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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bernie Stoffel, Specialty Product Administration, Office of Insurance Regulation, E-mail Bernie.Stoffel@fldfs.com

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.099823	Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program

PURPOSE AND EFFECT: The purpose of this rule is to adopt education standards for children in the Voluntary Prekindergarten (VPK) Education Program. The effect of the rule will be the adoption of uniform standards that describe what a four-year-old child should know and be able to do at the end of the VPK Program.

SUMMARY: The rule provides for the State Board of Education adoption of performance standards for children participating in the VPK Education Program.

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

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

SPECIFIC AUTHORITY: 1002.79(1) FS.

LAW IMPLEMENTED: 1002.67(1) FS.

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

DATE AND TIME: June 19, 2007, 8:30 a.m.

PLACE: Miami, Florida. For exact location please contact Lynn Abbott, (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Executive Director, Office of Early Learning, Department of Education, 325 West Gaines Street, Suite 1524, Tallahassee, Florida 32399-0400; (850)245-0445

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099823 Performance Standards for Children Participating in the Voluntary Prekindergarten (VPK) Education Program.

Minimum student performance standards adopted by the State Board of Education for children participating in the Voluntary Prekindergarten (VPK) Education Program are contained in the publication "Florida Voluntary Prekindergarten (VPK) Education Standards, Florida Department of Education 2005." The standards incorporated in this document are hereby incorporated by reference in this rule and made a part of the rules of the State Board of Education to become effective with the effective date of this rule. Copies of this publication may be obtained through Florida Institute of Education at the University of North Florida, 12000 Alumni Drive, Jacksonville, Florida 32224-2678 at a price to be established by the Commissioner not to exceed actual costs.

Specific Authority 1002.79(1) FS. Law Implemented 1002.67(1) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shan Goff, Executive Director, Office of Early Learning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jeanine Blomberg, Commissioner of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0783	District School Board Exclusive Authority to Sponsor Charter Schools

PURPOSE AND EFFECT: The purpose of this rule is to adopt a rule to implement Section 1002.335, Florida Statutes, relating to granting exclusive authority to sponsor charter schools to school districts. The effect will be a rule to implement existing law.

SUMMARY: This rule provides for the implementation of Section 1002.335, Florida Statutes, relating to granting exclusive authority to sponsor charter schools to school districts.

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

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

SPECIFIC AUTHORITY: 1002.335(14) FS.

LAW IMPLEMENTED: 1002.335 FS.

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

DATE AND TIME: June 19, 2007, 8:30 a.m.

PLACE: Miami, Florida. For exact location, please contact Lynn Abbott, Department of Education 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400; (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Carlo Rodriguez, Executive Director, Office of Independent Education and Parental Choice, (850)245-0878

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0783 District School Board Exclusive Authority to Sponsor Charter Schools.

The procedures for applying for exclusive authority to the State Board of Education under provisions of Section 1002.335, Florida Statutes, shall be as follows:

(1) A written resolution adopted by the district school board and indicating intent to retain exclusive authority to authorize charter schools within the geographic boundaries of the district must be submitted by the district school board on or before March 1 of the fiscal year prior to the year exclusive authority is to be in effect. The written resolution shall be submitted to the Agency Clerk for the Department of Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400. Revisions to the initial application for exclusivity which was due March 1, 2007 must be received by the Agency Clerk by the effective date of this rule.

(a) A written description addressing the factors that will be considered by the State Board of Education in making a decision to grant exclusive authority must accompany the district school board resolution.

(b) All submitted documents shall be on 8 1/2 x 11 inch paper, single spaced, one-sided and unbound. Typewritten text must be no smaller than eleven (11) pitch spacing. Margins shall be no less than one inch at the top, bottom, left, and right. Page size, spacing, font size, and margin requirements do not apply to copies of pre-existing documents. The resolution, written description and supporting documents together shall be no more than one thousand (1,000) pages. All pages after the first one thousand (1,000) pages will not be reviewed. One (1) copy of the documents shall be submitted. The page number limit does not apply to copies of all district sponsored charter contracts. One current, unbound, and one-sided copy of each contract must be submitted. The written description shall include a table of contents specifying where the documentation supporting each factor being reviewed is located in the supporting documents. All pages shall be numbered from one (1) to a maximum of one thousand (1000) with the page number appearing on the bottom of each page.

(c) A copy of the resolution, written description, and supporting documentation must be given to each currently operating charter school sponsored by the district on or before submission to the State Board of Education and proof of such action provided to the State Board when submitting the application.

(d) The Department will confirm receipt of the application and will inform the school district if the application fails to meet the procedural requirements of this subsection. The Department will accept a district's revised application if it is received before the deadline as established in subsection (1) of this rule.

(2) Currently operating charter schools sponsored by the district may provide written documentation of concerns or support prior to the State Board of Education granting exclusive authority.

(a) The written documentation must be sent to the district school board on or before submission to the State Board of Education and proof of such action provided to the State Board upon submission of the written documentation.

(b) This written input must be received by the Agency Clerk for the Department of Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, within fourteen (14) days from the date the copy of application for exclusive authority was received by the charter school.

(c) The written documentation should address issues concerning sponsorship practices by the district school board over its charter schools during the four (4) years prior to the district school board's submission of the application for exclusive authority and be applicable to the review by the State Board of Education.

(d) All submitted documents shall be on 8 1/2 x 11 inch paper, single spaced, one-sided and unbound. Typewritten text must be no smaller than eleven (11) pitch spacing. Margins shall be no less than one (1) inch at the top, bottom, left, and right. Page size, spacing, font size, and margin requirements do not apply to copies of pre-existing documents. The documentation shall be no more than three hundred (300) pages. All pages after the first three hundred (300) pages will not be reviewed. One (1) copy of the documentation shall be submitted. The submitted documents shall include a table of contents specifying which factors are being addressed and where within the supporting documentation they are addressed. All pages shall be numbered from one (1) to a maximum of three hundred (300) with the page number appearing on the bottom of each page.

(e) The Department will confirm receipt of the written input and will inform the charter school if its submission fails to meet the procedural requirements of this subsection.

(3) Before granting exclusive authority to a district school board to sponsor charter schools within the geographic boundaries of the school district, the State Board of Education shall hold a public hearing which shall be noticed in the Florida

Administrative Weekly. At the public hearing, the district and currently operating charter schools sponsored by the district may provide input as to whether the district school board has provided fair and equitable treatment to its charter schools during the four (4) years prior to the district school board's submission of the resolution. Requests to speak must be received by the Agency Clerk for the Department of Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, seven (7) days prior to the scheduled hearing. Each district will be allowed ten (10) minutes for testimony and one (1) representative from each charter school requesting to speak will be given five (5) minutes each.

(4) Based upon the testimony and according to statutory requirements, should the State Board of Education determine a district has provided fair and equitable treatment to its charter schools during the four (4) years prior to the district school board's submission of the application for exclusive authority, the State Board of Education shall grant exclusive authority to authorize charter schools within the geographic boundaries of the school district to the district school board for one (1) year.

(5) The State Board of Education's review of an application for exclusive authority shall at a minimum include the following:

(a) Compliance with all provisions of Section 1002.33, Florida Statutes as demonstrated by policies, procedures, and other documentation to include the following:

1. Charter school application, review, and appeals.
2. Unlawful reprisal.
3. Sponsor duties.
4. Charter contract, negotiation, and conflict resolution.
5. Charter school performance and accountability.
6. Charter renewal, nonrenewal, and termination.
7. Timely payment and reimbursement of eligible funds to charter schools.
8. Administrative and educational services provided to charter schools.
9. Equal, onsite access to student information systems (including hardware, software, and connectivity) used by other public schools located in the district.
10. Charter school student participation in district interscholastic extracurricular activities as defined in Section 1006.15(3)(d), Florida Statutes, and
11. Background screening of charter school employees.

(b) Compliance with full and accurate accounting practices and charges for central administrative overhead costs as evidenced by:

1. Program cost reports and other clarifying documents.
2. Audits and annual accountability reports submitted for the years covered in the application for exclusive authority, and
3. Invoices and charges to sponsored charter schools for administrative services.

(c) Compliance with requirements allowing charter schools to purchase services at the actual cost to the district as evidenced by:

1. Services provided to charter schools in the district and the associated costs.
2. Explanation of the process of calculating the costs to charter schools, and
3. Explanation of the calculation of actual costs to the sponsor.

(d) Documentation of the absence of a district school board moratorium regarding charter schools and the absence of district wide charter school enrollment limits.

(e) Compliance with valid orders of the State Board of Education related to charter schools as evidenced by policies, correspondence, plans or other documentation showing district adherence.

(f) Provision of assistance to charter schools in meeting their facilities needs by including those needs in local bond issues or otherwise providing available land and facilities that are comparable to those provided to other public school students in the same grade levels within the district as evidenced by:

1. Documentation of financial resources for facilities provided to charter schools and to other public schools in the district.
2. Assistance to charter schools which may include charter school capital outlay.
3. Details regarding the cost of land, facilities, renovation, maintenance, and other allowable uses of capital outlay funds for the district and the amount provided to charter schools, and
4. Annual financial reports and supporting documents regarding assistance to charter schools to meet their facilities needs.

(g) Distribution of a pro rata share of federal and state grants received by the district school board and sent to charter schools as documented by the following:

1. Amount appropriated to charter schools and other public schools in the district, and
2. Rationale used to determine the amounts for charter and other public schools for each state and federal grant.

(h) Provision of adequate staff and resources to serve charter schools authorized by the district school board at a cost that does not exceed the actual cost of the district school board as documented by:

1. An accounting of services provided, and
2. Calculations to show that fees were not more than the actual cost to the district.

(i) Documentation of policies and practices to demonstrate the district does not limit individual charter school enrollments, except as provided by law.

(j) Compliance with the provision of an adequate number of educational choice programs to serve students exercising their right to transfer pursuant to Public Law 107-110, the No Child Left Behind Act of 2001.

(k) Documentation of a history of charter school approval that encourages chartering.

1. Policies, communication, reports, or other documentation to show the district history of the charter school approval process.

2. Appeal history with the Charter School Appeal Commission and the State Board of Education.

(6) The process for evaluating the applications will consist of the following:

(a) The review team shall be appointed by the Commissioner of Education and composed of individuals with knowledge in education, finance, governance, and academic accountability.

(b) The review team shall evaluate each application using the District Exclusive Authority Application Review Rubric, which is hereby incorporated by reference to become a part of this rule. The effective date of the District Exclusive Authority Application Review Rubric shall be the same as the effective date of this rule.

(c) The review team shall review the application for exclusive authority and the charter school input within sixty (60) days of the application deadline as established in subsection (1) of this rule.

(d) The review team's findings will be consolidated and presented to the State Board of Education for consideration.

(7) A grant of exclusive authority will be effective for the fiscal year following the application deadline as established in subsection (1) of this rule. The period of exclusive authority will begin on July 1 (beginning of the fiscal year) of the same calendar year as exclusive authority was granted and end on June 30 (end of the fiscal year) of the next calendar year.

(8) A party may challenge the granting of exclusive authority by filing a notice of challenge within thirty (30) days after the State Board of Education grants exclusive authority and may appear before the State Board to address the issues presented in the challenge.

(a) The notice shall be filed with the Agency Clerk for the Department of Education, Room 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400, and must be accompanied by a written description detailing the specific basis for the challenge.

(b) At the time of filing notice with the State Board of Education, the challenging party shall provide a copy of the notice of challenge and the specific written description to the district school board that has been granted exclusive authority.

(c) The district school board may appear before the State Board of Education and respond in writing to the challenge. Written responses must be received by the Agency Clerk for

the Department of Education ten (10) days prior to the State Board of Education meeting at which the appeal will be considered by the State Board.

(d) The State Board of Education shall make a determination on the challenge within sixty (60) days after receiving the notice of challenge.

Specific Authority 1002.335(14) FS. Law Implemented 1002.335 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Steve Adams, Director, Charter Schools, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carlo Rodriguez, Executive Director, Office of Independent Education and Parental Choice
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.:	RULE TITLES:
6E-2.002	Institutional Licensure
6E-2.004	Standards and Procedures for Licensure
6E-2.0041	Delivery of Programs Through Nontraditional Assessments, Modes and Methods

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to clarify and provide specificity to provisions related to the criteria and process for licensure.

SUMMARY: The proposed rules are amended to clarify and provide specificity to provisions related to the criteria and process for licensure.

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

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

SPECIFIC AUTHORITY: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.22(1)(a),(2)(d), 1005.31, 1005.32, 1005.33(1), 1005.34, 1005.39 FS.

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

DATE AND TIME: June 19, 2007, 8:30 a.m.

PLACE: Miami Dade (Contact Sonya Morris for location at (850)245-9614)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Office of Equity and Access at (850)245-0513. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.002 Institutional Licensure.

(1) Provisional license.

(a) through (b) No change.

(c) Substantive change. An institution which undergoes a substantive change, as defined in subsection 6E-1.003(55)(52), FAC, while holding an Annual License or a License by Means of Accreditation, shall be granted a Provisional License for a period of time determined by the Commission, except as provided in paragraph 6E-2.002(3)(g), F.A.C. An institution may submit a written request for a return to its previous status or for a new status when conditions set by the Commission have been met. Any limitations on the operation of the institution during the period of provisional licensure will be determined by the Commission when granting the Provisional License. An institution holding a Provisional License shall not request approval of or implement a substantive change until it holds an Annual License or License by Means of Accreditation. The Commission may delegate to the Executive Director, the authority to return institutions to their previous status between Commission meetings, if the Executive Director determines that changes have no negative impact on the institution or the students attending the institution. Such action shall be reported to the Commission at the next meeting for further action.

(d) through (g) No change.

(2) No change.

(3) License by Means of Accreditation.

(a) The chair of the Commission shall appoint a committee to provide recommendations to the Commission regarding the recognition of accrediting agencies. This committee shall be composed of persons who represent a cross-section of institutions holding an Annual License or extension thereof, or a License by Means of Accreditation. The chair of the Commission shall appoint the chair of the committee. The committee shall meet at the request of the Commission chair. Any member of the accreditation review committee whose institution is accredited by, or who is personally affiliated with, an accrediting agency being reviewed shall not vote on recommendation of that accrediting agency.

1. The committee shall evaluate applications of accrediting agencies recognized by the U.S. Department of Education to provide institutional accreditation for institutions licensed in Florida offering primarily residential programs.

2. No change.

(b) through (h) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3) FS. Law Implemented 1005.22(1)(o), (2)(d), 1005.31, 1005.32, 1005.33 FS. History—Repromulgated 12-5-74, Formerly 6E-4.01(1)(f)-(i), Readopted 11-11-75, Amended 2-6-78, 5-7-79, 10-13-83, Formerly 6E-2.02, Amended 11-27-88, 11-29-89, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 12-23-03, 2-23-05, 7-10-06,_____.

6E-2.004 Standards and Procedures for Licensure.

Institutions applying for a license or moving to a new level of licensure shall provide all required information to the Commission in English. Institutions providing information to students in a language other than English must retain a translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (3) No change.

(4) Standard 4: Educational programs and curricula. The following standards shall apply to all institutions licensed by the Commission for Independent Education, except as expressly stated otherwise.

(a) through (d) No change.

(e) For each course to be offered, a syllabus or course outline, required equipment and supplies, and a list of competencies required for successful completion of the course shall be developed by qualified faculty and be provided in writing for all students no later than the first meeting of each class. A copy of these documents shall be kept in the institution's files and be made available for inspection by representatives of the Commission.

(f) through (i) No change.

(j) Transferability of credits. At least 25 percent of the credits or hours required for completion of a program must be earned through instruction taken at the institution awarding the credential, unless a different standard has been adopted by the recognized accrediting body accrediting the institution, or by a governmental agency whose policies apply to the institution. This standard shall not apply if any of the training was taken at accredited institutions as defined in Section 1005.02(1), F.S., while the student was a member of the U.S. armed services. Units or credits applied toward the award of a credential may be derived from a combination of any or all of the following:

1. Units or credits earned at and transferred from other postsecondary institutions, when congruent and applicable to the receiving institution's program and when validated and confirmed by the receiving institution.

2. Successful completion of challenge examinations or standardized tests demonstrating learning at the credential level in specific subject matter areas.

