE OF WITHDRAWAL BESIDE THEIR NAME AND SHALL NOT RECEIVE OR RETAIN PUBLIC DEPOSITS AFTER THE DATE LISTED.

\*\*\*\*\*

ALABAMA

BIRMINGHAM

AMSOUTH BANK
COMPASS BANK
REGIONS BANK
SOUTHTRUST BANK, N.A.

MONTGOMERY

COLONIAL BANK

CALIFORNIA

SAN FRANCISCO

CITIBANK, F.S.B.

**FLORIDA**

**ALACHUA**

FIRST NATIONAL BANK OF ALACHUA

**APALACHICOLA**

APALACHICOLA STATE BANK

**ARCADIA**

FIRST STATE BANK OF ARCADIA

**AVENTURA**

TURNBERRY BANK

**BARTOW**

CITRUS & CHEMICAL BANK  
COMMUNITY NATIONAL BANK AT BARTOW

**BELLE GLADE**

BANK OF BELLE GLADE

**BLOUNTSTOWN**

C & L BANK OF BLOUNTSTOWN

**BOCA RATON**

EUROBANK

**BONIFAY**

BANK OF BONIFAY

**BRADENTON**

AMERICAN BANK OF BRADENTON  
FIRST BRADENTON BANK  
FIRST NATIONAL BANK OF MANATEE  
REGIONS BANK, N.A.

**BRISTOL**

C & L BANK OF BRISTOL

**BROOKSVILLE**

HERNANDO COUNTY BANK  
SUNTRUST BANK, NATURE COAST

**CAPE CORAL**

CAPE CORAL NATIONAL BANK

**CARRABELLE**

GULF STATE COMMUNITY BANK

**CHIEFLAND**

DRUMMOND COMMUNITY BANK

**CLEARWATER**

FIRST NATIONAL BANK OF FLORIDA  
INTERVEST BANK

**CLEWISTON**

FIRST BANK OF CLEWISTON  
FIRST FEDERAL SAVINGS BANK OF THE GLADES

**COOPER CITY**

FIRST WESTERN BANK

**CORAL GABLES**

BANKUNITED SAVINGS BANK  
GIBRALTAR BANK, F.S.B.  
METRO BANK OF DADE COUNTY  
UNIBANK

**CRAWFORDVILLE**

CITIZENS BANK OF WAKULLA  
WAKULLA BANK

**CRESCENT CITY**

CITIZENS FIRST NATIONAL BANK

**CRESTVIEW**

FIRST NATIONAL BANK OF CRESTVIEW

**CRYSTAL RIVER**

CRYSTAL RIVER BANK

**DADE CITY**

FIRST NATIONAL BANK OF PASCO

**DAVIE**

REGENT BANK

**DAYTONA BEACH**

SUNTRUST BANK, EAST CENTRAL FLORIDA

**DESTIN**

DESTIN BANK

**DUNNELLON**

DUNNELLON STATE BANK

**ENGLEWOOD**

ENGLEWOOD BANK  
PENINSULA BANK

**FERNANDINA BEACH**

FIRST COAST COMMUNITY BANK

**FORT LAUDERDALE**

BANKATLANTIC, F.S.B.  
EQUITABLE BANK  
GATEWAY AMERICAN BANK OF FLORIDA  
SUNNILAND BANK  
SUNTRUST BANK, SOUTH FLORIDA, N.A.

**FORT MYERS**

SOUTH FLORIDA BANK  
SUNTRUST BANK, SOUTHWEST FLORIDA

**FORT PIERCE**

HARBOR FEDERAL SAVINGS BANK  
RIVERSIDE NATIONAL BANK OF FLORIDA

**FORT WALTON BEACH**

FIRST CITY BANK OF FLORIDA  
FIRST NATIONAL BANK & TRUST  
FIRST NORTHWEST FLORIDA BANK  
READY BANK OF WEST FLORIDA

**FROSTPROOF**

CITIZENS BANK OF FROSTPROOF

**GAINESVILLE**

MERCHANTS & SOUTHERN BANK

**GRACEVILLE**

BANK OF JACKSON COUNTY  
PEOPLES BANK OF GRACEVILLE

**GROVELAND**

PEOPLES STATE BANK OF GROVELAND

**HAINES CITY**

FIRST NATIONAL BANK OF POLK COUNTY

**HALLANDALE**

DESJARDINS FEDERAL SAVINGS BANK

**HOMESTEAD**

COMMUNITY BANK OF HOMESTEAD  
FIRST NATIONAL BANK OF HOMESTEAD

**HOMOSASSA SPRINGS**

HOMOSASSA SPRINGS BANK

**IMMOKALEE**

FLORIDA COMMUNITY BANK

**INDIANTOWN**

FIRST BANK OF INDIANTOWN

**INVERNESS**

BANK OF INVERNESS

**JACKSONVILLE**

MARINE NATIONAL BANK OF JACKSONVILLE  
SUNTRUST BANK, NORTH FLORIDA, N.A.