3. Prior learning, as validated, evaluated, and confirmed by qualified instructors at the receiving institution.

(k) Any clinical experience, internship, externship, practicum, and other such formal arrangement for which an institution offers credit toward completion of a program, shall be under the supervision of the institution. Written agreements shall be executed between the institution and the entity providing the experience prior to obtaining program approval, delineating each party's responsibilities, the number of hours to be worked by the student, the types of work to be done by the student, the supervision to be given the student, and the method of evaluating the student's work and certifying it to the institution as satisfactory. If such experiences are required for the completion of a program, it is the responsibility of the institution to make prior arrangements for each student enrolled in the program to participate in the necessary experience within the agreed and documented length of time required for completion of and graduation from the program; and the institution's enrollments shall be based upon the availability of qualified clinical experiences, internships, externships, or practicums to serve all students.

(l) No change.

(m) The following instructional program standards apply to nondegree diplomas:

1. Program specifications: The credential offered shall be a diploma or certificate. The duration of the program shall be appropriate for mastery of the subject matter or skills needed to pursue the occupation for which the student is being trained. There are no general education requirements.

2. through 4. No change.

(n) through (o) No change.

(p) The following instructional program standards apply to bachelor's degrees:

1. Program specifications: The credential offered shall be the Bachelor of Science Degree, Bachelor of Arts Degree, or other baccalaureate degree title considered by the Commission to be appropriate and not misleading. The duration of the program shall be a minimum of 120 semester credit hours, 180 quarter credit hours, or the recognized clock hour equivalent. The required general education component for a Bachelor of Science degree shall be a minimum of 30 semester credit hours, 45 quarter credit hours, or the recognized clock hour equivalent. The required general education component for the Bachelor of Arts degree shall be a minimum of 45 semester credit hours, 67.5 quarter credit hours, or the recognized clock hour equivalent. The general education requirements for other

bachelor's degrees shall be appropriate to the specific degree. Applied general education shall not be utilized to fulfill this requirement. All general education courses must meet the definition given in subsection 6E-1.003(36)(33), F.A.C. Unless otherwise required by the accrediting agency, a minimum of 15 of the required general education credit hours or the recognized clock hour equivalents must be obtained at the bachelor's level.

2. through 4. No change.

(q) through (r) No change.

(5) No change.

(6) Standard 6: Finances.

All institutions must demonstrate that the financial structure of the institution is sound, with resources sufficient for the proposed operations of the institution and the discharge of its obligations to the students. To demonstrate this, the school shall provide the following:

(a) No change.

(b) Annual License, Extended Annual License, or Annual Review:

1. No change.

2. If an independent postsecondary educational institution earns less than \$100,000 gross tuition revenue per the institution's fiscal year, the institution shall provide both a ~~compiled~~ financial statement of the institution and of the controlling principles. The financial statement shall be compiled, reviewed, or audited by an independent certified public accountant. These statements must demonstrate sufficient resources to ensure appropriate institutional development.

3. Non-Florida corporations having one or more Florida location shall provide a profit and loss statement for each location in order to assess the financial stability of each individual location.

(c) No change.

(7) Standard 7: Faculty.

(a) Non-Degree Diploma Programs:

1. Verification of Credentials. Institutions shall maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files shall include a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. Faculty Qualifications. These standards shall apply to all full-time, part-time and adjunct faculty.:

a. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide

~~evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught. Any general education and academic courses must be taught by instructors who possess at least a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university.~~

~~b. All other courses shall be taught by instructors who possess a bachelor's degree and appropriate coursework in the assigned subject from an accredited college or university; or who have completed postsecondary training in either an accredited college or a state licensed school in the subject to be taught, plus two years of job experience related to the subjects to be taught; or who have completed a minimum of three years of successful job experience directly related to the subjects being taught. For all non-degreed faculty, the burden of proof is on the institution to demonstrate instructor competence in the subjects taught. Instructors shall have completed post-secondary training in either a state licensed school or a college accredited by an accrediting agency recognized by the USDOE plus one year of job experience related to the subjects taught; or have completed a minimum of three years of successful job experience directly related to the subjects taught.~~

~~e. Institutions whose graduates must pass state, federal or other licensing examinations before being licensed to practice their vocation, technology, trade or business must provide evidence that each instructor teaching in that field holds a current and valid Florida occupational license in the occupation being taught.~~

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(b) Occupational Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and shall be available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(c) Academic Associate Degrees:

1. Verification of Credentials. Institutions must maintain evidence of the credentials that qualify faculty members to teach their assigned courses. All faculty files must maintain a resume or detailed application clearly reflecting the instructor's educational and work experience. In addition, official transcripts for all degrees held by all faculty members shall be on file and shall be available to the Commission upon request at each location and translated into English. Institutions shall also maintain copies of other documents which reflect the instructor's qualifications to teach, such as copies of licenses and certifications.

2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(d) Bachelor's Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(e) Master's Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(f) Doctoral Degrees:

1. through 2. No change.

3. Pursuant to Section 1005.39, F.S., faculty in licensed institutions shall complete eight continuing hours of training related to their positions each year. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition for ~~of~~ renewal of licensure.

4. No change.

(8) No change.

(9) Standard 9: Physical Facilities. All institutions and physical facilities, regardless of the level of credentials offered, shall comply with the following standards:

(a) through (b) No change.

(c) Each institution, including all physical facilities, plant shall meet the general tests of safety, usefulness, cleanliness, maintenance, health, lighting, ventilation and any other

requirements conducive to health, safety and comfort. Each institution shall provide evidence of compliance with zoning, fire, safety and sanitation standards issued by all applicable regulatory authorities for all instructional and student housing facilities.

(d) Each institution shall maintain the necessary supplies and equipment for the students enrolled and programs conducted.

(10) No change.

(11) Standard 11: Publications and Advertising.

(a) No change.

(b) Catalog.

1. No change.

2. Each institution shall publish and provide to each enrolled student a catalog in written or electronic form. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

a. through g. No change.

h. A listing of all faculty indicating degrees held, ~~if applicable,~~ and institutions or agencies awarding the credentials degrees;

i. through m. No change.

n. A description of the curricula for all programs offered, including for each: a statement of the objective or purpose of the program; an accurate and complete listing of the courses included in each program, each with a unique identifying number and title; identification of courses that are general education courses, if applicable; the credit or clock hours awarded for each course subject; the total credits or clock hours and grades required for satisfactory completion of the program; requirements for certification, licensing or registration in the program career field, as applicable; and any additional or special requirements for completion;

o. through ee. No change.

3. No change.

(c) No change.

(12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, 5-24-04, 7-20-04, 5-19-05, 7-10-06,_____.

6E-2.0041 Delivery of Programs Through Nontraditional Assessments, Modes and Methods.

(1) Introduction. In addition to its responsibility for the maintenance of high standards of quality, the Commission also serves to encourage responsible innovation in postsecondary education to ~~meet met~~ societal needs for creatively designed programs delivered in nontraditional ways. It is the intention of the Commission that its standards and procedures shall foster the development of quality innovative programs and emerging new fields of study, and shall not unreasonably hinder educational innovation and competition.

(a) through (b) No change.

(c) In addition to providing to the Commission the documentation required for each standard contained in Rule 6E-2.004, F.A.C., showing how the intent of each standard will be met in the nontraditional program or delivery system, the institution shall also furnish for each course to be offered:

1. A ~~an~~ detailed inventory of equipment and supplies materials to be provided to each student;

2. A detailed description of how each program will be conducted, including submission of detailed course outlines ~~or syllabi~~, procedures for distribution of materials, examination and evaluation of student work, timely response to students' questions and comments, record keeping, appropriate student services, and technical support.

(d) Institutions holding license by means of accreditation as defined in subsection 6E-2.002(3), F.A.C., Section 1005.02(1), Florida Statutes, by an accrediting agency recognized by the U.S. Department of Education to deliver nontraditional education, may substitute proof of such accreditation, in good standing, for the ~~above~~ requirements of Rule 6E-2.0041, F.A.C.

(2) through (8) No change.

(9) Laboratory experiences. In the case of courses in the experimental or clinical sciences, or other courses requiring hands-on experience, each licensed institution wishing to offer nontraditional programs shall document to the Commission prior to program approval, that arrangements have been made to ensure that the requisite laboratory, field, or equivalent experience is available to and used consistently by every enrolled student. Such experience shall be documented in the student's file, and shall occur under appropriate supervision and meaningful evaluation of the competency outcomes.

(10) No change.

(11) Student records.

(a) Institutions wishing to offer nontraditional programs or courses shall maintain a file for each student and shall be available to the Commission upon request at each location and translated into English, and conforming to the general requirements of Rule 6E-2.004, F.A.C., and contain the following:

1. through 2. No change.

(b) No change.

(12) No change.

Specific Authority 1005.22(1)(e)1., 1005.31(2), (3) FS. Law Implemented 1005.31 FS. History--New 10-13-83, Formerly 6E-2.041, Amended 11-27-88, 6-20-95, 5-25-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peter Crocitto, Chair, Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-19.001
RULE TITLE: Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: The proposed rule amendment is intended to increase the gross pilotage assessment.

SUMMARY: The proposed rule amendment increases the gross pilotage assessment from .35% to .75%.

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

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

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~seventy-five hundredths thirty five hundredths~~ of one percent ~~(.35%)~~ (.75%) of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

THIS RULE SHALL TAKE EFFECT JULY 1, 2007.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History--New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-02-05, 2-1-06, 5-1-06, 7-1-06, 1-1-07, 7-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-602.200	Definitions
62-602.230	Approval of Residence or Correspondence Courses
62-602.250	Criteria for Determining Eligible Experience
62-602.270	Eligibility for Operator Examinations
62-602.300	Qualifications for Operator Licensure
62-602.350	Approval of Residence or Correspondence Courses

62-602.360 Licensing Requirements for Non-Florida Operators

62-602.410 Applications for Examination

62-602.420 Applications for License

62-602.430 Application Processing for Examinations and License

62-602.450 Notification to Applicants for Examinations

62-602.500 Examination Administration

62-602.560 Candidates' Post-Exam Review

62-602.570 Formal Administrative Hearing Petition and Pre-Hearing Review Request

62-602.580 Use of Operator Examinations

62-602.600 Fees for Operator Examinations and Licensure

62-602.650 Duties of Operators

62-602.660 Technical Manuals

62-602.700 Operator Licensing

62-602.710 Renewal of Operator Licenses

62-602.720 Inactive Status of License

62-602.800 Grounds for Disciplinary Proceedings

62-602.850 Disciplinary Guidelines

62-602.870 Suspension and Revocation of Operator License

62-602.880 Consecutive Public Water System Operator Licenses

62-602.900 Forms for the Operator Certification Program

PURPOSE AND EFFECT: The Department is establishing licensure requirements and procedures for water distribution system operators. Also, the Department is making clarifications and changes to current licensure requirements and procedures for water or domestic wastewater treatment plant operators.

SUMMARY: Rule 62-602.200, F.A.C., is being amended to clarify, change, or add definitions of words, phrases, and terms used in Chapter 62-602 and Rule 62-602.230, F.A.C., is being amended to specify how the Department will approve training courses for water distribution system operators and treatment plant operators; to eliminate the requirement for residence courses to be affiliated with an academic institution of the Florida Department of Education; and to eliminate the requirement for instructors of residence courses to be a licensed operator. Rule 62-602.250, F.A.C., is being amended to describe eligible water distribution system operator experience and is being amended to indicate that treatment plant operator experience may be obtained as an employee, volunteer, or contractor and may be obtained at a plant or an electronic control system. Rule 62-602.270, F.A.C., is being amended to add exam eligibility requirements for water distribution system operators. Rule 62-602.300, F.A.C., is being amended to specify qualifications for licensure of water

distribution system operators. Rule 62-602.350, F.A.C., is being repealed because it is superseded by Rule 62-602.230, F.A.C., Rule 62-602.360, F.A.C., is being amended to establish licensure requirements for water distribution system operators licensed in other states and is being amended to give operators licensed in other states one opportunity to pass an exam without having to complete a training course. Rule 62-602.410, F.A.C., is being amended to add application procedures for water distribution system operator exams and is being amended to eliminate language that allows persons to apply for an operator exam and license at the same time. Rule 62-602.420, F.A.C., is being amended to add application procedures for water distribution system operator licenses. Rule 62-602.430, F.A.C., is being amended to eliminate language that allows persons to apply for an operator exam and license at the same time. Rule 62-602.450, F.A.C., is being amended to clarify that only applicants approved by the Department to take an exam will be notified about the exam. Rule 62-602.500, F.A.C., is being amended to eliminate reference to outdated and unnecessary Department manuals. Rule 62-602.560, F.A.C., is being amended to establish a time limit for post-exam reviews; to specify what documents examinees will be given during post-exam reviews; to state that challenges of exam questions must be submitted in writing during post-exam reviews; and to state that, after a meritorious challenge of an exam question, the Department will regrade only the exams of those examinees who failed but scored a 65 percent or higher. Rule 62-602.570, F.A.C., is being amended to give examinees the opportunity to petition for an administrative hearing within 21 days after the date the Department sends to the examinee the Department's determination that an exam question challenge is without merit and is being amended to state that the Department will issue an amended grade notification letter if it discovers during preparation for an administrative hearing that credit should be awarded for an exam question. Rule 62-602.580, F.A.C., is being amended to state that the Department will use operator examinations developed by or for the Department or available national operator examinations and is being amended to add criteria for national operator examinations. Rule 62-602.600, F.A.C., is being amended to add exam fees, licensure fees, and license renewal fees for water distribution system operators; to eliminate language allowing persons to apply for an operator exam and license at the same time; and to eliminate the opportunity for examinees to request hand scoring of an exam because repeat electronic scoring is conducted. Rule 62-602.650, F.A.C., is being amended to add the duties of water distribution system operators; to clarify the duties of treatment plant operators; to require a separate operation and maintenance (O&M) log for each water or wastewater treatment plant; to add approval criteria and procedures for electronic treatment plant O&M logs; to require operators to note in treatment plant O&M logs when they report emergency/abnormal conditions; and to require, beginning

May 1, 2011, an O&M log for each water distribution system. Rule 62-602.660, F.A.C., is being amended to list the latest edition of referenced operation manuals; to reference five new operation manuals; and to eliminate reference to design and construction manuals and two obsolete operation manuals. Rule 62-602.700, F.A.C., is being amended to make a minor clarification. Rule 62-602.710, F.A.C., is being amended to add continuing education requirements for water distribution system operators and is being amended to add new topics for continuing education. Rule 62-602.720, F.A.C., is being amended to make minor clarifications. Rule 62-602.800, F.A.C., is being amended to establish grounds for disciplinary proceedings for water distribution system operators. Rule 62-602.850, F.A.C., is being amended to establish disciplinary guidelines for water distribution system operators; to increase the maximum penalty for submitting false information; to specify a recommended penalty for failure to perform treatment plant operation or water distribution system operation in a manner consistent with standard operating practices; and to recommend a penalty for failure to comply with any Department order previously entered in a disciplinary hearing. Rule 62-602.870, F.A.C., is being amended to establish grounds for suspension or revocation of water distribution system operator licenses. Rule 62-602.880, F.A.C., is being amended to state that the Department will no longer issue consecutive public water system operator licenses and will convert all existing consecutive public water system operator licenses to Level 4 water distribution system operator licenses. Rule 62-602.900, F.A.C., is being amended to add application forms for water distribution system operator exams and licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared. The Department believes that the licensure requirements and procedures it is establishing for water distribution system operators constitute the lowest cost regulatory alternative for meeting Florida Statutes and the U.S. Environmental Protection Agency's "Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems" and for maintaining consistency with current licensure requirements and procedures for water or domestic wastewater treatment plant operators. Also, the Department believes that the changes it is making to current licensure requirements and procedures for water or domestic wastewater treatment plant operators will create minimal additional regulatory costs.

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: 403.869, 403.872 FS.

LAW IMPLEMENTED: 403.182, 403.1842, 403.8532, 403.862(1)(c), 403.865, 403.866, 403.867, 403.869, 403.871, 403.872, 403.873, 403.874, 403.875, 403.875(1)(a), 403.876 FS.

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

DATE AND TIME: June 20, 2007, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Virginia Harmon, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8630. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Virginia Harmon, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8630

THE FULL TEXT OF THE PROPOSED RULES IS:

62-602.200 Definitions.

For the purposes of this chapter, the following words, phrases, or terms shall have the following meaning be defined as follows.

(1) "Approved County Health Department" means a county health department designated by the Department of Health and approved by the Department of Environmental Protection as having a qualified sanitary engineering staff to perform the duties described in Section 403.862(1)(c), F.S.

(2)(1) "Approved training course" means a course that has received written approval from the Department for the training of ~~water or wastewater~~ operators as described in Rule 62-602.230, F.A.C.

(3) "Automatic control system" means an on-site computerized system with sensors and programs that can adjust and control domestic wastewater or water treatment plant equipment and processes over the normal range of expected operating conditions without operator assistance.

(4)(2) No change.

(5) “Delegated local program” means any county, municipality, or combination thereof that has established, and administers, a pollution control program approved by the Department of Environmental Protection in compliance with Section 403.182, F.S.

(3) through (4) renumbered (6) through (7) No change.

(8) “Electronic control system” means a comprehensive automatic control system plus electronic surveillance system along with capability for manual adjustment and control of domestic wastewater or water treatment plant equipment and processes via a computerized system at a central or off-site location that is staffed by a Class C or higher treatment plant operator 24 hours per day and seven days per week.

(9) “Electronic surveillance system” means a system that monitors operation of a domestic wastewater or water treatment plant and transmits the results of such monitoring by electronic means to a central or off-site location. The use of a telephone for communication between the lead/chief operator and plant personnel is not considered electronic surveillance.

(10)(5) “Experience” means employment either as an employee, or volunteer, or contractor at in a public drinking water or domestic wastewater treatment plant or electronic control system performing the duties described in subsections 62-602.250(1) and (2), F.A.C., or means employment as an employee, volunteer, or contractor on or for a water distribution system performing the duties described in subsection 62-602.250(7), F.A.C. Employment at an industrial treatment wastewater plant using similar water or wastewater treatment processes similar to those used at drinking water or domestic wastewater treatment plants will qualify as water or domestic wastewater treatment plant operator experience and will be approved by the Department if the criteria in subsection 62-602.250(3)(4) or (4)(5), F.A.C., are met.

(6) through (7) renumbered (11) through (12) No change.

(13)(8) “Operator” means, for the purpose of this chapter, any person who has an active license issued, under this chapter, by the Department. License classes and Classification levels are Class A, B, C, and D for treatment plant operators and Level 1, 2, 3, and 4 for water distribution system operators.

(14)(9) No change.

(15)(10) “Probation letter” means a letter reprimanding the operator for failure to comply with the provisions of Rule 62-602.650, F.A.C. This letter shall initiate up to a two-year probation wherein the operator must complete one additional CEU. The letter shall set forth with specificity the allegations of fact that justify the Department’s proposed actions. Within 21 days after receipt of notification, the person affected may petition for an administrative hearing under Sections 120.569 and 120.57, F.S. An additional violation of a similar nature or failure to complete the additional CEU shall result in the suspension of the license for two years.

(16) “Public water system” or “PWS” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS includes: any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under control of the operator of such system but used primarily in connection with such system. A PWS does not include any special irrigation district. A PWS is either a community water system or a non-community water system.

(17)(14) “Standard operating practice” means effective and competent treatment plant or water distribution system operation that which is consistent with the existing treatment plant or water distribution system design, the existing treatment plant and operations and maintenance manual(s), manufacturer’s equipment manuals, specifications, professionally accepted treatment plant operation procedures as contained in the technical manuals listed in Rule 62-602.660, F.A.C., and other applicable Department rules. This definition applies to functions that which directly affect treatment plant or water distribution system operations and that which can be reasonably controlled by the operator.

(12) through (13) renumbered (18) through (19) No change.

(20) “Water distribution system” means those components of a regulated public water system used in conveying water for human consumption from the water treatment plant to the consumer’s property, including pipes, tanks, pumps, and other constructed conveyances.

(21)(14) No change.

Specific Authority 403.869 FS. Law Implemented 403.182, 403.862(1)(c), 403.865, 403.866, 403.867, 403.869 FS. History—New 12-30-99, Amended 2-6-02, _____.

62-602.230 Approval of Residence or Correspondence Courses.

Educational courses for training of water and wastewater operators shall be approved by type and class or level of training provided. The Department shall approve operator training courses that have a whose course content and curriculum meeting established Florida Department of Education (DOE) standards as provided in the Department’s *Water, Wastewater, & Distribution Operator Knowledge Base Manual 2007*, hereby adopted and incorporated by reference. A list of approved courses and performance standards can be found in DOE documents number 0175.050603, “Water Treatment Technologies,” and 0715.050604, “Wastewater Treatment Technologies,” July 1999, incorporated herein by reference. Copies of this these documents may be obtained

from the Department of Environmental Protection, Operator Certification Program, Mail Station 3506, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Residence courses ~~shall only be approved if affiliated with an academic institution of the Florida Department of Education, shall be approved granted~~ for two years; and can be re-approved upon request. ~~Residence courses shall not be approved for less than the recommended classroom hours shown in the standard curriculum outlines. The course shall implement the Department of Education curriculum frameworks and student performance standards for training of drinking water or domestic wastewater operators. The application by the academic institution for approval of a residence course shall contain the following:~~

(a) Title of the course, the type and class or level of the course, material, and the total classroom hours;

(b) A statement describing that the state-approved curriculum and materials that will be used;

(c) ~~A statement setting forth the obligations and responsibilities of the instructor and the institution offering the course;~~

(d) ~~(e)~~ A statement that the course will meet the Department standards as provided in the Department's Water, Wastewater, & Distribution Operator Knowledge Base Manual 2007 of Education approved training objectives for the type and class or level of the course offered; and

(e) ~~(f)~~ A statement of the Qualifications, obligations, and responsibilities of the primary instructor, who shall be a certified operator at a level higher than the level of the proposed course, or be a certified operator who has been certified at the same level as the proposed course for a minimum of two years. The primary instructor is responsible for developing or reviewing the course curriculum and ensuring the curriculum meets Department standards as provided in the Department's Water, Wastewater, & Distribution Operator Knowledge Base Manual 2007. The primary instructor may have additional experts assist with or instruct areas of specialized training. Primary instructors shall sign all certificates of completion and notify the Department when a change occurs in the primary instructor of an approved course.

(2) Residence courses shall not be approved unless an application as described in subsection (1) above is submitted more than 60 days before the first day of class. ~~Residence courses shall use the standard curriculum outlines. Copies of the standard curriculum outlines are available from the Department of Environmental Protection at the Operator Certification Program Office, Mail Station 3506, 2600 Blair Stone Road, Tallahassee, Florida 32399 2400.~~

(3) Approval for a correspondence course shall be for as long as the materials are current and applicable to the training needed by Florida operators. The Department shall review the materials every two years to determine if the course is current.

Approval of correspondence courses only shall ~~only~~ be granted by the Department for courses that meet the standards in the Department's Water, Wastewater, & Distribution Operator Knowledge Base Manual 2007 curriculum frameworks of the Florida Department of Education. The publisher or provider of a correspondence course shall submit copies of the text and materials, including tests, to the Department for approval. The application shall outline how the provider will interact with the student, how many lessons will be contained in the course, how much time the student is expected to spend on the course, how successful completion of the course will be indicated, and how frequently the course will be revised to reflect changing technology or new techniques of treatment. The provider of the course shall notify the Department when revisions are made; and shall provide the Department with a copy of the revised materials.

(4) No change.

Specific Authority 403.869, 403.872 FS. Law Implemented 403.872 FS. History—New 2-6-02, Amended.

62-602.250 Criteria for Determining Eligible Experience.

(1) Experience necessary for treatment plant operators to meet the requirements of Rule 62-602.300, F.A.C., shall include performance of ~~on-site process control and trouble shooting action with the treatment process~~ as described listed in paragraph (a) below while working at a domestic wastewater or water treatment plant or electronic control system as an employee, volunteer, or contractor. Experience listed in paragraph (b) below while working for a permittee or supplier of water as an employee, volunteer, or contractor also can also be included for part of the documented experience if the experience described listed in paragraph (a) predominates.

(a) No change.

(b) Water distribution system operation and maintenance as described in subsection 62-602.250(7), F.A.C., sSample collection and analysis, electronic surveillance system monitoring, and plant operation and maintenance, and solids handling.

(2) For the Class A license, persons can use periods of employment as an direct on-site supervisor or superintendent of on-site operators at a treatment plant or electronic control system can be used.

(3) through (4) No change.

(5) Experience required for the treatment plant operator license shall be acquired in the type of treatment, in either wastewater or drinking water, for which a license is requested. Experience in treatment of wastewater for reuse shall be counted as wastewater experience.

(6) Experience for treatment plant operators excludes:

(a) through (d) No change.

(e) Experience limited solely to driving a sludge truck, monitoring an electronic surveillance system, facility maintenance, or laboratory work; and

(f) No change.

(7) Experience necessary for water distribution system operators to meet the requirements in Rule 62-602.300, F.A.C., shall include performance of the duties listed in paragraph (a) below while working on or for a water distribution system as an employee, volunteer, or contractor. Experience listed in paragraph (b) below while working on or for a water distribution system as an employee, volunteer, or contractor also may be included for part of the documented experience if the experience listed in paragraph (a) predominates.

(a) Cleaning (swabbing, pigging, scraping, or air purging) water mains; installing, tapping, repairing/replacing, pressure testing, or disinfecting water mains and appurtenances (including fittings, valves, and hydrants); cleaning or disinfecting finished-water storage tanks; operating or adjusting pumps or control valves as necessary to regulate water distribution system flows or pressures; evaluating and interpreting water quality measurements in water distribution systems and troubleshooting to determine causes of water quality complaints; and estimating and justifying water distribution system operation and maintenance budgets.

(b) Flushing water mains; installing or repairing/replacing water services lines and appurtenances (including fittings, valves, and meters); establishing or implementing a cross-connection control program (including installing, repairing/replacing, or testing backflow preventers); testing and maintaining water meters; locating and marking water mains or service lines; operating or exercising isolation valves; testing and maintaining fire hydrants; repairing/overhauling water pumps, control valves or meters; performing water quality measurements in water distribution systems; collecting and analyzing water samples; reading or updating water distribution system maps; and preparing water distribution system operation and maintenance records.

(8) Water distribution system operator experience excludes work on or for a potable water system that is not a Department-regulated public water system and excludes work on fire protection systems; irrigation systems; or gas, oil, or steam piping systems.

Specific Authority 403.869, 403.872 FS. Law Implemented 403.865, 403.866, 403.867, 403.872 FS. History—New 12-30-99, Amended 2-6-02, _____.

62-602.270 Eligibility for Operator Examinations.

(1) To be eligible for operator licensing examinations, the applicant must meet the following criteria:

(a) No change.

(b) For Class A, B, or C treatment plant operator examinations and Level 1, 2, or 3 water distribution system operator examinations, hHave successfully completed a Department-approved required training course for the classification or and level of the examination to be taken no more than 5 years before the examination.

(c) Treatment plant operators must bBe currently licensed as follows:

1. Licensed as a Class at the B operator level to take the Class A level examination.

2. Licensed as a Class at the C operator level to take the Class B level examination.

(d) Water distribution system operators must be currently licensed as follows:

1. Licensed as a Level 2 operator to take the Level 1 examination.

2. Licensed as a Level 3 operator to take the Level 2 examination.

(2) Operators from other states must meet the requirements of Rule paragraphs 62-602.360(1)(a)-(d), F.A.C.

(3) In lieu of meeting the requirements described in subsection (1) above, applicants for a water distribution system operator examination shall be allowed one opportunity to take either a Level 1, 2, or 3 examination before May 1, 2011, if the applicant meets the criteria listed in paragraphs (a) through (d) below. If a passing score is not obtained on the first examination attempt, the applicant must successfully complete a Department-approved Level 3 water distribution system operator training course and begin the licensure process as a Level 3 water distribution system operator in accordance with subsection (1) above. Applicants under this subsection (3) must meet the following criteria:

(a) For a Level 3 water distribution system operator examination, have a high school diploma or its equivalent and document at least 1.5 years (3,120 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or

(b) For a Level 2 water distribution system operator examination, have a high school diploma or its equivalent and document at least 4 years (8,320 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or

(c) For a Level 1 water distribution system operator examination, have a high school diploma or its equivalent and document at least 6.5 years (13,520 hours) of experience as defined in subsection 62-602.250(7), F.A.C.

Note: To be eligible for licensure, all of the applicable requirements of Rule 62-602.300, F.A.C., must be met.

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History—New 2-6-02, Amended _____.

62-602.300 Qualifications for Operator Licensure.

To be eligible for licensure by the Department, the applicant shall:

(1) through (4) No change.

(5) For licensure as a Level 4 water distribution system operator, either meet the criteria in paragraphs (a) through (c) below or hold an active Department-issued Consecutive Public Water System Operator License.

(a) Have a high school diploma or its equivalent; and

(b) Be the owner or owner’s manager, agent, or trainee engaged in the operation and maintenance of a regulated public water distribution system for at least 3 months before submitting application for licensure; or document successful completion of a Department-approved Level 4 water distribution system operator training course no more than 5 years before submitting application for licensure and have at least 1 hour of water distribution system operation and maintenance experience that is obtained under a licensed operator and that is completed before submitting application for licensure; and

(c) Obtain a passing score as provided for in paragraph 62-602.550(1)(a), F.A.C., on the Level 4 water distribution system operator examination.

(6) For licensure as a Level 3 water distribution system operator, meet the criteria in paragraphs (a) through (c) below.

(a) Have a high school diploma or its equivalent; and

(b) Document at least 1 year (2,080 hours) of experience as defined in subsection 62-602.250(7), F.A.C., completed before submitting application for licensure; and

(c) Obtain a passing score as provided for in paragraph 62-602.550(1)(a), F.A.C., on the Level 3 water distribution system operator examination no more than 4 years before submitting application for licensure.

(7) For licensure as a Level 2 water distribution system operator, meet the criteria in paragraphs (a) through (c) below.

(a) Have a high school diploma or its equivalent; and

(b) Document at least 3 years (6,240 hours) of experience as defined in subsection 62-602.250(7), F.A.C., completed before submitting application for licensure; and

(c) Obtain a passing score as provided for in paragraph 62-602.550(1)(a), F.A.C., on the Level 2 water distribution system operator examination no more than 4 years before submitting application for licensure.

(8) For licensure as a Level 1 water distribution system operator, meet the criteria in paragraphs (a) through (c) below.

(a) Have a high school diploma or its equivalent; and

(b) Document at least five 5 years (10,400 hours) of experience as defined in subsection 62-602.250(7), F.A.C., completed before submitting application for licensure; and

(c) Obtain a passing score as provided for in paragraph 62-602.550(1)(a), F.A.C., on the Level 1 water distribution system operator examination no more than 4 years before submitting application for licensure.

(9) In lieu of meeting the criteria in subsections (6), (7), or (8) above, applicants for a water distribution system operator license who meet the requirements listed in paragraphs (a), (b), or (c) below may apply for licensure to the Department before May 1, 2011.

(a) For licensure as a Level 3 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or

instructed prior to [insert the effective date of this rule] one or more water distribution system operator training courses that address operation and maintenance of water distribution systems, total no less than 20 contact hours, and include an end-of-course exam; and document at least 1 year (2,080 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or

(b) For licensure as a Level 2 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or instructed prior to [insert the effective date of this rule] one or more water distribution system operator training courses that address operation and maintenance and troubleshooting of water distribution systems, total no less than 40 contact hours, and include an end-of-course exam; and document at least 3 years (6,240 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or

(c) For licensure as a Level 1 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or instructed prior to [insert the effective date of this paragraph] one or more water distribution system operator training courses that address operation and maintenance and troubleshooting of water distribution systems and supervision of water distribution system personnel, total no less than 60 contact hours, and include an end-of-course exam; and document at least 5 years (10,400 hours) of experience as defined in subsection 62-602.250(7), F.A.C.

Specific Authority 403.869, 403.872 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended 2-6-02, _____.