**KEY LARGO**

TIB BANK OF THE KEYS

**KEY WEST**

FIRST STATE BANK OF THE FLORIDA KEYS

**KISSIMMEE**

FIRST NATIONAL BANK OF OSCEOLA COUNTY

**LADY LAKE**

CITIZENS FIRST BANK

**LAKE CITY**

CNB NATIONAL BANK  
COLUMBIA COUNTY BANK

**LAKELAND**

FIRST FEDERAL S&L ASSOCIATION OF FLORIDA

**LAKE WALES**

AMERICAN BANK & TRUST OF POLK COUNTY

**LAUDERHILL**

UNION BANK OF FLORIDA

**LEESBURG**

FIRST FEDERAL SAVINGS BANK OF LAKE COUNTY

**LIVE OAK**

FIRST FEDERAL SAVINGS BANK OF FLORIDA

**LONGWOOD**

LIBERTY NATIONAL BANK

**MALONE**

PEOPLES COMMUNITY BANK

**MARATHON**

FIRST NATIONAL BANK OF THE FLORIDA KEYS  
MARINE BANK OF THE FLORIDA KEYS

**MARCO ISLAND**

CITIZENS COMMUNITY BANK OF FLORIDA

**MAYO**

LAFAYETTE COUNTY STATE BANK

**MELBOURNE**

BANK BREVARD

**MIAMI**

CITY NATIONAL BANK OF FLORIDA  
COCONUT GROVE BANK  
COMMERCIAL BANK OF FLORIDA  
\*CONTINENTAL NATIONAL BANK OF MIAMI  
EAGLE NATIONAL BANK OF MIAMI  
EASTERN NATIONAL BANK  
ESPIRITO SANTO BANK OF FLORIDA  
EXECUTIVE NATIONAL BANK  
GULF BANK  
HAMILTON BANK, N.A.  
HEMISPHERE NATIONAL BANK  
INTERAMERICAN BANK, F.S.B.  
INTERCREDIT BANK, N.A.  
INTERNATIONAL BANK OF MIAMI, N.A.  
INTERNATIONAL FINANCE BANK  
MELLON UNITED NATIONAL BANK  
NORTHERN TRUST BANK OF FLORIDA, N.A.  
OCEAN BANK  
REPUBLIC NATIONAL BANK OF MIAMI  
SUNTRUST BANK, MIAMI, N.A.  
TOTALBANK  
TRANSATLANTIC BANK

**MILTON**

FIRST NATIONAL BANK OF FLORIDA

**MONTICELLO**

FARMERS & MERCHANTS BANK OF MONTICELLO

**MOUNT DORA**

FIRST NATIONAL BANK OF MOUNT DORA

**NAPLES**

COMMUNITY BANK OF NAPLES, N.A.  
FIFTH THIRD BANK OF FLORIDA  
FIRST NATIONAL BANK OF NAPLES  
GULF COAST NATIONAL BANK  
VILLAGE BANC OF NAPLES

**NICEVILLE**

PEOPLES NATIONAL BANK OF NICEVILLE

**NORTH LAUDERDALE**

SECURITY BANK, N.A.

**NORTH MIAMI**

KISLAK NATIONAL BANK

**NORTH MIAMI BEACH**

SKYLAKE STATE BANK

**NORTH PALM BEACH**

COMMUNITY SAVINGS, F.A.  
PALM BEACH NATIONAL BANK & TRUST COMPANY

**OAKLAND PARK**

AMERICAN NATIONAL BANK

**OCALA**

SUNTRUST BANK, NORTH CENTRAL FLORIDA

**OKEECHOBEE**

BIG LAKE NATIONAL BANK

**ORANGE CITY**

FIRST COMMUNITY BANK

**ORANGE PARK**

CLAY COUNTY BANK

**ORLANDO**

BANK OF CENTRAL FLORIDA  
CITRUS BANK  
SUNTRUST BANK, CENTRAL FLORIDA, N.A.

**OVIEDO**

CITIZENS BANK OF OVIEDO

**PAHOKEE**

FIRST COMMUNITY BANK OF PALM BEACH COUNTY



**PALATKA**

FIRST FEDERAL BANK OF NORTH FLORIDA  
PUTNAM STATE BANK

**PALM BEACH**

BANKERS TRUST FLORIDA, N.A.

**PALM HARBOR**

FLORIDA BANK OF COMMERCE  
PEOPLES BANK

**PANAMA CITY**

BAY BANK & TRUST COMPANY  
FIRST NATIONAL BANK NORTHWEST FLORIDA  
PEOPLES FIRST COMMUNITY BANK

**PANAMA CITY BEACH**

EMERALD COAST BANK

**PEMBROKE PINES**

POINTE BANK

**PENSACOLA**

BANK OF PENSACOLA  
BANK OF THE SOUTH  
FIRST AMERICAN BANK OF PENSACOLA, N.A.  
HORIZON BANK OF FLORIDA  
SUNTRUST BANK, WEST FLORIDA

**PERRY**

CITIZENS BANK OF PERRY

**PORT CHARLOTTE**

CHARLOTTE STATE BANK

**PORT ST. JOE**

CITIZENS FEDERAL SAVINGS BANK OF PORT ST. JOE

**QUINCY**

QUINCY STATE BANK

**ST. AUGUSTINE**

BANK OF ST. AUGUSTINE  
PROSPERITY BANK

**ST. CLOUD**

PUBLIC BANK

**ST. PETERSBURG**

MERCANTILE BANK  
REPUBLIC BANK  
UNITED BANK & TRUST COMPANY

**SANTA ROSA BEACH**

FIRST AMERICAN BANK OF WALTON COUNTY

**SARASOTA**

PROVIDENT BANK OF FLORIDA  
SUNTRUST BANK, GULF COAST  
WEST COAST GUARANTY BANK, N.A.

**SEBRING**

HIGHLANDS INDEPENDENT BANK

**SOUTH MIAMI**

FIRST NATIONAL BANK OF SOUTH MIAMI

**STARKE**

COMMUNITY STATE BANK OF STARKE

**STUART**

FIRST NATIONAL BANK & TRUST OF THE TREASURE  
COAST

**TALLAHASSEE**

CAPITAL CITY BANK  
FIRST BANK  
FIRST SOUTH BANK  
SUNTRUST BANK, TALLAHASSEE, N.A.  
TALLAHASSEE STATE BANK

**TAMPA**

CITY FIRST BANK  
COLUMBIA BANK  
FLORIDA BANK, N.A.  
SOUTHERN EXCHANGE BANK  
SUNTRUST BANK, TAMPA BAY  
VILLAGE BANK OF FLORIDA

**TRENTON**

TRI-COUNTY BANK

**UMATILLA**

UNITED SOUTHERN BANK

**VALPARAISO**

VANGUARD BANK & TRUST COMPANY

**VERO BEACH**

INDIAN RIVER NATIONAL BANK

**WAUCHULA**

FIRST NATIONAL BANK OF WAUCHULA  
WAUCHULA STATE BANK

**WEST PALM BEACH**

FIDELITY FEDERAL SAVINGS BANK OF FLORIDA  
REPUBLIC SECURITY BANK

**WEWAHITCHKA**

WEWAHITCHKA STATE BANK

**WILLISTON**

PERKINS STATE BANK

**WINTER HAVEN**

SUNTRUST BANK, MID-FLORIDA, N.A.

**WINTER PARK**

NATIONAL BANK OF COMMERCE

**ZEPHYRHILLS**

COMMUNITY NATIONAL BANK OF PASCO COUNTY

**GEORGIA**

**DARIEN**

SOUTHEASTERN BANK

**LOUISIANA**

**NEW ORLEANS**

WHITNEY NATIONAL BANK

**MICHIGAN**

**DETROIT**

COMERICA BANK

**MINNESOTA**

**EDINA**

INTER SAVINGS BANK, F.S.B.

**NORTH CAROLINA**

**CHARLOTTE**

FIRST UNION NATIONAL BANK  
NATIONS BANK, N.A.

**WINSTON-SALEM**

WACHOVIA BANK, N.A.

**OHIO**

**COLUMBUS**

HUNTINGTON NATIONAL BANK

**TENNESSEE**

**MEMPHIS**

UNION PLANTERS BANK, N.A.

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THE FOLLOWING IS A LIST OF INSTITUTIONS THAT  
HAD A CHANGE SINCE THE LAST PUBLICATION OF  
THIS REPORT.

\*\*\*\*\*

**FIRST FEDERAL S&L ASSOCIATION OF PUTNAM  
COUNTY**

PALATKA

NAME CHANGED TO FIRST FEDERAL BANK OF  
NORTH FLORIDA

**GUARANTY BANK & TRUST COMPANY**

VENICE

CONVERTED FROM A STATE CHARTER TO A  
NATIONAL CHARTER AND THEN MERGED WITH  
WEST COAST BANK (SARASOTA) TO FORM WEST  
COAST GUARANTY BANK, N.A.

**GULF STATE BANK**

CARRABELLE

NAME CHANGED TO GULF STATE COMMUNITY BANK

**NORTHSIDE BANK OF TAMPA**

TAMPA

ACQUIRED BY REPUBLIC SECURITY BANK (WEST  
PALM BEACH)

**WEST COAST BANK**

SARASOTA

AFTER MERGING WITH GUARANTY BANK & TRUST  
COMPANY (VENICE), WEST COAST BANK CHANGED  
ITS NAME TO WEST COAST GUARANTY BANK, N.A.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL  
CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 99-1345

In Re: The Receivership of FIDELITY NATIONAL  
INSURANCE COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH FIDELITY NATIONAL INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 15th day of March, 1999, the Department of Insurance of the State of Florida was appointed as Receiver of FIDELITY NATIONAL INSURANCE COMPANY, and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of FIDELITY NATIONAL INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m. March 14, 2000, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Insurance, Receiver for FIDELITY NATIONAL INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to subsection 380.06(4)(a), Florida Statutes.

- FILE NO.: BLIM-999-008
DATE RECEIVED: 04/08/99
DEVELOPMENT NAME: Project ABC
DEVELOPER/AGENT: Miranda F. Fitzgerald
DEVELOPMENT TYPE: 28-24.023, 28-24.026, F.A.C.
COUNTY LOCATION: Orange
LOCAL GOVERNMENT: Orange County
FILE NO.: BLID-699-013
DATE RECEIVED: 04/08/99
DEVELOPMENT NAME: Timacuan Office Park
DEVELOPER/AGENT: David A. Winters
DEVELOPMENT TYPE: 28-24.020, 28-24.026, F.A.C.
COUNTY LOCATION: Seminole
LOCAL GOVERNMENT: Seminole County

IN RE: ORDINANCE NO. 99-02 OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AMENDING ORDINANCE 98-04, REVISING THE SCOPE OF THE PROHIBITION ON THE ISSUANCE OF DEVELOPMENT PERMITS AS SET FORTH IN SECTION 1 "MORATORIUM IMPOSED"; AMENDING THE LIST OF EXEMPTED DEVELOPMENT ACTIVITIES; DELETING SECTION 2 "WAIVERS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

FINAL ORDER PARTIALLY APPROVING AND PARTIALLY REJECTING LAND DEVELOPMENT REGULATIONS

The Department of Community Affairs ("Department") hereby issues its Final Order pursuant to Sections 380.05(6) and (11), Fla. Stat. (Supp. 1998), and 380.0552(9), Fla. Stat. (1997), which require the Department to enter a final order approving or rejecting land development regulations adopted by a local government in an area of critical state concern.

FINDINGS OF FACT

- 1. On February 26, 1999, the Department received for review Islamorada, Village of Islands, Ordinance No. 99-02, which was adopted by the Village Council of Islamorada, Village of Islands, on February 11, 1999.
2. The Village became an incorporated municipality on March 26, 1998, pursuant to Chapter 97-348, Laws of Florida (the "Special Act"). The comprehensive plan and land development regulations of Monroe County, as they existed on March 26, 1999, are the Village's transitional comprehensive plan and land development regulations. Subsection 9(6) of the Special Act. The Special Act contemplates that the Village will adopt its own comprehensive plan and land development regulations.
3. The Department has reviewed the land development regulations adopted by Ordinance No. 99-02 for consistency and compliance with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern, Section 380.0552(7), Fla. Stat.
4. The land development regulations adopted by Ordinance No. 99-02 amend Village Ordinance No. 98-04 which imposes a moratorium on the issuance of development orders and development permits for non-residential development.
5. The purpose of the amendments to Ordinance No. 98-04 as adopted in Ordinance No. 99-02 is as set forth in Ordinance No. 99-02:

WHEREAS, the enactment of these amendments to the Moratorium Ordinance will permit the Village to proceed with the implementation of comprehensive regulations for non-residential development in an orderly and reasonable manner, so that the public safety and the aesthetic and visual qualities of the Village are protected from impairment by non-residential development; and

WHEREAS, the planning, initiation, construction or modification of non-residential development during the formulation and implementation of more comprehensive regulations of non-residential development will cause immediate harm to the health, safety and welfare of the residents of the Village.