62-602.350 Approval of Residence or Correspondence Courses.

Specific Authority 403.869, 403.872 FS. Law Implemented 403.872 FS. History—New 12-30-99, Repealed _____.

62-602.360 Licensing Requirements for Non-Florida Operators.

Operators licensed in other states must meet the following requirements to obtain a Florida license:

(1) No change.

~~(2) Have successfully completed a required training course for the classification and level of the license being requested no more than 5 years before the application;~~

~~(2)(3) Have the required experience specified in Rule 62-602.300, F.A.C., for the class or level of license being requested. Additionally, this experience must include at least two years at a plant using a treatment process that, if in Florida, would require an operator licensed at the level being requested according to the criteria established in Rule 62-699.310, F.A.C.;~~

~~(3)(4) Possess an active license equivalent to the class or level of license being requested;~~

~~(4)(5)~~ Be provided one opportunity to obtain a passing score on the licensing examination, as provided for in paragraph 62-602.550(1)(a), for the class or level of license being requested. For the purpose of obtaining a license, the examination will satisfy the examination criterion for licensing for a period of four years from the date a passing score is obtained. If a passing score is not obtained on the first examination attempt, the applicant must complete a required training course for the class or level of the license being requested prior to resubmitting an application for examination. The required training course for the class or level of license being requested must have been completed no more than 5 years before the application for examination.

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History—New 2-6-02, Amended _____.

62-602.410 Applications for Examination.

(1) Applications for treatment plant operator examinations shall be made on Form 62-602.900(2), the “Application for Water or Wastewater Treatment Plant Operator Examination,” hereby adopted and incorporated by reference, effective _____, form 62-602.900(2), and shall include all fees and documentation required by this chapter these rules. Applications for water distribution system operator examinations shall be made on Form 62-602.900(4), “Application for Water Distribution System Operator Examination,” hereby adopted and incorporated by reference, effective _____, and shall include all fees and documentation required by this chapter.

~~(2)(a)~~ Documentation of course completion shall include the name and type of training institution, the number of classroom hours in the approved course, the date of course completion, the type and level of training approved (drinking water or domestic wastewater treatment plant Class D, C, B, or A or water distribution system Level 4, 3, 2, or 1), and the signature of the instructor who determined that the applicant has successfully completed the course.

~~(3)(b)~~ No change.

~~(2) Applicants requesting to take the operator examination and apply for license at the same time must submit both forms 62-602.900(1) and 62-602.900(2) with associated fees and documentation.~~

Specific Authority 403.869, 403.872 FS. Law Implemented 403.872 FS. History—New 2-6-02, Amended _____.

62-602.420 Applications for License.

(1) Applications for treatment plant operator the licenses shall be made on Form 62-602.900(1), the “Application for Water or Wastewater Treatment Plant Operator License.” Certification,” hereby adopted and incorporated by reference, effective _____, form 62-602.900(1), and shall include all fees and documentation required by this chapter these rules. Applications for water distribution system operator licenses

shall be made on Form 62-602.900(3), “Application for Distribution System Operator License,” hereby adopted and incorporated by reference, effective _____, and shall include all fees and documentation required by this chapter.

(2) Verification of employment experience as defined in subsection 62-602.200(8)(5), F.A.C., and Rule 62-602.250, F.A.C., shall be provided by the applicant to confirm the hours required in Rule 62-602.300, F.A.C. These hours shall be verified by one of, or a combination of, (a) through (d) and (b) below.

(a) For applicants who are working as an employee or volunteer, hours shall be verified by (The lead operator of the treatment plant or water distribution system; or the applicant’s operator’s supervisor; or for contract operators, the contract manager for the plant or system.

(b) For applicants who are working as a contractor, hours shall be verified by the contract manager for each treatment plant or water distribution system, or for multiple plants and who cannot meet the requirements of (a) above, the applicant shall submit with the application a copy of the contract for the operation of each treatment plant; or water distribution system or a certification an affidavit from the plant or system owner verifying time at each the plant or system.

(c) No change.

(d) If the employment experience is not verified by a licensed operator, an the applicant for a treatment plant operator license must also provide a reference from a peer who is a licensed operator of the same type (drinking water or domestic wastewater) to verify the type of experience of the applicant. If the employment experience is not verified by a licensed operator, an applicant for a water distribution system operator license must provide a reference from a peer who is either a licensed water treatment plant operator or a licensed water distribution system operator to verify the type of experience of the applicant.

~~(3)(e)~~ No change.

Specific Authority 403.869, 403.872 FS. Law Implemented 403.872 FS. History—New 2-6-02, Amended _____.

62-602.430 Application Processing for Examinations and License.

(1) Applications for operator examinations shall be processed as described. Complete applications for examinations shall be submitted to the Department or its designee no later than 90 days before the date of the requested examination. For purposes of this rule, an application is complete when all items on the application form have been fully answered with all attendant documentation provided, the applicant has paid all fees specified in Rule 62-602.600, F.A.C., and all checks submitted have been honored. Applications postmarked, or delivered by hand to the Department, less than 90 days before the date of an examination shall be processed for the next examination.

(a) through (c) No change.

(2) No change.

~~(3) Applications for examination and licensure may be submitted together if the applicant has met all the requirements of Rule 62-602.300, F.A.C., except for achieving a passing score on the required examination for the license being requested. The examination portion of the application will be processed as specified in item (1) above. The application for license will be deemed incomplete until the examination results are available at which time it will be processed as specified in item (2) above.~~

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History—New 2-6-02, Amended.

62-602.450 Notification to Applicants for Examinations.

~~(1) For each applicant approved by the Department to take the examination, the Department will notify the each applicant of the time, place, and date of the examination; and will provide the applicant with an admission notice that is required for admission to the examination. An examinee handbook also will be provided to all applicants.~~

(2) through (3) No change.

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended.

62-602.500 Examination Administration.

(1) through (3) No change.

~~(4) All examinations will be administered in accordance with the Department's "Manual for Examinations," 1999, incorporated herein by reference and available by writing to the Department of Environmental Protection, Operator Certification Program, Mail Station 3506, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.~~

(5) through (7) renumbered (4) through (6) No change.

~~(8) Security procedures shall be used as specified in the Department's "Operator Certification Program Security Procedures Manual," 1999, incorporated herein by reference and available by writing to Department of Environmental Protection, Operator Certification Program, Mail Station 3506, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.~~

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended.

62-602.560 Candidates' Post-Exam Review.

A candidate who has taken and failed an examination shall have the right to review the examination questions and correct answers for the questions the candidate answered incorrectly under the following conditions:

(1) Requests for a post-examination review shall be submitted to the Department in writing and shall include the fee specified in subsection 62-602.600(6), F.A.C. Requests must be postmarked, or delivered by hand to the Department, no later than 21 days after the date on of the original grade

notification letter notice of examination failure issued by the Department. Issuance of an amended grade notification letter, if applicable, will not extend the deadline for a candidate to request a post-examination review unless the amended grade notification letter affects the pass/fail status of the candidate.

(2) Examination reviews shall be conducted in the presence of a representative of the Department at its Tallahassee headquarters during regular working hours, which are defined as 8:00 a.m. through 5:00 p.m., Monday through Friday, excluding official State holidays.

~~(a) All security procedures defined in the "Operator Certification Program Security Procedures Manual" shall apply to all review sessions. Any candidate violating said procedures shall be dismissed from the review session, and is subject to other sanctions under Department statutes or rules.~~

~~(a)(b) Upon payment of fees required in subsection 62-602.600(7), F.A.C., examination reviews by candidates shall be scheduled. These R~~reviews shall be scheduled and completed no later than 60 days after the date on the original grade notification letter or no later than 60 days after the date on an amended grade notification letter if the amended grade notification letter affects the pass/fail status of the candidate. Reviews shall not be conducted during the 30-day period immediately before the next examination.

~~(b)(e) A representative from the Department shall remain with all candidates throughout all examination reviews. The representative cannot defend the examination or attempt to answer any examination questions during the review. All comments regarding an exam question shall be submitted in writing to the exam review coordinator. Candidates shall be provided with written instructions before the review. All candidates must acknowledge receipt of these instructions, and agree in writing to abide by them.~~

(c) Candidates will be given an examination review time equal to no more than half the time provided for administration of the examination failed.

(d) Candidates reviewing an examination will be provided with a clean, exact copy of the original examination questions. Examination booklets used by candidates during examinations are not retained. Consequently, candidates will not be given the actual examination booklet they used during the examination, which means that any marks or notes made by candidates in their examination booklet during an examination will not be available during the review. Upon completion of all reviews, all candidates shall acknowledge in writing the start time of the review, the end time of the review, all materials reviewed, and other relevant review information.

(e) Candidates have the right to challenge any examination question that they believe is ambiguous or any examination question solution that they believe is incorrect and to request an administrative hearing if the challenge is found by the Department to be without merit. Challenges must be submitted in writing during reviews. Any challenge or supporting

documentation submitted after a candidate leaves a review shall not be accepted. The Department will respond in writing to written challenges by acknowledging their merit or lack thereof.

(f) If the Department determines that a written challenge of an examination question is meritorious, the Department will regrade only the examinations of those candidates who failed the exam but scored a 65 percent or higher.

(3) In addition to the provisions of subsection (2)(a) through (2)(d) above, examination candidates shall be prohibited from leaving any reviews with any written comments or challenges, grade sheets, or any other examination materials.

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History--New 12-30-99, Amended 2-6-02, _____.

62-602.570 Formal Administrative Hearing Petition and Pre-Hearing Review Request.

(4) Under Sections 120.569 and 120.57, F.S. of the Florida Statutes, and Rules 62-110.106, 28-106.201 and 28-106.301, F.A.C., a candidate who has taken and failed an examination may petition for an administrative hearing under the following terms and conditions:

(1)(2) Except as noted in subsection (2)(3) below, all petitions for administrative hearings shall be filed no later than 21 days after the applicant receives the Department's grade notification letter.

(2)(3) For a candidate who elects to review the examination under subsection 62-602.560(1), F.A.C., the petition for a hearing must be filed no later than 21 days after the post-examination review or no later than 21 days after the date of the letter notifying the candidate that his or her challenge was found to be without merit.

(4) through (6) renumbered (3) through (5) No change.

(6) If, while preparing for a hearing, the Department discovers that credit should be awarded for one or more examination questions listed in the candidate's petition for a hearing, the Department shall issue an amended grade notification letter reflecting the candidate's amended score.

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History--New 12-30-99, Amended _____.

62-602.580 Use of Operator Trial Test Items in Examinations.

(1) Operator examinations will be developed by or for the Department, or the Department will use available national operator examinations.

(2) A national examination is an examination developed by or for a national or multi-state professional association, board, council, or society (hereinafter referred to as organization) and administered for the purpose of assessing

entry-level skills necessary to protect the health, safety, and welfare of the public from incompetent practice and meets the following standards:

(a) The purpose of the examination shall be to establish entry-level standards of practice that shall be common to all practitioners;

(b) The practice of the profession at the national level must be defined through an occupational survey with a representative sample of all practitioners and professional practices; and

(c) The examination must assess the scope of practice and the entry skills defined by the national occupational survey.

(3) The organization that develops a national examination, or for which a national examination is developed, as discussed in subsection (2) above must meet the following requirements:

(a) The organization must be recognized by practitioners across the nation in the form of representatives from the States or shall have membership representing a substantial number of the nation's or states' practitioners who have been licensed through the national examination.

(b) The organization shall be the responsible body for overseeing the development and scoring of the national examination.

(c) The organization shall provide security guidelines for the development and grading of the national examination and shall oversee the enforcement of these guidelines.

(4) Written examinations developed by or for the Department may include trial test or experimental questions for the purpose of evaluating the statistical or psychometric qualities of new or revised questions prior to their use in an examination. Trial test or experimental questions will not be identified to the candidates as trial test questions on the examination.

(a)(4) The maximum number of trial test questions included in a single examination shall not exceed 20 percent of the total number of questions on the examination, or ten (10) questions, whichever is greater.

(b)(2) Trial test questions shall not be counted toward the candidate's score on the examination. Answers to trial test questions shall not be subject to review by the candidates during the candidate's review process. Additional time will not be given to complete an examination that contains trial questions.

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History--New 12-30-99, Amended _____.

62-602.600 Fees for Operator Examinations and Licensure.

The following fees are required for the activities associated with operator examination and licensing.:

(1) Applicants for operator examinations shall submit the following fees with the application. All application fees are non-refundable.

Examination Class or Level	Application Fee	Examination Fee
Class A <u>Treatment Plant Operator</u>	\$25	\$75
Class B <u>Treatment Plant Operator</u>	\$25	\$75
Class C <u>Treatment Plant Operator</u>	\$25	\$75
Class D <u>Treatment Plant Operator</u>	\$25	\$50
Level 1 <u>Water Distribution System Operator</u>	\$25	\$50
Level 2 <u>Water Distribution System Operator</u>	\$25	\$50
Level 3 <u>Water Distribution System Operator</u>	\$25	\$50
Level 4 <u>Water Distribution System Operator</u>	\$25	\$50

(2) Applicants for operator licenses shall submit the following fees with the application. All application fees are non-refundable.

License Class or Level	Application Fee	License Fee
Class A <u>Treatment Plant Operator</u>	\$50	\$50
Class B <u>Treatment Plant Operator</u>	\$50	\$50
Class C <u>Treatment Plant Operator</u>	\$50	\$50
Class D <u>Treatment Plant Operator</u>	\$25	\$25
Level 1 <u>Water Distribution System Operator</u>	\$25	\$25
Level 2 <u>Water Distribution System Operator</u>	\$25	\$25
Level 3 <u>Water Distribution System Operator</u>	\$25	\$25
Level 4 <u>Water Distribution System Operator</u>	\$25	\$25

~~(3) Applicants may apply for both the examination and license at the same time as specified in subsection 62-602.420(3), F.A.C. Fees required for these applications are the total of the fees from (1) and (2) above for the level requested. Application fees are non-refundable.~~

~~(3)(4) All operators holding a Class A, B, or C treatment plant operator level license holders shall renew their licenses biennially and pay a non-refundable \$75 fee to the Department before a renewal license will be issued. Operators holding a Class D treatment plant operator license or a Level 1, 2, 3, or 4 water distribution system operator license holders shall renew their licenses biennially and pay a non-refundable \$50 fee to the Department before a renewal license will be issued.~~

(5) through (6) renumbered (4) through (5) No change.

~~(6)(7) A fee of \$75 will be required for examination reviews conducted in accordance with Rule 62-602.560 62-620.560, F.A.C.~~

~~(8) Candidates requesting a hand score of the examination shall be charged a \$10 fee for the service.~~

~~(7)(9) The fees stated in subsections (1) through (3) and (2) above shall be \$10 for an application, \$10 for an the examination, and \$10 for a licenses or license and renewals for wards of the state upon submission of written evidence, with the examination or license application or renewal notice, to the Department that said individual is a ward of the state.~~

Specific Authority 403.869 FS. Law Implemented 403.871, 403.872, 403.874 FS. History—New 12-30-99, Amended 2-6-02,_____.

62-602.650 Duties of Operators.

An operator is responsible for performing treatment plant or water distribution system operation and maintenance duties in a responsible and professional manner consistent with standard operating practices. The duties shall be the following:

(1) Domestic wastewater treatment plant operators shall perform responsible and effective on-site-management of the operation, and supervision, over personnel and maintenance of domestic wastewater treatment plants, functions including, if applicable, reuse or and disposal systems within the operator's responsibility. Water treatment plant operators shall perform responsible and effective on-site management of the operation, supervision, and maintenance of water treatment plants or water distribution systems. Water distribution system operators shall perform responsible and effective on-site management of the operation, supervision, and maintenance of water distribution systems.

(2) Domestic wastewater treatment plant operators shall submit to the permittee all required reports in the manner required by the Department in Rule 62-601.300, F.A.C. Water treatment plant operators shall submit to the supplier of water all required reports in the manner required by the Department in or Rules 62-550.730, 62-555.325, and 62-555.350, F.A.C., to the permittee or supplier of water.

(3) Domestic wastewater treatment plant operators shall notify the permittee as soon as possible following the discovery of any abnormal event or noncompliance that may endanger health or the environment as described in subsection 62-604.550(2) or 62-620.610(20), F.A.C.; additionally, wastewater plant operators shall report to the State Warning Point (SWP) at 1(800)320-0519 and the Department or delegated local program in accordance with subsections 62-604.550(2) and 62-620.610(20), F.A.C., unless the permittee has written procedures designating and directing other knowledgeable staff to report on behalf of the permittee to the SWP and the Department or delegated local program in accordance with subsections 62-604.550(2) and 62-620.610(20), F.A.C. Water treatment plant operators and water distribution system operators shall notify the supplier of water as soon as possible after discovery of any of the circumstances described in subsection 62-555.350(10), F.A.C.; additionally, water treatment plant operators and water distribution system operators shall report to the SWP, the Department or approved county health department (ACHD), and water customers in accordance with subsection 62-555.350(10), F.A.C., unless the supplier of water has written procedures designating and directing other knowledgeable staff to report on behalf of the water supplier to the SWP, the Department or ACHD, and water customers in accordance with subsection 62-555.350(10), F.A.C. Report to the permittee or supplier of water and the Department and, if applicable, the local regulatory agency, as soon as possible, but within 24 hours following the discovery of any serious plant breakdown or condition causing or likely to cause:

- ~~(a) Unsafe treatment plant operation, or~~
- ~~(b) Any discharge of water or wastewater not in accordance with Chapters 62-550, 62-555, 62-302, F.A.C., or the facility's permit, or~~

(c) Any major interruption in service.

(4) Domestic wastewater treatment plant operators shall maintain a separate operation and maintenance (O&M) log for each domestic wastewater treatment plant, and water treatment plant operators shall maintain a separate O&M operation and maintenance logs for each water treatment plant. The plant O&M log shall be maintained on site at the plant in a location accessible to 24-hour inspection, and protected from weather damage, and current to the last operation and maintenance performed. The plant O&M logs shall be maintained in a hard-bound books with consecutive page numbering, or alternatively, part or all of the plant O&M log may be maintained electronically upon written request by the permittee or supplier of water and written approval by the appropriate Department district office, delegated local program, or approved county health department (ACHD). Department district offices, delegated local programs, and ACHDs shall approve partial or complete electronic plant O&M logs if the permittee or supplier of water demonstrates that required data will remain accessible to 24-hour inspection and protected from weather damage; that adequate data storage capacity and data backup will be provided; that entries made by recording equipment will be date/time stamped; and that entries made by an operator will be date/time stamped and accompanied by an electronic signature unique to, and under the sole control of, the operator. The plant O&M log shall be maintained current to the last operation and maintenance performed and shall contain a minimum of the previous three months of data at all times. Alternative logs or partial electronic logging are acceptable if approved by the appropriate Department district office or the local regulatory agency. The plant O&M logs shall contain the following information, which shall be entered in the O&M log during each plant visit before leaving the plant:

(a) No change.

(b) The signature and license number of the operator ~~and the signature of the persons~~ making any entries;

(c) Date and time in and out of the plant;

(d) Description of sSpecific plant operation and maintenance activities, including and any preventive maintenance or repairs made or requested;

(e) No change.

(f) Notation of any notification or reporting completed in accordance with subsection 62-602.650(3), F.A.C. Performance of preventive maintenance and repairs or requests for repair of the equipment.

(5) Beginning May 1, 2011, water treatment plant or distribution system operators shall maintain one or more operation and maintenance (O&M) logs for each water distribution system. The water distribution system O&M log may be combined with the O&M log for any water treatment plant connected to the water distribution system or may be a separate log. The water distribution system O&M log shall be maintained in a hard-bound book with consecutive page

numbering, or alternatively, part or all of the water distribution system O&M log may be maintained electronically upon written request by the supplier of water and written approval by the appropriate Department district office or approved county health department (ACHD). Department district offices and ACHDs shall approve partial or complete electronic water distribution system O&M logs if the supplier of water demonstrates that adequate data storage capacity and data backup will be provided; that entries made by recording equipment will be date/time stamped; and that entries made by an operator will be date/time stamped and accompanied by an electronic signature unique to, and under the sole control of, the operator. The water distribution system O&M log shall be maintained current to the last operation and maintenance performed and shall contain a minimum of the previous three months of data at all times. The water distribution system O&M log shall contain the following information, which shall be entered in the O&M log on the day the information was obtained:

(a) Identification of the distribution system;

(b) The signature and license number of the operator making any entries;

(c) Date, time, and description of water distribution system operation or maintenance (O&M) activities that may affect water quality or quantity and that are listed in Footnote 1 under the tables in subparagraphs 62-699.310(2)(f)1. and 2., F.A.C., including any such activities that are performed by a licensed underground utility and excavation contractor or licensed plumbing contractor;

(d) Results of tests performed and samples taken, unless documented on a laboratory sheet;

(e) Notation of any notification or reporting completed in accordance with subsection 62-602.650(3), F.A.C.

Specific Authority 403.869 FS. Law Implemented 403.865, 403.875(1)(a) FS. History—New 12-30-99, Amended 2-6-02, _____.

62-602.660 Technical Manuals.

The following technical manuals are incorporated by reference either in Rule 62-555.330, F.A.C., as specified after the name and address of the publisher of the specific manual, or herein, and are to be used to establish professionally accepted treatment plant or water distribution system operation. These manuals are available from the sources listed below.

(1) Domestic Wastewater Treatment Plants.

(a) Operation of Wastewater Treatment Plants, Volume I – Volume I. Sixth Edition, 2004. Fourth Edition, 1998. California State University Sacramento, Office of Water Programs, 6000 J- Street, Sacramento, California 95819-6025.

(b) Operation of Wastewater Treatment Plants, Volume II – Volume II. Sixth Edition, 2003. Fourth Edition, 1996. California State University Sacramento, Office of Water Programs, 6000 J- Street, Sacramento, California 95819-6025.

(c) Advanced Waste Treatment, Fifth Edition, 2006, Third Edition, 1998. California State University Sacramento, Office of Water Programs, 6000 J- Street, Sacramento, California 95819-6025.

(d) Small Wastewater Systems Operation and Maintenance, Volume I. First Edition, 1997. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025. Aerobic Biological Wastewater Treatment Facilities—Process Control Manual; EPA 430/9 77 006. U. S. Environmental Protection Agency, 1977. Environmental Quality Instructional Resources Center, Ohio State University, Room 310, 1200 Chambers Road, Columbus, Ohio 43212.

(e) Small Wastewater Systems Operation and Maintenance, Volume II. First Edition, 2002. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025. Package Treatment Plants Operations Manual. U.S. Environmental Protection Agency, 1977. Environmental Quality Instructional Resources Center, Ohio State University, Room 310, 1200 Chambers Road, Columbus, Ohio 43212.

(f) Manual of Practice No. H- Operation of Municipal Wastewater Treatment Plants, Volumes I-III, WEF Manual of Practice 11. Fifth Edition, 1996. Water Pollution Control Federation, 1976. Water Environment Pollution Control Federation, Publications Order Department, 601 Wythe Street, Alexandria, Virginia 22314-1994.

(2) Drinking Water Treatment Plants and Water Distribution Systems.

(a) Water Treatment Plant Operation, Volume I—Volume I. Fifth Edition, 2004. Third Edition, 1996. California State University Sacramento, Office of Water Programs, 6000 J- Street, Sacramento, California 95819-6025.

(b) Water Treatment Plant Operation, Volume II—Volume H. Fourth Edition, 2004. Second Edition, 1995. California State University Sacramento, Office of Water Programs, 6000 J- Street, Sacramento, California 95819-6025.

(c) Water Distribution System Operation and Maintenance. Fifth Edition, 2005. First Edition, 1987. California State University Sacramento, Office of Water Programs, 6000 J- Street, Sacramento, California 95819-6025.

(d) Small Water System Operation and Maintenance. Fourth Edition, 2002. California State University Sacramento, Office of Water Programs, 6000 J Street, Sacramento, California 95819-6025. Recommended Standards for Water Works. 1987 Edition. A Report of the Committee of the Great Lakes—Upper Mississippi River Board of State Public Health and Environmental Managers, Published by Health Research Inc., Health Education Service Division, P. O. Box 7126, Albany, N.Y. 12224. This was incorporated by reference in subsection 62-555.330(3), F.A.C.

(e) Water Treatment Operator Handbook, American Water Works Association (AWWA). Revised Edition, 2005. AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235. Water Quality and Treatment: A Handbook of Community Water Supplies, American Water Works Association, Fourth Edition, 1990. McGraw-Hill Publishing Company, 1221 Avenue of the Americas, New York, New York 10020. This was incorporated by reference in subsection 62-555.330(1), F.A.C.

(f) Water Distribution Operator Training Handbook, American Water Works Association (AWWA). Third Edition, 2005. AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235. Water Treatment Plant Design, Second Edition, 1990, American Society of Civil Engineers and American Water Works Association, McGraw-Hill Publishing Company, 1221 Avenue of the Americas, New York, New York 10020. This was incorporated by reference in subsection 62-555.330(2), F.A.C.

(g) American Water Works Association (AWWA) Standard C651-05, Disinfecting Water Mains; AWWA Standard C652-02, Disinfection of Water-Storage Facilities; AWWA Standard C653-03, Disinfection of Water Treatment Plants; and AWWA Standard C654-03, Disinfection of Wells. AWWA, Standards of the American Water Works Association, in effect on June 1, 1992, American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235. This was incorporated by reference in subsection 62-555.330(4), F.A.C.

(h) Recommended Practice for Backflow Prevention and Cross-Connection Control, AWWA Manual M14. Third Edition, 2004. (M14), 1990, American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235. This was incorporated by reference in subsection 62-555.330(6), F.A.C.

(i) “Guidelines for the Issuance of Precautionary Boil Water Notices.” December 11, 2006. Florida Department of Health, Bureau of Water Programs, 4052 Bald Cypress Way, Bin #C22, Tallahassee, Florida 32399-1742. Water Fluoridation—A Manual for Engineers and Technicians, September 1993, Thomas G. Reeves, P.E., National Fluoridation Engineer, Published by the U.S. Department of Health and Human Services, Public Health Service Centers for Disease Control, Dental Disease Prevention Services, Atlanta, Georgia 30333. This was incorporated by reference in subsection 62-555.330(5), F.A.C.

(j) Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources, October 1990 Edition, Environmental Protection Agency, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington, D.C., Source: U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.

(k) The Lead and Copper Guidance Manual, Volume I: Monitoring, September 1991 Edition, Environmental Protection Agency, Science and Technology Branch, Criteria

and Standards Division, Office of Drinking Water, Washington, D.C., Source: U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.

~~(4) *Lead and Copper Rule Guidance Manual, Volume II: Corrosion Control Treatment*, September 1992 Edition, Environmental Protection Agency, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington, D.C., Source: U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.~~

~~(m) *Standard Methods for the Examination of Water and Wastewater*, 17th Edition, 1989, American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.~~

Statutory Authority 403.869 FS. Law Implemented 403.867, 403.875 FS. History—New 12-30-99, Amended.

62-602.700 Operator Licensing.

The Department shall issue an appropriate license to each applicant who has met all the license requirements for a specific class or level.

(1) through (2) No change.

Specific Authority 403.869 FS. Law Implemented 403.867 FS. History—New 12-30-99, Amended 2-6-02, _____.

62-602.710 Renewal of Operator Licenses.

(1) All active licenses remain active until the end of the current biennium as indicated on the license, except as specified in subsection paragraph 62-602.700(1)(a) and Rule 62-602.870, F.A.C. The effective date of an active license shall be the first day of the current biennium or the date the required renewal fees and documentation of completion of CEUs are received, whichever is later. Each biennium extends through the 30th of April of odd numbered years.

(2) No change.

(3) To retain an active status following the end of each biennium, the following must be submitted to the Department in a timely manner.

(a) through (c) No change.

(d) The fee specified in subsection 62-602.600(3)(2) or (7), F.A.C.

(e) No change.

(4) CEUs shall be required for renewal of operator licenses beginning after the renewal cycle ending April 30, 2001. CEUs must be approved by the Department for credit to be given, and the required number of units shall be earned in the two years directly preceding the request for license renewal. Completing an approved training course for the next higher class or level of license during a renewal cycle will satisfy the CEU requirement for that cycle. CEU requirements are as follows:

(a) Two CEUs shall be required for the renewal of a Class an A or B level drinking water or domestic wastewater treatment plant operator license.

(b) One CEU shall be required for the renewal of each Class C level drinking water or domestic wastewater treatment plant operator license.

(c) One-half of one CEU shall be required for the renewal of each Class D level drinking water or domestic wastewater treatment plant operator license and each Level 1, 2, 3, or 4 water distribution system operator license.

(d) An individual who has active Class A or B licenses for both drinking water and domestic wastewater shall only be required to obtain 3 CEUs for the renewal of both licenses, but 1.5 CEUs must apply to each type of license;- CEUs that can be applied to either type of license must be clearly identified as such on the certification, and cannot be concurrently applied to each license. An individual who has both an active water treatment plant operator license and an active water distribution system operator license may concurrently apply the same CEUs to each license. CEUs for all other combinations of dual licensing shall be additive.

(e) through (h) No change.

(i) Topics for continuing education include operation and control of a treatment plant or water distribution system, troubleshooting treatment processes, troubleshooting to determine the causes of water quality complaints, health and safety, employee and community right-to-know notification procedures, toxic and hazardous materials handling procedures, solids and residuals control, supervision and management, basic chemistry and biology, mathematics of the treatment process or water distribution system, laboratory sampling procedures, equipment or water main maintenance and repair, computer applications for water or wastewater treatment or water distribution, blue print reading, governmental rules and procedures, security, and emergency response.

Specific Authority 403.869 FS. Law Implemented 403.8532, 403.873 FS. History—New 12-30-99, Amended 2-6-02, _____.

62-602.720 Inactive Status of License.

(1) through (2) No change.

(3) To reactivate the license, the licensee shall meet the requirements in subsection 62-602.710(3), F.A.C., including submitting the renewal fee, and shall submit the reactivation fee specified in subsection 62-602.600(5)(4), F.A.C.

(4) The license of an inactive licensee that does not achieve active status within two years following the end of the most recent licensing period shall be expired, and subsequent licensure will require meeting all the requirements for initial licensure at the highest class or level previously obtained.

Specific Authority 403.869 FS. Law Implemented 403.874 FS. History—New 12-30-99, Amended.

62-602.800 Grounds for Disciplinary Proceedings.

The following acts or omissions are grounds for disciplinary actions.

(1) No change.

(2) Any operator of a public water system or domestic wastewater treatment plant, facility, licensed operator, supplier of water, or permittee of a domestic wastewater treatment plant who employs any person to perform the duties of an operator, as identified in Rule 62-602.650, F.A.C., who is not licensed.

(3) No change.

(4) An operator performing treatment plant or water distribution system operation in a manner that is not consistent with standard operating practices.

(5) through (6) No change.

(7) Failure to comply with any provision of Sections 403.865 through 403.876 F.S., ~~this rule~~ chapter, or Department rules pertaining to ~~drinking~~ water or domestic wastewater treatment plants or water distribution systems.

(8) No change.

Specific Authority 403.869 FS. Law Implemented 403.875, 403.876 FS. History—New 12-30-99, Amended 2-6-02, _____.

62-602.850 Disciplinary Guidelines.

(1) When the Department finds that a person, who is subject to regulation under Sections 403.865 through 403.876, F.S., has violated any of the provisions set forth in Rule 62-602.800 or 62-602.870, F.A.C., or Sections 403.865 through 403.876, F.S., it shall issue an administrative order imposing appropriate penalties for each count within the ranges recommended in the following disciplinary guidelines:

(a) Performing the duties of an operator ~~of a water treatment plant or domestic wastewater treatment plant~~ without an active license. The recommended penalty is an administrative fine of a minimum of \$100 for each month of performance, up to a maximum of \$1000.

(b) Use of the name or title “water treatment plant operator,” ~~or~~ “domestic wastewater treatment plant operator,” or “water distribution system operator,” or any other words, letters, abbreviations, or insignia indicating or implying that a person is a licensed operator, or otherwise holds himself out as an operator, unless the person is a holder of a valid license. The recommended penalty is an administrative fine of a minimum of \$250, up to a maximum of \$1000.