6. The land development regulations adopted by Ordinance No. 99-02 will allow the Village to expand the moratorium to include, but not be limited to, the following:

The issuance of any building permit, conditional use approval, change of land use district boundary, comprehensive plan text or future land use map amendment, rezoning, variance, use permit or Development Order of any kind whatsoever authorizing the development of land. For the purposes of this ordinance the term "non-residential development" includes, but is not limited to, non-conforming uses, marinas, and new or existing hotel rooms.

7. Ordinance No. 99-02 also provides for various exemptions from the moratorium for non-residential development and for the recognition of vested rights. Many of the specific exemptions that are enumerated in the earlier moratorium ordinance, such as demolition and electrical work, are deleted. The Village will rely on the more general language that exempts any development that does not result in a change in use, intensification, or increase in density or number of bathrooms. The Ordinance also exempts any development undertaken or funded by the Village, and additions to existing communication towers.

8. Section 3 of Ordinance No. 99-02 provides for appeals from final decisions by the Village as to exemptions and vested rights by:

... the filing of a Petition for Certiorari in the Circuit Court of the Sixteenth Judicial Circuit in and for Monroe County in accordance with the Florida Rules of Appellate Procedure for the review of the quasi-judicial rulings of municipal agencies.

#### CONCLUSIONS OF LAW

1. Islamorada, Village of Islands, is a "local government" within the Florida Keys Area of Critical State Concern. Section 380.0552, Fla. Stat. (1997).

2. Section 380.0552(9), Fla. Stat., requires the Department to approve or reject land development regulations adopted by Islamorada within sixty (60) days of receipt of the regulations. Accord, Section 380.05(11), Fla. Stat. This Final Order is issued within the 60-day time period provided by statute.

3. Section 380.031(8), Fla. Stat., defines "land development regulation" as including local zoning, subdivision, building and other regulations controlling the development of land. The regulations adopted by Islamorada Ordinance No. 99-02 are land development regulations, as defined by the statute.

4. The Department is required to approve or reject land development regulations adopted in Areas of Critical State Concern in a final order. Section 380.05(6), Fla. Stat.

5. The Department's approval or rejection of land development regulations adopted by Islamorada, Village of Islands, is based upon whether the regulations are consistent with and in compliance with the Principles for Guiding Development in Section 380.0552(7), Fla. Stat., as a whole.

6. Principle for Guiding Development (a) in Section 380.0552(7), Fla. Stat. provides the objective:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

7. The moratorium and its expansion through Ordinance No. 99-02 will allow the Village to develop new non-residential land development regulations and a new Comprehensive Plan in a reasonable and orderly fashion. The moratorium will allow the Village to analyze the need for additional non-residential development and adopt provisions in the comprehensive plan to ensure that future non-residential development will be consistent with the Principles for Guiding Development. The moratorium is consistent with and in compliance with Principle (a) in that it strengthens the Village's capabilities for managing land use and development so that it is able to achieve the objectives in the Principles for Guiding Development.

8. Except for Section 3 of the Ordinance, the land development regulations adopted by Ordinance No. 99-02 do not implicate the other Principles for Guiding Development. Therefore, except for Section 3 of the Ordinance, the land development regulations are deemed to be consistent with the Principles for Guiding Development.

9. Except for Section 3 of the Ordinance, the land development regulations adopted by Ordinance No. 99-02 are consistent with the Principles for Guiding Development as a whole.

10. Section 3 of the Ordinance directs that appeals from final decisions by Islamorada on whether a particular development is exempt or vested from the moratorium shall be by petition for certiorari filed in the Monroe County Circuit Court. This section is not consistent with Section 380.07(2), Fla. Stat., which provides that "[w]ithin 45 days after the [development] order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission." A decision on whether a particular development is exempt or vested from the moratorium is a "development order" under Section 380.031(3), Fla. Stat., and, therefore, the Section 380.07(2) appeal provision is applicable

to any such decision. The statutory appeal provision cannot be amended or avoided by Islamorada's Ordinance. Section 3 of the Ordinance is inconsistent with Principle for Guiding Development (a) in Section 380.0552(7), Fla. Stat., in that Islamorada's capabilities for managing land use and development cannot be strengthened by land development regulations which are not consistent with state law. Accordingly, Section 3 of the Ordinance is rejected.

11. The Village has requested that the Department approve Ordinance No. 99-02 by immediate final order, as authorized by Section 120.569(2)(n), Fla. Stat., which states:

(n) If an agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such finding in the final order, which shall be appealable or enjoinable from the date rendered.

12. The Department finds that, in this instance, there is no immediate danger to the public health, safety and welfare sufficient to justify immediate approval of the amendments to Ordinance No. 98-04 as enacted by Ordinance No. 99-02.

ACCORDINGLY, IT IS ORDERED that the land development regulations adopted by Islamorada, Village of Islands, Ordinance No. 99-02, with the exception of Section 3, are consistent with and comply with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and are therefore APPROVED. Section 3 of Ordinance No. 99-02 is hereby DISAPPROVED. This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED this 14th day of April, 1999, in Tallahassee, Florida.

J. Thomas Beck, Director, Division of Community Planning, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

FILING AND ACKNOWLEDGMENT:

FILED on this date with the designated Agency Clerk, receipt of which is hereby acknowledged.

Paula Ford, Agency Clerk

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN

THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

Certificate of Service

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following persons by U.S. Mail this 14th day of April, 1999.