(c) No change.

(d) Knowingly or negligently submitting misleading, knowingly giving false, inaccurate, or forged information or evidence to the Department. The recommended penalty for an applicant not already licensed as an operator is denial of the application and prohibition of reapplication from a minimum of 2 years, up to a maximum of 3 years. The recommended penalty for an operator shall be revocation of the operator’s license, and prohibition of reapplication for a minimum of 2 years, up to a maximum of permanent revocation of the operator’s license 3 years.

(e) No change.

(f) Employing unlicensed persons to perform the duties of an operator or fulfilling, or employing persons to fulfill, operator staffing requirements under Chapter 62-699, F.A.C., without an active license of the appropriate type and appropriate class or level of a water treatment or domestic wastewater treatment plant. The recommended penalty is an administrative fine of a minimum of \$500, up to a maximum of \$1000.

(g) No change.

(h) Failure to comply with the provisions of Rule 62-602.650, F.A.C. The recommended penalty for failure to submit reports in a timely manner, or to maintain operation and maintenance logs, as required by Rule 62-602.650, F.A.C., is from a minimum issuance of a probation letter to a maximum administrative fine of \$100 per day of the occurrence up to a maximum of \$1,000 for the offense. The recommended penalty for failure to report unpermitted discharges, interruption of service, plant upsets, or the failure to report the production of drinking water that does not meet the applicable requirements is from a minimum of a suspension of license of 1 year, up to a maximum of revocation of license. The recommended penalty for failure to perform treatment plant or water distribution system operation in a manner consistent with standard operating practices, or failure to comply with any other provision of Rule 62-602.650, F.A.C., is from a minimum administrative fine of \$100 per day of the occurrence up to a maximum of \$1,000 for the offense. The actual penalty imposed depends upon the severity of the violation to cause harm to the environment, or to endanger the public’s or plant employees’ health or safety.

(i) Checks for licensure, license renewal, examination, or examination review returned for insufficient funds. The recommended penalty is suspension of license until the full fees are received, including the charge for insufficient funds.

(j) Failure to comply with any Department order previously entered in a disciplinary hearing. The recommended penalty is from a minimum of license suspension for 1 year for failure to comply with one order, up to a maximum of license revocation for failure to comply with more than one order.

(2) The Department shall be entitled to deviate from the above guidelines upon a showing of aggravating or mitigating circumstances by the accused before any imposition of a final penalty.

(a) Aggravating circumstances are circumstances that justify deviating from the above disciplinary guidelines and cause the increase of a penalty beyond the maximum level of discipline in the guidelines. These are:

1. No change.

2. For negligence, the magnitude and scope of the damage inflicted upon the environment, treatment plant or water distribution system, treatment plant or water distribution system employees, or general public by the operator’s misfeasance.

(b) Mitigating circumstances are circumstances that justify deviating from the above disciplinary guidelines and cause the reduction of a penalty below ~~beyond~~ the minimum level of discipline in the guidelines. These are:

1. For negligence, the nature of the treatment plant or water distribution system in question and lack of danger to the environment or public health, safety, and welfare resulting from the operator's misfeasance.
2. through 4. No change.

Specific Authority 403.869 FS. Law Implemented 403.875, 403.876 FS. History--New 12-30-99, Amended 2-6-02, _____.

62-602.870 Suspension and Revocation of Operator License.

(1) The Department shall, depending on aggravating and mitigating circumstances, in addition to a fine, suspend a license for a period not to exceed 2 years for any of the following reasons:

- (a) through (b) No change.
- (c) Incompetence in the performance of duties of an operator ~~that in treatment plant operation which~~ results in a treatment plant or water distribution system, under the direct charge of the operator, being operated in a manner inconsistent with standard operating practice.

(2) The Department shall permanently revoke a license for any one of the following reasons:

- (a) through (b) No change.
- (c) A finding by the Department that negligence in the performance of duties as an operator ~~in treatment plant operation~~ has resulted in a threat to public health or safety; or harm to the environment.
- (d) No change.
- (3) through (6) No change.

Specific Authority 403.869 FS. Law Implemented 403.876 FS. History--New 12-30-99, Amended _____.

62-602.880 Consecutive Public Water System Operator Licenses.

Effective [insert the effective date of this amendment], the Department will not issue any new, nor renew any existing, consecutive public water system operator licenses. All existing licensees with current licenses shall have their licenses converted and reissued as a Level 4 water distribution system operator license. When proper application is made and the qualifications listed below are met, the Department shall issue a Consecutive Public Water System Operator License authorizing the licensee to operate and maintain regulated public water systems that purchase all of their water from one separate public water system and that provides no additional treatment. This license cannot be used to fulfill staffing requirements at any treatment plant.

~~(1) Qualifications for Consecutive Public Water System Operator Licensure. To be eligible for licensure a candidate must have a high school diploma or its equivalent and either:~~

- ~~(a) Successfully complete a Department approved residence consecutive system training course that includes both classroom and in field training with a written final examination, or;~~
- ~~(b) Successfully complete a Department approved consecutive system correspondence training course, and~~
 - ~~1. Document at least 3 months experience in the operation and maintenance of a consecutive water system, and~~
 - ~~2. Obtain a passing score on a Department approved consecutive system operator examination.~~

~~(2) Licensing and renewals under this rule section will be in accordance with Rules 62-602.410 through 602.600 and 62-602.700 through 62-602.750, F.A.C., with the following exceptions:~~

- ~~(a) Fees for examination, licensing, and license renewals shall be \$10.00, and~~
- ~~(b) One half CEU will be required for license renewals.~~

Specific Authority 403.869, 403.872 FS. Law Implemented 403.1842, 403.872 FS. History--New 2-6-02, Amended _____.

62-602.900 Forms for the Operator Certification Program. Each form is listed below by the form number, title, and effective date. Copies of the following forms may be obtained by writing to the Program Manager, Operator Certification Program, 2600 Blair Stone Road, Mail Station 3506, Tallahassee, Florida 32399-2400.

- (1) Form 62-602.900(1), Application for Water or Wastewater Treatment Plant Operator License, Certification, effective date _____ 2-6-02.
- (2) Form 62-602.900(2), Application for Water or Wastewater Treatment Plant Operator Examination, effective date _____ 2-6-02.
- (3) Form 62-602.900(3), Application for Distribution Consecutive Public Water System Operator License, Certification, effective date _____ 2-6-02.
- (4) Form 62-602.900(4), Application for Water Distribution System Operator Examination, effective date _____.

Specific Authority 403.869 FS. Law Implemented 403.876 FS. History--New 12-30-99, Amended 2-6-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Secretary for Regulatory Programs and Energy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-699.200	Definitions
62-699.310	Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems
62-699.311	Additional Classification and Staffing Requirements

PURPOSE AND EFFECT: The Department is establishing classification and staffing requirements for water distribution systems. Also, the Department is making clarifications and changes to current classification and staffing requirements for water or domestic wastewater treatment plants.

SUMMARY: Rule 62-699.200, F.A.C., is being added to define words, phrases, and terms used in Chapter 62-699, F.A.C.. Rule 62-699.310, F.A.C., is being amended to add classification and staffing requirements for water distribution systems; to clarify, change, and expand the list of treatment processes included under the various categories of domestic wastewater or water treatment plants; to increase staffing from ½ hour/day to 1 hour/day for Category I, Class C, wastewater treatment plants with a capacity less than 0.05 million gallons per day (MGD); to specify that the cumulative time spent each week visiting a Category III, Class C, water treatment plant with a capacity less than 0.25 MGD shall be equal to an average of at least 0.3 hour per visit; to specify that the cumulative time spent each week visiting a Category IV, Class C or D, water treatment plant with a capacity less than 1.0 MGD shall be equal to an average of at least 0.2 hour per visit; and to specify that the cumulative time spent each week visiting a Category V, Class C or D, water treatment plant with a capacity less than 3.0 MGD shall be equal to an average of at least 0.1 hour per visit. Rule 62-699.311, F.A.C., is being amended to add classification and staffing requirements for water distribution systems; to clarify what the daily check of a treatment plant shall include; to allow Class D treatment plant operators to be the lead/chief operator of up to five water or domestic wastewater treatment plants if the plants are under the same ownership; to establish approval criteria governing staffing reductions for treatment plants under an electronic surveillance system, automatic control system, or electronic control system; to establish approval criteria governing staffing reductions for treatment plants operating at less than permitted capacity; to establish approval criteria governing staffing reductions for multiple Category V water treatment plants connected to the same distribution system; to allow the Department to require increased staffing where necessary to

ensure compliance; to require that Class C treatment plants be visited by their lead/chief operator at least twice per month and that Class D treatment plants be visited by their lead/chief operator at least once per month; and to allow for weekend visits to be interchanged with weekday staffing at treatment plants that have greater flow or production on weekends than on weekdays.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared. The Department believes that the classification and staffing requirements it is establishing for water distribution systems constitute the lowest cost regulatory alternative for meeting Florida Statutes and the U.S. Environmental Protection Agency’s “Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems” and for maintaining consistency with current classification and staffing requirements for water or domestic wastewater treatment plants. Also, the Department believes that the changes it is making to current classification and staffing requirements for water or domestic wastewater treatment plants will create minimal additional regulatory costs.

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: 403.869, 403.88(4) FS.

LAW IMPLEMENTED: 403.182, 403.852, 403.853(6), 403.862, 403.866, 403.867, 403.875(1)(f), 403.88(1), 403.88(2), 403.88(3) FS.

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

DATE AND TIME: June 20, 2007, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Virginia Harmon, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8630. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Virginia Harmon, Department of Environmental Protection, Drinking Water Section (MS 3520), 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)245-8630

THE FULL TEXT OF THE PROPOSED RULES IS:

TREATMENT PLANT CLASSIFICATION AND STAFFING OF WATER OR DOMESTIC WASTEWATER TREATMENT PLANTS AND WATER DISTRIBUTION SYSTEMS

62-699.200 Definitions.

For the purposes of this chapter, the following words, phrases, or terms shall have the following meaning.

(1) “APPROVED COUNTY HEALTH DEPARTMENT” means a county health department designated by the Department of Health and approved by the Department of Environmental Protection as having a qualified sanitary engineering staff to perform the duties described in Section 403.862(1)(c), F.S.

(2) “AUTOMATIC CONTROL SYSTEM” means an on-site computerized system with sensors and programs that can adjust and control domestic wastewater or water treatment plant equipment and processes over the normal range of expected operating conditions without operator assistance.

(3) “COMMUNITY WATER SYSTEM” or “CWS” means a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(4) “CONSECUTIVE SYSTEM” means a public water system that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

(5) “DELEGATED LOCAL PROGRAM” means any county, municipality, or combination thereof that has established, and administers, a pollution control program approved by the Department of Environmental Protection in compliance with Section 403.182, F.S.

(6) “DEPARTMENT” means the Department of Environmental Protection, any of the approved county health departments, or any of the delegated local programs.

(7) “DOMESTIC WASTEWATER TREATMENT PLANT” means any plant or other works used for the purpose of treating, stabilizing, or holding domestic wastes.

(8) “ELECTRONIC CONTROL SYSTEM” means a comprehensive automatic control system plus electronic surveillance system along with capability for manual adjustment and control of domestic wastewater or water treatment plant equipment and processes via a computerized system at a central or off-site location that is staffed by a Class C or higher treatment plant operator 24 hours per day and seven days per week.

(9) “ELECTRONIC SURVEILLANCE SYSTEM” means a system that monitors operation of a domestic wastewater or water treatment plant and transmits the results of such monitoring by electronic means to a central or off-site location. The use of a telephone for communication between the lead/chief operator and plant personnel is not considered electronic surveillance.

(10) “LEAD OR CHIEF OPERATOR” means the licensed operator who is in responsible charge of a domestic wastewater or water treatment plant or water distribution system and whose responsibilities include supervising all other persons who are employed to operate the plant or distribution system, performing on-site plant or distribution system operation, performing electronic control system operation, and making decisions that relate to the daily operational activities of the plant or distribution system and that directly impact the quality or quantity of effluent, reclaimed water, or drinking water.

(11) “NON-COMMUNITY WATER SYSTEM” means a public water system that is not a community water system. A non-community water system is either a transient non-community water system or a non-transient non-community water system.

(12) “NON-TRANSIENT NON-COMMUNITY WATER SYSTEM” or “NTNCWS” means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over 6 months per year.

(13) “ON-SITE,” when referring to operating, staffing, visiting, or checking a domestic wastewater or water treatment plant, means at the location of the plant; and when referring to operating or staffing a water distribution system, means at the location of the distribution system pipe, pumps, or tanks where operation or maintenance activities that may affect water quality or quantity are taking place.

(14) “OPERATOR” means any person who is in on-site charge of the actual operation, supervision, and maintenance of a domestic wastewater or water treatment plant or water distribution system and includes the person in on-site charge of a shift or period of operation during any part of the day. Operator also means any person operating an electronic control system. Such persons shall be licensed in accordance with Chapter 62-602, F.A.C.

(15) “PERMITTEE” means the person or entity to which a permit for a domestic wastewater facility is issued by the Department.

(16) “PUBLIC WATER SYSTEM” or “PWS” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS includes: any collection, treatment, storage, or distribution facilities under control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage

facilities not under control of the operator of such system but used primarily in connection with such system. A PWS does not include any special irrigation district. A PWS is either a community water system or a non-community water system.

(17) “RESIDUALS MANAGEMENT FACILITY” means a domestic wastewater treatment plant, such as a composting or blending facility, that treats residuals from other domestic wastewater treatment plants, residuals management facilities, or septage management facilities for the purpose of meeting the requirements of Chapter 62-640, F.A.C., before use or land application. Residuals management facilities may also treat domestic septage and combinations of residuals, domestic septage, food establishment sludges, wastewater removed from portable toilets, and wastes removed from holding tanks associated with boats, marinas, or on-site sewage treatment and disposal systems, before use or land application.

(18) “SUPPLIER OF WATER” means any person who owns or operates a public water system (PWS). This does not include the licensed operator unless the licensed operator is also the owner of the PWS.

(19) “TRANSIENT NON-COMMUNITY WATER SYSTEM” or “TWS” means a non-community water system that does not regularly serve at least 25 of the same persons over six months per year.

(20) “VISIT” means an on-site examination of a domestic wastewater or water treatment plant to ensure that equipment is functioning properly, to ensure that chemical supplies are sufficient, and to record the quantity or quality of wastewater or drinking water being treated and other relevant information.

(21) “WATER DISTRIBUTION SYSTEM” means those components of a regulated public water system used in conveying water for human consumption from the water treatment plant to the consumer’s property, including pipes, tanks, pumps, and other constructed conveyances.

(22) “WATER TREATMENT PLANT” means those components of a public water system used in collection, treatment, and storage of water for human consumption, whether or not such components are under the control of the operator of such system.

(23) “WHOLESALE SYSTEM” means a public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

Specific Authority 403.869, 403.88(4) FS. Law Implemented 403.182, 403.852, 403.862, 403.866 FS. History—New _____.

62-699.310 Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems.

This section applies to all domestic wastewater treatment plant permittees or suppliers of water except suppliers of water who own or operate a transient non-community water system serving only businesses other than public food service establishments and using only ground water as a source of supply. Licensed operators are not required for transient non-community water systems serving only businesses other than public food service establishments and using only ground water as a source of supply.

(1) Domestic wastewater treatment plant permittees and suppliers of water shall employ only persons appropriately licensed under Chapter 62-602, F.A.C., to be in on-site charge of the operation, supervision, or maintenance of a domestic wastewater or water treatment plant during any part of any day. Beginning May 1, 2011, suppliers of water shall employ only persons appropriately licensed under Chapter 62-602, F.A.C., to be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 under the tables in subparagraphs 62-699.310(2)(f)1. and 2., F.A.C.

(2)(1) All Permittees and suppliers of water or wastewater treatment plants shall employ licensed certified operators on-site at their domestic wastewater or water treatment plant(s) to fulfill the time or visit requirements as specified in paragraphs (a) through (e) below. Beginning May 1, 2011, suppliers of water shall employ licensed operators to staff their water distribution system as specified in paragraph (f) below.

(2) Operators with appropriate certification shall fulfill the time or visit requirements of the schedule below and perform treatment plant operation as assigned by the permittee or supplier.

(a)(3) Classification and Staffing Requirements for Domestic Wastewater Treatment Plants Other than Those Discussed Separately in paragraphs (b) through (d) Below and Lead/Chief Operators. All flow values used in this paragraph refer to the permitted capacity of the domestic wastewater treatment plant.

1.(a) Domestic Wastewater Treatment Plant Category I	Class A	Class B	Class C	Class D
<p><u>Processes to meet permit limits for total nitrogen with or without filtration; processes to meet permit limits for total phosphorus with or without filtration; or membrane processes, including microfiltration, ultrafiltration, nanofiltration, reverse osmosis, and membrane bioreactors. Processes that exceed secondary treatment standards including the Bardenpho process but does not include polishing ponds or lagoons.</u></p>	<p>3.0 MGD and above Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.</p>	<p>0.5 MGD up to 3.0 MGD Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>0.1 MGD up to 0.5 MGD Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.05 MGD up to 0.1 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>Less than 0.05 MGD Staffing by Class C or higher operator: <u>1 1/2</u> hour/day for 5 days/week and <u>one visit each</u> a weekend visit.</p> <hr/> <p>For all of the above plants, <u>the</u> lead/chief operator must be Class C or higher.</p>	<p><u>Not Applicable</u> None</p>

<u>2.(b) Domestic Wastewater Treatment Plant Category II</u>				
Treatment Process	Class A	Class B	Class C	Class D
Activated sludge processes or modification, except other than extended aeration, with or without <u>filtration</u> filters.	5.0 MGD and above Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	1.0 MGD up to 5.0 MGD Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	0.25 MGD up to 1.0 MGD Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day. 0.1 MGD up to 0.25 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day. Less than 0.1 MGD Staffing by Class C or higher operator: 1/2 hour/day for 5 days/week and <u>one visit each</u> a weekend visit . For all of the above plants, <u>the</u> lead/chief operator must be Class C or higher.	<u>Not Applicable</u> None

3.(e) Domestic Wastewater Treatment Plant Category III

Treatment Process	Class A	Class B	Class C	Class D
Extended aeration, including process and oxidation ditches, with or without filtration filters.	8.0 MGD and above	2.0 MGD up to 8.0 MGD	0.5 MGD up to 2.0 MGD	10,000 GPD up to 25,000 GPD
	Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.	Staffing by Class D or higher operator: 3 none consecutive visits/week on <u>nonconsecutive days</u> for a total of 1 1/2 hours/week.
			0.25 MGD up to 0.5 MGD	2,000 up to 10,000 GPD
			Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one <u>visit each</u> weekend visit .	Staffing by Class D or higher operator: 2 none consecutive visits/week on <u>nonconsecutive days</u> for a total of 1 hour/week. <u>There shall be no more than 5 days between the last visit in one week and the first visit in the next week.</u>
			25,000 GPD up to 0.25 MGD	
			Staffing by Class C or higher operator: 1/2 hour/day for 5 days/week and <u>one visit each</u> a weekend visit .	
			For all of the above plants, <u>the</u> lead/chief operator must be Class C or higher.	For all of the above plants, <u>the</u> lead/chief operator must be Class D or higher.

4.(4) Domestic Wastewater Treatment Plant Category IV

Treatment Process	Class A	Class B	Class C	Class D
<u>Either of the following processes with or without filtration: trickling filters or process and rotating biological contactors.</u>	10 MGD and above	3.0 MGD up to 10 MGD	2.0 MGD up to 3.0 MGD	2,000 up to 25,000 GPD
	Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.	Staffing by Class D or higher operator: 2 none consecutive visits/week <u>on nonconsecutive days</u> for a total of 1 hour/week. <u>There shall be no more than 5 days between the last visit in one week and the first visit in the next week. The lead/chief operator must be Class D or higher.</u>
			<hr/> 0.75 MGD up to 2.0 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.	
			<hr/> 25,000 GPD up to 0.75 MGD Staffing by Class C or higher operator: 1/2 hour/day for 5 days/week and <u>one visit each a weekend visit.</u>	
			<hr/> For all of the above plants, <u>the lead/chief operator must be Class C or higher.</u>	

(b) Staffing Requirements for Domestic Wastewater Treatment Plants that Provide Reclaimed Water to a Reuse System Permitted Under Part III of Chapter 62-610, F.A.C.

1. The plant category shall be established in accordance with paragraph (a) above.

2. Additional minimum staffing requirements are provided in subsections 62-610.462(2) and (3), F.A.C., which shall be used in conjunction with the requirements in paragraph (a) above, with the most stringent requirements governing. Reductions in staffing requirements below the minimum established in subsections 62-610.462(2) and (3), F.A.C., shall not be allowed.

(c) Staffing Requirements for Domestic Wastewater Treatment Plants that Provide Reclaimed Water to a Reuse System Permitted Under Part V of Chapter 62-610, F.A.C.

1. The plant category shall be established in accordance with paragraph (a) above.

2. Additional minimum staffing requirements are provided in subsections 62-610.567(3), (4), and (5), F.A.C., which shall be used in conjunction with the requirements in paragraph (a) above, with the most stringent requirements governing. Reductions in staffing requirements below the minimum established in subsections 62-610.567(3), (4), and (5), F.A.C., shall not be allowed.

(d) Staffing Requirements for Residuals Management Facilities. Staffing requirements are provided in paragraph 62-640.880(2)(i), F.A.C.

(e)(4) Classification and Staffing Requirements for Water Treatment Plants and Lead/Chief Operators. All flow values used in this paragraph refer to the permitted maximum-day operating capacity of the water treatment plant.

1.(a) Water Treatment Plant Category I	Class A	Class B	Class C	Class D
<p><u>Conventional filtration (coagulation, flocculation, sedimentation, and filtration); direct filtration. (coagulation and filtration); or lime softening. Chemical preparation with filtration including lime softening, coagulation, direct filtration.</u></p>	<p>5.0 MGD and above Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.</p>	<p>1.0 MGD up to 5.0 MGD Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>0.3 MGD up to 1.0 MGD Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p>	<p><u>Not Applicable</u> None</p>
			<p>0.1 MGD up to 0.3 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p>	
			<p>Less than 0.1 MGD Staffing by Class C or higher operator: 2 hours/day for 5 days/week and one visit on each weekend day.</p>	
			<p>For all of the above plants, <u>the</u> lead/chief operator must be Class C or higher.</p>	

	<u>2.(b) Water Treatment Plant Category II</u>			
Treatment Process	Class A	Class B	Class C	Class D
<u>Membrane processes, including electro dialysis, electro dialysis reversal, microfiltration, ultrafiltration, nanofiltration, and reverse osmosis. Demineralization including reverse osmosis, desalination, electro dialysis and ultra filtration.</u>	6.5 MGD and above Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.	1.0 MGD up to 6.5 MGD Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.	0.5 MGD up to 1.0 MGD Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day. 0.1 MGD up to 0.5 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day. Less than 0.1 MGD Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day. For all of the above plants, the lead/chief operator must be Class C or higher.	<u>Not Applicable</u> None

3.(e) Water Treatment Plant Category III	Class A	Class B	Class C	Class D
<p><u>Activated carbon processes;</u> <u>diatomaceous earth filtration; ion exchange for removal of any primary contaminant; iron and manganese removal (oxidation, detention, and filtration); or slow sand filtration.</u> Filtration (other than category II) including primary treatment or ion exchange.</p>	<p>8.0 MGD and above Staffing by Class C or higher operator: 24 hours/day for 7 days/week. The lead/chief operator must be Class A.</p>	<p>2.0 MGD up to 8.0 MGD Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>1.0 MGD up to 2.0 MGD Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.5 MGD up to 1.0 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.25 MGD up to 0.5 MGD Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>Less than 0.25 MGD Staffing by Class C or higher operator: 5 visits/week and one <u>visit each weekend for a total of 1.8 hours/week</u> visit.</p> <hr/> <p>For all of the above plants, <u>the</u> lead/chief operator must be Class C or higher.</p>	<p><u>Not Applicable</u> None</p>

4.(d) Water Treatment Plant Category IV	Class A	Class B	Class C	Class D
<p><u>Aeration for removal of any primary contaminant; alkalinity/pH adjustment; chloramination; chlorine dioxide for oxidation or disinfection; fluoridation; ion exchange for removal of any secondary contaminant, sulfide, or any unregulated contaminant; or ozonation. Primary treatment (includes aeration, stabilization, disinfection).</u></p>	<p><u>Not Applicable</u> None.</p>	<p>10 MGD and above Staffing by Class C or higher operator: 16 hours/day for 7 days/week. The lead/chief operator must be Class B or higher.</p>	<p>5.0 MGD up to 10 MGD Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>3.0 MGD up to 5.0 MGD Staffing by Class C or higher operator: 3 hours/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>1.0 MGD up to 3.0 MGD Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day.</p> <hr/> <p>0.1 MGD up to 1.0 MGD Staffing by Class C or higher operator: 5 visits/week and one visit each weekend for a total of 1.2 hours/week visit.</p> <hr/> <p>For all of the above plants, the lead/chief operator must be Class C or higher.</p>	<p><u>Less than</u> Water plants serving the minimum regulated size public water system up to 0.1 MGD: Staffing by a Class D or higher operator: 3 nonconsecutive visits/week <u>on nonconsecutive days for a total of 0.6 hour/week. The</u> Head/chief operator must be Class D or higher.</p>

5.(e) Water Treatment Plant Category V

Treatment Process	Class A	Class B	Class C	Class D
<u>Aeration for removal of any secondary contaminant, sulfide, or any unregulated contaminant; chlorination; corrosion control inhibitor addition; hypochlorination; iron or manganese sequestration; or ultraviolet radiation. Disinfection only.</u>	<u>Not Applicable</u> None.	<u>Not Applicable</u> None.	5.0 MGD and above Staffing by Class C or higher operator: 6 hours/day for 5 days/week and one visit on each weekend day. 3.0 MGD up to 5.0 MGD Staffing by Class C or higher operator: 1 hour/day for 5 days/week and one visit on each weekend day. 0.25 MGD up to 3.0 MGD Staffing by Class C or higher operator: 5 visits/week and one <u>visit each weekend for a total of 0.6 hour/week visit.</u> For all of the above plants, <u>the lead/chief operator must be Class C or higher.</u>	50,000 GPD up to 0.25 MGD Staffing by Class D or higher operator: 3 none <u>consecutive</u> visits/week <u>on nonconsecutive days for a total of 0.3 hour/week.</u> Less than <u>Water plants serving the minimum regulated size public water systems up to 50,000 GPD:</u> Staffing by a Class D or higher operator: 2 none <u>consecutive</u> visits/week <u>on nonconsecutive days for a total of 0.2 hour/week. There shall be no more than 5 days between the last visit in one week and the first visit in the next week.</u> For all of the above plants, <u>the Head/chief operator must be Class D or higher.</u>

(f) Classification and Staffing Requirements for Water Distribution Systems. For the purpose of this paragraph, the number of persons served by a water distribution system is the retail number of persons served by that individual system and excludes persons served by regulated consecutive systems receiving water from that system.

1. Water Distribution System Category I

<p><u>Distribution System</u> <u>Distribution system</u> <u>connected to a Class</u> <u>A, B, or C water</u> <u>treatment plant.</u></p>	<p><u>Level 1</u> <u>Serving 100,000 or</u> <u>more persons</u> <u>Beginning May 1,</u> <u>2011, the lead/chief</u> <u>operator must be a</u> <u>Level 1 water</u> <u>distribution system</u> <u>operator or a Class C</u> <u>or higher water</u> <u>treatment plant</u> <u>operator. Additionally,</u> <u>beginning May 1,</u> <u>2011, a Level 3 or</u> <u>higher water</u> <u>distribution system</u> <u>operator or a Class C</u> <u>or higher water</u> <u>treatment plant</u> <u>operator shall be in</u> <u>on-site charge of any</u> <u>water distribution</u> <u>system operation or</u> <u>maintenance activity</u> <u>that may affect water</u> <u>quality or quantity and</u> <u>that is listed in</u> <u>Footnote 1 below</u> <u>unless the activity is</u> <u>being performed by a</u> <u>licensed underground</u> <u>utility and excavation</u> <u>contractor or licensed</u> <u>plumbing contractor.</u></p>	<p><u>Level 2</u> <u>Serving at least 10,000</u> <u>persons and less than</u> <u>100,000 persons</u> <u>Beginning May 1,</u> <u>2011, the lead/chief</u> <u>operator must be a</u> <u>Level 2 or higher</u> <u>water distribution</u> <u>system operator or a</u> <u>Class C or higher</u> <u>water treatment plant</u> <u>operator. Additionally,</u> <u>beginning May 1,</u> <u>2011, a Level 3 or</u> <u>higher water</u> <u>distribution system</u> <u>operator or a Class C</u> <u>or higher water</u> <u>treatment plant</u> <u>operator shall be in</u> <u>on-site charge of any</u> <u>water distribution</u> <u>system operation or</u> <u>maintenance activity</u> <u>that may affect water</u> <u>quality or quantity and</u> <u>that is listed in</u> <u>Footnote 1 below</u> <u>unless the activity is</u> <u>being performed by a</u> <u>licensed underground</u> <u>utility and excavation</u> <u>contractor or licensed</u> <u>plumbing contractor.</u></p>	<p><u>Level 3</u> <u>Serving at least 1,000</u> <u>persons and less than</u> <u>10,000 persons</u> <u>Beginning May 1,</u> <u>2011, the lead/chief</u> <u>operator must be a</u> <u>Level 3 or higher</u> <u>water distribution</u> <u>system operator or a</u> <u>Class C or higher</u> <u>water treatment plant</u> <u>operator. Additionally,</u> <u>beginning May 1,</u> <u>2011, a Level 3 or</u> <u>higher water</u> <u>distribution system</u> <u>operator or a Class C</u> <u>or higher water</u> <u>treatment plant</u> <u>operator shall be in</u> <u>on-site charge of any</u> <u>water distribution</u> <u>system operation or</u> <u>maintenance activity</u> <u>that may affect water</u> <u>quality or quantity and</u> <u>that is listed in</u> <u>Footnote 1 below</u> <u>unless the activity is</u> <u>being performed by a</u> <u>licensed underground</u> <u>utility and excavation</u> <u>contractor or licensed</u> <u>plumbing contractor.</u></p>	<p><u>Level 4</u> <u>Serving less than 1,000</u> <u>persons</u>² <u>Beginning May 1,</u> <u>2011, the lead/chief</u> <u>operator must be a</u> <u>Level 4 or higher</u> <u>water distribution</u> <u>system operator or a</u> <u>Class D or higher</u> <u>water treatment plant</u> <u>operator. Additionally,</u> <u>beginning May 1,</u> <u>2011, a Level 4 or</u> <u>higher water</u> <u>distribution system</u> <u>operator or a Class D</u> <u>or higher water</u> <u>treatment plant</u> <u>operator shall be in</u> <u>on-site charge of any</u> <u>water distribution</u> <u>system operation or</u> <u>maintenance activity</u> <u>that may affect water</u> <u>quality or quantity and</u> <u>that is listed in</u> <u>Footnote 1 below</u> <u>unless the activity is</u> <u>being performed by a</u> <u>licensed underground</u> <u>utility and excavation</u> <u>contractor or licensed</u> <u>plumbing contractor.</u></p>
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¹ The following water distribution system operation or maintenance activities may affect water quality or quantity: cleaning (swabbing, pigging, scraping, or air-purging) existing water mains; tapping, depressurizing/dewatering, or disinfecting existing water mains; dewatering, cleaning, or disinfecting existing finished-water storage tanks; and manually operating existing pumps, or adjusting existing automatic pump controls or automatic control valves, as necessary to regulate water distribution system flows or pressures.

² For wholesale systems, a Category I water distribution system serving less than 1,000 persons shall be classified as a Level 3 water distribution system.