- Paula Ford
- John R. Herin, Jr., Esquire  
Weiss, Serota, Helfman, Pastoriza & Guedes, P.A., 2665 South Bayshore Drive, Suite 420, Miami, FL 33133
- The Honorable Ron Levy, Mayor, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036
- The Honorable Frank R. Kulisky, Vice Mayor, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036
- The Honorable Kym M. Collins, Council Member, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036
- The Honorable George Geisler, Council Member, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036
- The Honorable James V. Mooney, Council Member, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036
- John Chisolm, City Manager, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036

IN RE: MORATORIUM ON THE ACCEPTANCE OF RESIDENTIAL RATE OF GROWTH ORDINANCE ALLOCATION APPLICATIONS ISLAMORADA, VILLAGE OF ISLANDS, ADOPTED BY VILLAGE ORDINANCE NO. 99-01

FINAL ORDER PARTIALLY APPROVING AND PARTIALLY REJECTING LAND DEVELOPMENT REGULATIONS

The Department of Community Affairs ("Department") hereby issues its Final Order pursuant to Sections 380.05(6) and (11), Fla. Stat. (Supp. 1998), and 380.0552(9), Fla. Stat. (1997), which require the Department to enter a final order approving or rejecting land development regulations adopted by a local government in an Area of Critical State Concern.

FINDINGS OF FACT

1. On February 26, 1999, the Department received for review Islamorada, Village of Islands, Ordinance No. 99-01, which was adopted by the Village Council of Islamorada, Village of Islands, on February 11, 1999.
2. The Village became an incorporated municipality on March 26, 1998, pursuant to Chapter 97-348, Laws of Florida (the "Special Act"). The Comprehensive Plan and Land Development Regulations of Monroe County, as they existed on March 26, 1998, remain in effect as the Village's transitional comprehensive plan and land development regulations. Subsection 9(6) of the Special Act. The Special Act contemplates that the Village will adopt its own comprehensive plan and land development regulations.
3. The Department has reviewed the land development regulations adopted by Ordinance No. 99-01 for consistency and compliance with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern. Sec. 380.0552(7), Fla. Stat.
4. The land development regulations adopted by Ordinance No. 99-01 establish a moratorium on the acceptance of new ROGO (Rate of Growth Ordinance) Applications. Under Ordinance No. 99-01, the last day for acceptance of ROGO applications was January 13, 1999.
5. The land development regulations adopted by the Ordinance define a ROGO application as, but not limited to, a completed building permit application as referenced in Section 9.5-121.2 of the Monroe County Code. Exempted from the moratorium are applications for the affordable housing allocation. Section 2 of the Ordinance grants an additional exemption to any person who can successfully demonstrate vested rights.
6. The land development regulations adopted by Ordinance No. 99-01 will allow the village to limit the number of applications that are pending as its new comprehensive plan is prepared. Ordinance No. 99-01 will further limit difficulties related to processing pending applications under the new plan.

CONCLUSIONS OF LAW

1. Islamorada, Village of Islands, is a "local government" within the Florida Keys Area of Critical State Concern. Section 380.0552, Fla. Stat. (1997).
2. Section 380.0552(9), Fla. Stat., requires the Department to approve or reject land development regulations adopted by Islamorada within sixty (60) days of receipt of the regulations. Accord, Section 380.051(11), Fla. Stat. This Final Order is issued within the 60-day time period provided by statute.
3. Section 380.031(8), Fla. Stat., defines "land development regulation" as including local zoning, subdivision, building and other regulations controlling the development of land. The regulations adopted by Islamorada Ordinance No. 99-01 are land development regulations, as defined by the statute.
4. The Department is required to approve or reject land development regulations adopted in Areas of Critical State Concern in a final order. Section 380.05(6), Fla. Stat.

5. The Department’s approval or rejection of land development regulations adopted by Islamorada, Village of Islands, is based upon whether the regulations are consistent with and in compliance with the Principles for Guiding Development in Section 380.0552(7), Fla. Stat., as a whole.

6. Principle for Guiding Development (a) in Section 380.0552(7), Fla. Stat. provides the objective:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

7. The moratorium is consistent with and in compliance with Principle (a) in that it strengthens the Village’s capabilities for managing land use and development to achieve the objectives in the Principles for Guiding Development.

8. Except for Section 3 of the Ordinance, the land development regulations adopted by Ordinance No. 99-01 do not implicate the other Principles for Guiding Development. Therefore, except for Section 3 of the Ordinance, the land development regulations adopted by Ordinance No. 99-01 are deemed to be consistent with the Principles for Guiding Development.

9. Except for Section 3 of the Ordinance, the land development regulations adopted by Ordinance No. 99-01 are consistent with the Principles for Guiding Development as a whole.

10. Section 3 of the Ordinance provides that an appeal from a final decision by Islamorada on whether a property owner is exempt from the Ordinance shall be by petition for certiorari filed in the Monroe County Circuit Court. This section is not consistent with Section 380.07(2), Fla. Stat., which provides that “[w]ithin 45 days after the [development] order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission.” A determination of exemption or vesting from the land development regulations in the Ordinance is a “development order” under Section 380.031(3), Fla. Stat., and, therefore, the Section 380.07(2) appeal provision is applicable to any such decision. The statutory appeal provision cannot be amended or avoided by Islamorada’s Ordinance. Section 3 of the Ordinance is inconsistent with Principle for Guiding Development (a) in Section 380.0552(7), Fla. Stat., in that Islamorada’s capabilities for managing land use and development cannot be strengthened by land development regulations which are not consistent with state law. Accordingly, Section 3 of the Ordinance is rejected.

11. The Village has requested that the Department approve Ordinance No. 99-01 by immediate final order, as authorized by Section 120.569(2)(n), Fla. Stat., which states:

(n) If an agency head finds that an immediate danger to the public health, safety, or welfare requires an immediate final order, it shall recite with particularity the facts underlying such finding in the final order, which shall be appealable or enjoynable from the date rendered.

12. The Department finds that, in this instance, there is no immediate danger to the public health, safety and welfare sufficient to justify immediate approval of the temporary moratorium against receiving ROGO applications.

ACCORDINGLY, IT IS ORDERED that the land development regulations adopted by Islamorada, Village of Islands, by Ordinance No. 99-01, with the exception of Section 3, are consistent with and comply with the Principles for Guiding Development for the Florida Keys Area of Critical State Concern and are therefore APPROVED. Section 3 of Ordinance No. 99-01 is hereby DISAPPROVED. This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED this 14th day of April, 1999, in Tallahassee, Florida.

J. Thomas Beck, Director, Division of Community Planning, Department Of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

FILING AND ACKNOWLEDGMENT:

FILED on this date with the designated Agency Clerk, receipt of which is hereby acknowledged.

Paula Ford, Agency Clerk

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY’S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT’S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT’S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDING" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

Certificate of Service

I HEREBY CERTIFY that true and correct copies of the foregoing have been furnished by U.S. Mail to the following persons this 14th day of April, 1999.

Paula Ford

John R. Herin, Jr., Esquire, Weiss, Serota, Helfman, Pastoriza & Guedes, P.A., 2665 South Bayshore Drive, Suite 420, Miami, FL 33133

The Honorable Ron Levy, Mayor, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036

The Honorable Frank R. Kulisky, Vice Mayor, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036

The Honorable Kym M. Collins, Council Member, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036

The Honorable George Giesler, Council Member, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036

The Honorable James V. Mooney, Council Member, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036

John Chislom, City Manager, Islamorada, Village of Islands, 81011 Overseas Highway, Islamorada, FL 33036

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Polaris Sales Inc., intends to allow the establishment of Harley Davidson of Melbourne, as a dealership for the sale of Victory Motorcycles, at 6030 N. Harbor City Boulevard, Melbourne, (Brevard County), Florida 32940, on or after August 1, 1998.

The name and address of the dealer operator(s) and principal investor(s) of Harley Davidson of Melbourne are: Steve L. Oktela, Carol D. Oktela, Gladys M. Oktela, Richard L. Oktela. 6030 N. Harbor City Boulevard, Melbourne, Florida 32940.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer



License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to:

Michael W. Malone, CFO, Secretary, Treasurer, Polaris Sales Inc., 1225 Highway 169 N. Minneapolis, MN 55441-5078.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Triumph Motorcycles America Limited, intends to allow the establishment of Cycle Riders Inc. d/b/a Cycle Riders Suzuki of Longwood, as a dealership for the sale of Triumph motorcycles and associated parts and accessories, at 855 North Highway 17-92, Longwood, (Seminole County), Florida 32750, on or after April 1, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Cycle Riders d/b/a Riders Suzuki of Longwood is Mitchel D. Marqoui, 3759 Brantley Place Circle, Apopka, Florida 32703.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris W. Lacey, Triumph Motorcycles America Limited, 403 Dividend Drive, Peachtree City, Georgia 30269.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Polaris Sales Inc., intends to allow the establishment of Best Buy Polaris, as a dealership for the sale of Victory motorcycles, at 3525 South US 1, Ft. Pierce, (St Lucie County), Florida 34982, on or after May 1, 1998.

The name and address of the dealer operator(s) and principal investor(s) of Best Buy Polaris are: James R. Buchheit and George B. Buchheit, 3525 South US 1, Ft. Pierce, Florida 34982.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, CFO, Secretary, Treasurer, Polaris Sales Inc., 1225 Highway 169, N., Minneapolis, MN 55441-5078.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Ducati North America, Inc., intends to allow the establishment of American Legends, Inc. d/b/a Ducati Tampa Bay, as a dealership for the sale of Ducati motorcycles, at 628 Cleaveland Street, Clearwater, (Pinellas County), Florida 33755, on or after May 13, 1999.

The name and address of the dealer operator(s) and principal investor(s) of American Legends, Inc. d/b/a Ducati Tampa Bay is Mr. Raymond Edward Williams, 3740 Bayou Louise Lane, Sarasota, Florida 34232.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Donald S. Wood, Industry Compliance Manager, Ducati North America, Inc., 237 West Parkway, Pompton Plains, NJ 07444-1028.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Motor Sales of America, Inc., intends to allow the relocation of JSL Automotive, Inc. d/b/a Ft. Lauderdale Mitsubishi, as a dealership for the sale of Mitsubishi vehicles, from its present location at 200 East Sunrise Boulevard, Ft. Lauderdale, Florida 33304, to a proposed location at 2300 N. State Road 7, Ft. Lauderdale, (Broward County), Florida 33313, on or after January 1, 2000.

The name and address of the dealer operator(s) and principal investor(s) of Mitsubishi Motor Sales of America, Inc. are: Tak Liu (a/k/a Ted Johnson), 6702 N. W. 80th Manor, Parkland, Florida 33067. Philip P. Smith, 1 Compass Lane, Ft. Lauderdale, Florida 33308, Jon F. Lutter, 3030 N. E. 46th Street, Ft. Lauderdale, Florida 33308.

The notice indicates an intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Fred W. Houser, Regional Business Development Manager, Mitsubishi Motor Sales of America, Inc., Southeast Regional Office, 6488 Currin Drive, Orlando, Florida 32835.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Triumph Motorcycles America Limited, intends to allow the establishment of Keenan Barkalow & Associates, Inc. d/b/a Palm Beach Triumph, as a dealership for the sale of Triumph motorcycles and associated parts and accessories, at 12550 South Military Trail, Boynton Beach, (Palm Beach County), Florida 33436 on or after April 1, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Keenan Barkalow & Associates, Inc. d/b/a Palm Beach Triumph are Robert M. Keenan and Rodney L. Barkalow, 12550 South Military Trail, Boynton Beach, Florida 33436.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Chris W. Lacey, Chief Financial Officer, Triumph Motorcycles America Limited, 403 Dividend Drive, Peachtree City, Georgia 30269.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Ford Motor Company, intends to allow the relocation of Key Ford, Inc., as a dealership for the sale of Ford cars and light trucks, from its present location at 705-707 New Warrington Road, Pensacola, (Escambia County), Florida 32507, to a proposed location at Santa Rosa County. Legal Description, Begin at the intersection of the North line of Government lot 5, Section 36, Township 2 South, Range 29 West, Santa Rosa County, Florida with the Southeasterly right-of-way line of U.S. Highway '98 (160 R/W); thence North 89°56'17" East along said North line for a distance of 848.63 feet to a Concrete Monument '1055; thence North 00°31'52" West for distance of 946.99 feet to the aforesaid Southeasterly right-of-way line of U.S. Highway '98 said point being on the arc of circular curve concave to the Southeast having a radius of 5629.65 feet and a delta angle of 01°55'50"; thence Southwesterly along the arc of said curve and right-of-way line for an arc distance of 153.12 feet (chord 153.12, chord bearing South 42°15'39" West) to the point of tangency of said curve; thence South 41°26'54" West along said right-of-way line for a distance of 1113.30 feet to the Point of Beginning. All lying and being in Section 36, Township 2 South, Range 29 West, Santa Rosa County, Florida and containing 9.25 across, more or less, on or after April 1, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Key Ford, Inc. is Anthony Ciano, 6397 Pensacola Boulevard, Pensacola, Florida 32505.

The notice indicates an intent to relocate the franchise in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer

License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: J. L. Stone, Regional Market Representation Manager, Ford Motor Company, P. O. Box 945400, Maitland, Florida 32794-5400.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Polaris Sales Inc., intends to allow the establishment of Palmetto Motorsports, as a dealership for the sale of Victory motorcycles, at 6400 West 20th Avenue, Hialeah, (Dade County), Florida 33016, on or after July 1, 1998.

The name and address of the dealer operator(s) and principal investor(s) of Palmetto Motorsports are: Todd A. Sandoval, William R. Anderson, Cesar M. Sandoval, 6400 West 20th Avenue, Hialeah, Florida 33016.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, CFO, Secretary, Treasurer, Polaris Sales Inc., 1225 Highway 169, N., Minneapolis, MN 55441-5078.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Polaris Sales Inc., intends to allow the establishment of Purcell's Motorcycles & Marine, as a dealership for the sale of Victory Motorcycles, at 6407 Blanding Boulevard, Jacksonville, (Duval County), Florida 36407, on or after November 1, 1998.

The name and address of the dealer operator(s) and principal investor(s) of Purcell's Motorcycle & Marine are: Gary L. Purcell and S. Gail Purcell, 6407 Blanding Boulevard, Jacksonville, Florida 32244.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, CFO, Secretary, Treasurer, Polaris Sales Inc., 1225 Highway 169 N., Minneapolis, MN 55441-5078.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Triumph Motorcycles America Limited, intends to allow the establishment of Streit's, Inc. d/b/a Streit's Motorsport, as a dealership for the sale of Triumph Motorcycles and associated parts and accessories, at 4820 N. W. 13th Street, Gainesville, (Alachua County), Florida 32609, on or after April 1, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Streit's, Inc. d/b/a Streit's Motorsports is Mr. Mike Jones, 4820 N. W. 13th Street, Gainesville, Florida 32609.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Mr. Chris W. Lacey, Chief Financial Officer, Triumph Motorcycles America Limited, 403 Dividend Drive, Peachtree City, Georgia 30269.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Polaris Sales Inc., intends to allow the establishment of Tri County Polaris, as a dealership for the sale of Victory motorcycles, at 1007 South 14th Street, Leesburg, (Lake County), Florida 34748, on or after September 1, 1998.

The name and address of the dealer operator(s) and principal investor(s) of Tri County Polaris are Judy A. Kyle and Shane L. Jones, 1007 South 14th Street, Leesburg, Florida 34748.

The notice indicates an intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael W. Malone, CFO, Secretary, Treasurer, Polaris Sales Inc., 1225 Highway 169, N., Minneapolis, MN 55441-5078.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Daimler Chrysler Motor Corporation, intends to allow the establishment of UAG Citrus Motors, LLC d/b/a Citrus Chrysler Plymouth Dodge, as a dealership for the sale of Jeep vehicles, at 12020 U.S. 301, Dade City, (Pasco County), Florida 33525, on or after May 8, 1999.

The name and address of the dealer operator(s) and principal investor(s) of UAG Citrus Motors, LLC d/b/a Citrus Chrysler Plymouth Dodge are: dealer operator: Randall L. Phillips, 12020 U.S. 301, Dade City, Florida 33525; principal investor(s): UAG Citrus, Inc., Marshall S. Cogan, 375 Park Avenue 11th Floor, New York, New York 10152. YAG Citrus Motors Investors, LLC, Daniel E. Young, 1550 South Ocean Boulevard, Manalapan, Florida 33462, Alan Young, Bill

Young, Conway Anderson, Tom Schmit, 9190 Priority Way West Drive, Suite 216, Indianapolis, IN 4620, Dan Young, 1550 South Ocean Blvd., Manalapan, Florida 33462.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: J. K. Wheeler, Zone Manager, Daimler Chrysler Motors Corporation, 8000 South Orange Blossom Trail, Orlando, Florida 32809.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, General Motors Corporation, intends to allow the establishment of Zinn Companies, Inc. d/b/a Hollywood Pontiac-GMC Truck, as a dealership for the sale of Pontiac vehicles, at 2300 North 60th Avenue, Hollywood, (Broward County), Florida 33021, on or after May 24, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Zinn Companies, Inc. d/b/a Hollywood Pontiac-GMC Truck is Craig M. Zinn, 2300 North 60th Avenue, Hollywood, Florida 33021.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Madonna A. Wenner, Dealer Organization Manager, General Motors Corporation, 100 Renaissance Center, P. O. Box 100, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, General Motors Corporation, intends to allow the establishment of Zinn Companies, Inc. d/b/a Hollywood Pontiac-GMC Truck, as a dealership for the sale of GMC vehicles, at 2300 North 60th Avenue, Hollywood, (Broward County), Florida 33021, on or after May 24, 1999.

The name and address of the dealer operator(s) and principal investor(s) of Zinn Companies, Inc. d/b/a Hollywood Pontiac-GMC Truck is Craig M. Zinn, 2300 North 60th Avenue, Hollywood, Florida 33021.

The notice indicates an intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Ms. Madonna A. Wenner, Dealer Organization Manager, General Motors Corporation, 100 Renaissance Center, P. O. Box 100, Detroit, MI 48265-1000.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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**AGENCY FOR HEALTH CARE ADMINISTRATION**

On April 7, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Randy Becker, R.C.P., license number TT 0002828. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 7, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Agustin Granda, M.D., license number ME 0020695. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 7, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Eduardo Miguel Cuni, M.D., license number ME 0030061. This Emergency Suspension Order was predicated upon the Secretary's findings

of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 7, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Nora Maria Costa, M.D., license number ME 0046396. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 7, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Pedro Rene Benitez, M.D., license number ME 0053453. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 7, 1999, Robert G. Brooks, M.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jesus Angel Oliva, M.D., license number ME 0048367. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 455.225(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On April 8, 1999, Robert G. Brooks, Secretary, Department of Health, issued an Order of Emergency Suspension with regard to the license of Christopher Kaufman license number 98-18881. Christopher Kaufman's last known address is 6920 Avenue A, Sarasota, Florida 34231. This Emergency Order was predicated upon the Secretary's finding of an immediate and serious danger to the public health, safety and welfare pursuant Sections 455.621(8) and 120.60(8), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**NOTICE OF AVAILABILITY**

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
PALMETTO, FLORIDA**

The Florida Department of Environmental Protection has determined that the stormwater improvements to Carr Drain, Manatee County Fairgrounds, 13th Avenue West, and

Southwest drainage basins, for the City of Palmetto, will not adversely affect the environment. The project proposes replacement of stormwater pipes with approximately 14,800 linear feet of new reinforced concrete pipes ranging in diameter from 15-inches to 42-inches with appropriate manholes and inlets. The proposed project cost is estimated at \$3,280,700. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Troy Mullis, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

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**NOTICE OF APPLICATION PERIOD FOR  
PREAPPROVED ADVANCED CLEANUP PROGRAM**

The Department of Environmental Protection announces, in accordance with Section 376.30713, F.S., that it will accept preapproved advanced cleanup applications submitted between May 1, 1999, and on or before 5:00 p.m. on June 30, 1999. Public opening of timely submitted applications shall be on July 14, 1999, beginning at 9:00 a.m. at the Department of Environmental Protection, 2600 Blair Stone Road, Room 609, Tallahassee, Florida. The required application form and instructions for the Preapproved Advanced Cleanup Program may be obtained by contacting Gwenn Godfrey, Contracts Administrator, Department of Environmental Protection, 3800 Commonwealth Boulevard, MS #93, Room 235, Tallahassee, Florida 32399-3000, phone (850) 922-5942.

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN April 6, 1999  
and April 12, 1999**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BANKING AND FINANCE**  
**Board of Funeral and Cemetery Services**

3F-7.016	4/9/99	4/29/99	25/9	
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**DEPARTMENT OF TRANSPORTATION**

14-15.0081	4/9/99	4/29/99	25/3	
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**FLORIDA PAROLE COMMISSION**

23-21.023	4/8/99	4/28/99	25/1	
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**PUBLIC SERVICE COMMISSION**

25-21.001	4/8/99	4/28/99	25/9	
25-21.002	4/8/99	4/28/99	25/9	
25-21.003	4/8/99	4/28/99	25/9	
25-21.004	4/8/99	4/28/99	25/9	
25-21.005	4/8/99	4/28/99	25/9	
25-21.006	4/8/99	4/28/99	25/9	
25-21.007	4/8/99	4/28/99	25/9	
25-21.020	4/8/99	4/28/99	25/9	
25-21.021	4/8/99	4/28/99	25/9	
25-21.022	4/8/99	4/28/99	25/9	
25-21.023	4/8/99	4/28/99	25/9	
25-21.024	4/8/99	4/28/99	25/9	
25-21.026	4/8/99	4/28/99	25/9	
25-21.027	4/8/99	4/28/99	25/9	
25-21.028	4/8/99	4/28/99	25/9	
25-21.0301	4/8/99	4/28/99	25/9	
25-21.031	4/8/99	4/28/99	25/9	
25-21.032	4/8/99	4/28/99	25/9	
25-21.033	4/8/99	4/28/99	25/9	
25-21.040	4/8/99	4/28/99	25/9	
25-21.041	4/8/99	4/28/99	25/9	
25-21.042	4/8/99	4/28/99	25/9	
25-21.043	4/8/99	4/28/99	25/9	
25-40.001	4/8/99	4/28/99	25/9	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CORRECTIONS**

33-7.006	4/8/99	4/28/99	25/3	25/9
33-24.011	4/8/99	4/28/99	25/3	

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

60A-7.005	4/8/99	4/28/99	25/8	
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**Division of Retirement**

60S-9.001	4/6/99	4/26/99	25/5	
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

61G4-19.001	4/7/99	4/27/99	24/53	25/10
61G4-20.001	4/7/99	4/27/99	25/1	25/10
61G4-21.004	4/7/99	4/27/99	25/1	25/10

**Board of Employee Leasing Companies**

61G7-5.001	4/9/99	4/29/99	25/9	
61G7-6.006	4/9/99	4/29/99	25/9	

**Board of Professional Geologists**

61G16-6.001	4/8/99	4/28/99	25/3	
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**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

64B1-3.009	4/9/99	4/29/99	25/9	
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**Board of Massage**

64B7-28.001	4/8/99	4/28/99	25/9	
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**Board of Medicine**

64B8-5.002	4/7/99	4/27/99	25/8	
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**Board of Nursing**

64B9-3.007	4/8/99	4/28/99	25/9	
64B9-8.001	4/8/99	4/28/99	25/9	

**Council of Licensed Midwifery**

64B24-7.013	4/6/99	4/26/99	25/8	
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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

65A-4.203	4/7/99	4/27/99	24/50	25/9
65A-4.214	4/7/99	4/27/99	25/6	