2. Water Distribution System Category II

<u>Distribution System</u>	<u>Level 1</u>	<u>Level 2</u>	<u>Level 3</u>	<u>Level 4</u>
<u>Distribution system connected to a Class D water treatment plant.</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Beginning May 1, 2011, the lead/chief operator must be a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator. Additionally, beginning May 1, 2011, a Level 4 or higher water distribution system operator or a Class D or higher water treatment plant operator shall be in on-site charge of any water distribution system operation or maintenance activity that may affect water quality or quantity and that is listed in Footnote 1 below unless the activity is being performed by a licensed underground utility and excavation contractor or licensed plumbing contractor.</u>

¹ Water distribution system operation and maintenance activities that may affect water quality or quantity include the following: cleaning (swabbing, pigging, scraping, or air-purging) existing water mains; tapping, depressurizing/dewatering, or disinfecting existing water mains; dewatering, cleaning, or disinfecting existing finished-water storage tanks; and manually operating existing pumps, or adjusting automatic pump controls or automatic control valves, as necessary to regulate water distribution system flows or pressures.

Specific Authority 403.869, 403.88(4)(3) FS. Law Implemented 403.853(6), 403.867, 403.875(1)(f), 403.88(1), (2), (3) FS. History—New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, 1-21-81, Formerly 17-16.12 and 17-16.13, Amended 5-8-85, Formerly 17-16.370, 17-602.370, 17-699.310, Amended

62-699.311 Additional Classification and Staffing Requirements.

(1) An operator meeting the lead/chief operator class for ~~classification level~~ of the treatment plant shall be available during all periods of domestic wastewater or water treatment plant operation, and beginning May 1, 2011, an operator meeting the lead/chief operator level for the water distribution system shall be available during all periods of distribution system operation. “Available” means able to be contacted as

needed to initiate the appropriate action in a timely manner. ~~Daily checks of all plants shall be performed by the permittee, or supplier, or his representative or agent 5 days per week for all Class C and D plants.~~

(2) A daily check of each Class C or D domestic wastewater or water treatment plant shall be performed by the permittee or supplier of water, or his or her representative or agent, each day the plant is in operation or 5 days per week, whichever is less. The daily check of a plant shall include on-site observation of the plant to verify that it is functioning and may include the taking of readings or samples or the performing of tests or measurements; and the daily check of a plant shall be noted in the operation and maintenance log required under paragraph 62-555.350(12)(a), F.A.C., and

subsection 62-602.650(5), F.A.C. A daily visit, or daily staffing, of a plant by an appropriately licensed operator fulfills the requirement for a daily check of the plant. Nothing in this subsection shall be construed as allowing anyone to perform compliance tests for domestic wastewater unless he or she meets applicable qualification requirements in subsection 62-601.400(3), F.A.C., and nothing in this subsection shall be construed as allowing anyone to perform compliance measurements for drinking water unless he or she meets applicable qualification requirements in subsection 62-550.550(1) or (2), F.A.C.

(3)(2) A Class D operator shall not be the lead/chief operator of no more than one domestic water and one wastewater treatment plant plus one water treatment plant and distribution system except in cases where multiple plants and distribution systems are under the same ownership at any time. In those cases where the plants and distribution systems are all under the same ownership, a Class D operator may be the lead/chief operator of as many as five domestic wastewater treatment plants, as many as five water treatment plants and distribution systems, or any combination of domestic wastewater treatment plants plus water treatment plants and distribution systems totaling five.

(4)(3) For proposed new domestic wastewater or water treatment plants that are under an electronic surveillance system, or plant with an automatic control system, or electronic control system and for existing domestic wastewater or water treatment plants that are under an electronic surveillance system, automatic control system, or electronic control system and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year, the daily staffing requirements in paragraph 62-699.310(2)(a) or (e), F.A.C., shall hours may be reduced in accordance with paragraph (a) or (b) below upon written request by the permittee or supplier of water and written approval by the Department. However, if the Department approves a reduction in staffing requirements under this subsection and the plant's electronic surveillance system, automatic control system, or electronic control system subsequently malfunctions or fails, the Department's approval of reduced staffing requirements shall be considered temporarily revoked while the plant's electronic surveillance system, automatic control system, or electronic control system is not functioning properly.

(a) For plants that are under an electronic surveillance system or automatic control system, staffing requirements shall be reduced as follows:

1. Staffing for a Class A plant shall be reduced to no less than staffing by a Class C or higher operator 12 hours/day for 7 days/week with the 12 hours/day of staffing occurring during the 12-hour period of greatest influent flow or water production. The class of the lead/chief operator shall not be reduced.

2. Staffing for a Class B plant shall be reduced to no less than staffing by a Class C or higher operator 8 hours/day for 7 days/week with the 8 hours/day of staffing occurring during the 8-hour period of greatest influent flow or water production. The class of the lead/chief operator shall not be reduced.

3. Staffing for a Class C plant shall be reduced to no less than the minimum staffing required for the next smaller size of Class C plant in the same treatment process category.

(b) For plants that are under an electronic control system, staffing requirements shall be reduced as follows:

1. Staffing for a Class A plant shall be reduced to no less than staffing by a Class C or higher operator 6 hours/day for 5 days/week and one visit by a Class C or higher operator on each weekend day. The class of the lead/chief operator shall not be reduced.

2. Staffing for a Class B plant shall be reduced to no less than staffing by a Class C or higher operator 4 hours/day for 5 days/week and one visit by a Class C or higher operator on each weekend day. The class of the lead/chief operator shall not be reduced.

3. Staffing for a Class C plant shall be reduced to no less than the minimum staffing required for the smallest size of Class C plant in the same treatment process category.

(5)(4) At in Class B domestic wastewater or water treatment plants, the 16 hours/day of staffing shall occur during the 16-hour period, or two 8-hour periods, of greatest second shift should cover the next highest influent flow or peak water production period.

(6)(5) At in Class A, B, or and C domestic wastewater or water treatment plants, a licensed Class C or higher certified operator shall be on-site and in charge of each required shift and for periods of required staffing time when the lead/chief or chief operator is not on-site.

(7)(6) For proposed new Category V Those water treatment plants; that are connected to in which the treatment is limited to disinfection and share the same water distribution system; and for existing Category V water treatment plants that are connected to the same water distribution system and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year, the staffing requirements in subparagraph 62-699.310(2)(e)5., F.A.C., shall be may have the staff requirement reduced in accordance with paragraphs (a) through (d) below upon written request by the supplier of water and written approval by the Department. This reduction must be approved by the Department.

(a) The cumulative number of staffing hours for all the eligible Category V plants connected to the distribution system shall be reduced to no less than the number of staffing hours that would be required for a single Category V plant having a permitted maximum-day operating capacity equal to the

cumulative permitted maximum-day operating capacity of all the eligible Category V plants connected to the distribution system.

(b) The cumulative number of staffing hours for all the eligible Category V plants connected to the distribution system shall be divided among the eligible plants in 0.1-hour, or one-visit, increments approximately proportional to the permitted maximum-day operating capacity of each eligible plant.

(c) Staffing requirements for each eligible Category V plant shall be reduced no less than a visit on each day that staffing time or a visit is required for the plant under subparagraph 62-699.310(2)(e)5., F.A.C.

(d) The class of the lead/chief operator for each Category V plant shall not be reduced.

(7) Plant classification shall be determined upon permitted design flow or treatment capacity, degree of risk to public health or the environment and complexity of treatment plant operation.

(8) For existing domestic wastewater or water treatment plants that are treating or producing less than the permitted capacity of the plant and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year, the staffing requirements in paragraph 62-699.310(2)(a) or (e), F.A.C., shall be reduced in accordance with paragraphs (a) and (b) below ~~u~~Upon written request by the permittee or supplier of water and written approval by the Department, ~~plants which use less than the plant's permitted design flow or treatment capacity may decrease the staffing requirement. However, the lead or chief operator must remain at the same class as the plant. The plant must not be in violation of any Department rule for this paragraph to apply.~~

(a) Staffing hours and visits shall be reduced to no less than the minimum staffing that would be required if the permitted capacity of a domestic wastewater treatment plant were considered to be equal to the actual treatment plant influent flow or if the permitted capacity of a water treatment plant were considered to be equal to the actual maximum-day production.

(b) The class of the lead/chief operator shall not be reduced.

(9) The classification of the operator, the number of days per week, and the number of hours per day specified in paragraphs 62-699.310(2)(a) through (e), F.A.C., ~~the above charts~~ are minimum requirements. ~~Upon proper justification~~ The Department shall may require a higher classification, more frequent visits, or more hours per day in those cases where additional staffing is necessary to ensure that a facility will comply with permit requirements or where there is a history of repeated non-compliance with permit requirements or applicable rule requirements the treatment system has public access irrigation or is in close physical proximity to Class I

~~waters, Class II waters approved for shellfish harvesting, or Outstanding Florida Waters. The Department shall provide to the permittee or supplier of water written notice of its intent to impose these more stringent requirements, setting forth with specificity the reasons that which justify the Department's proposed actions. Within fourteen days of receipt of notification, the permittee or supplier of water may petition for request an administrative public hearing under Sections 120.569 and 120.57, F.S. before a hearing officer pursuant to Chapter 62-103, F.A.C., and Chapter 120, Florida Statutes.~~

(10) For Class A or ~~and~~ B domestic wastewater or water treatment plants, the lead/chief operator shall be employed at the plant full time. "Full time" shall mean at least 4 days per week, working a minimum of 35 hours per week, including leave time. Upon written request by the permittee or supplier of water and written approval by ~~from~~ the Department, the lead/chief operator may supervise the operation of two plants located in close physical proximity or multiple plants connected to a single water distribution system or domestic wastewater collection system when such plants are under an electronic surveillance and control system. The lead/chief operator's time shall be allocated between or among the plants and electronic control system based upon the size and complexity of the plants and the availability of an electronic surveillance and control system for the plants.

(11) For Class C domestic wastewater or water treatment plants, the lead/chief operator shall staff or visit the plant at least twice per month, and for Class D domestic wastewater or water treatment plants, the lead/chief operator shall visit the plant at least once per month.

(12)(11) When a domestic wastewater or water treatment plant treatment system includes a combination of more than one treatment process, the most complex treatment process shall be used to classify the plant.

(13) For domestic wastewater or water treatment plants that have greater influent flow or water production on weekends than on weekdays, required weekend visits may be interchanged with the same number of required weekdays of staffing upon written request by the permittee or supplier of water and written approval by the Department. The total number of days per week that a plant is staffed versus visited shall not be reduced.

(14) A licensed water treatment plant operator may serve both as an operator, or the lead/chief operator, of a water treatment plant and as an operator, or the lead/chief operator, of the water distribution system connected to that plant.

Specific Authority ~~403.869, 403.88(4)~~ F.S. Law Implemented ~~403.867, 403.88(1), (2), (3)~~ FS. History—New 11-17-70, Revised 10-24-74, Amended 12-25-75, 6-10-76, Formerly 17-16.13, Amended 5-8-85, Formerly 17-16.375, 17-602.375, 17-699.311, Amended 7-5-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet G. Llewellyn, Director, Division of Water Resource Management
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi A. Drew, Deputy Director for Regulatory Programs and Energy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

DEPARTMENT OF JUVENILE JUSTICE

Probation

RULE NOS.:	RULE TITLES:
63D-5.001	Purpose and Scope
63D-5.002	Definitions
63D-5.003	Planning the Supervision of the Youth and Selecting Relevant Interventions
63D-5.004	Classification and Reclassification
63D-5.005	Risk-Based Interventions
63D-5.006	Violations of Supervision
63D-5.007	Termination of Supervision

PURPOSE AND EFFECT: The rule implements the provisions of Section 985.435 and elsewhere in Chapter 985, F.S., requiring the department to administer probation and postcommitment probation programs under classification scales that take into account the child's needs and risks.

SUMMARY: The rule establishes the standards and procedures for the provision of focused probation case management. This includes the use of information gathered during intake, and the creation of an individualized supervision plan based upon risk. The need for reclassification, regular contact, and the methods for dealing with violations of supervision are also addressed.

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

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

SPECIFIC AUTHORITY: 985.14, 985.64 FS.

LAW IMPLEMENTED: 985.14, 985.435, 985.601(2) FS.

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

DATE AND TIME: Tuesday, June 12, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., Ste. 312, General Counsel's Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63D-5.001 Purpose and Scope.

This rule establishes the standards and procedures for the provision of focused probation case management. This includes the use of information gathered during intake, which results in the classification of the youth and the development of an intervention plan, and the coordination of probation services for youth on probation and post-commitment probation. The standards and procedures for the provision of focused case management for youth on conditional release status are established in rule Chapter 63D-7, F.A.C.

Specific Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601(2) FS. History--New _____.

63D-5.002 Definitions.

For purposes of this rule chapter, the following terms shall be defined as follows:

(1) Affidavit for Order to Take Into Custody – The form used by the JPO to formally request a pick-up order when the youth's whereabouts are unknown. Once this document is notarized and sent to the court, an Order to Take Into Custody is issued to detain the child and bring the child back before the court. This is only to be used for youth who abscond or escape from the supervision of the department. The Affidavit for Order to Take Into Custody (DJJ/IS Form 15, February 2005) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

(2) Affidavit/Petition for Violation of Probation – The instrument used by the JPO to notify the court of alleged violations of probation supervision if the JPO and JPOS determine that court action is warranted. The Affidavit/Petition for Violation of Probation (DJJ/IS Form 10, February 2005) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

(3) Criminogenic needs/risk factors – Critical factors in predicting future criminal behavior, as identified by research in the area of juvenile delinquency. The PACT recognizes these factors and classifies them into critical domain areas known to influence criminal behavior. The JPO and JPOS use this data to measure the individual risk posed by each youth and to design a plan most responsive to reducing the level of risk posed by each factor.

(4) Juvenile Probation Officer (JPO) – A Juvenile Probation Officer (JPO) is an employee of the department responsible for the intake of youth upon arrest and the supervision of youth on court ordered supervision in the

community. The JPO serves as the primary case manager for the purpose of managing, coordinating and monitoring the services provided and sanctions required for each youth. In this rule chapter whenever a reference is made to the objectives and duties of a JPO it shall also apply to case management staff of a provider agency contracted to perform these duties and objectives.

(5) Juvenile Probation Officer Supervisor (JPOS) – A Juvenile Probation Officer Supervisor (JPOS) provides first line oversight and management of the JPOs in the unit. The JPOS is responsible for overall direction and guidance of the services provided by the JPO including, but not limited to reviewing the progress of cases, documenting compliance with law and court orders, and approving intervention plans and revisions to intervention plans. In this rule chapter whenever a reference is made to the tasks and duties of a JPOS it shall also apply to case management staff supervisor of a provider agency contracted to perform these duties and tasks.

(6) Positive Achievement Change Tool (PACT) – The PACT is a web-based assessment instrument located in the Intake Web module of the Juvenile Justice Information System (JJIS) and is scored automatically following interviews with the youth, family and collateral sources to determine the risk to reoffend. The PACT identifies a series of risk factors such as substance abuse, mental illness or family history that have proven to be related to future offending. As progress is made in the problem areas specific to each youth the PACT is used to calculate and document how individual risk factors have increased or decreased over time. The PACT is incorporated in subsection 63D-1.003(1), F.A.C.

(7) Progress Report – The form used to communicate to the court progress the youth is making. The form may be used for a judicial review, jurisdiction transfer or a request for termination of supervision, probation, postcommitment probation or conditional release supervision. The Progress Report form (DJJ/IS Form 12, September 2006) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

(8) Risk-based intervention – Services and sanctions planned and delivered to the youth and his or her family with a specified application that is focused on the reduction of further delinquency behavior. The level of risk to reoffend and the youth's specific risk factors determines the characteristics and magnitude of the services and sanctions planned and delivered to intervene in the youth's life that will most effectively reduce that risk. At the low end of the intervention scale could be an older youth with no delinquency history that needs only to complete a restitution order and to report to his or her probation officer once a month. An example at the other end of the scale would be a younger offender with a serious delinquency history with school attendance problems, substance abuse issues who has been charged with a crime of

violence. This youth might need mental health counseling, substance abuse treatment, twice a week contact with his or her JPO and tutoring at school.

(9) Youth-Empowered Success Plan – The plan used to guide the supervision of the youth and to plan interventions by Probation and Community Intervention staff as the key case management document. The Youth-Empowered Success (YES) Plan (DJJ/PACT Form 4, October 2006) is incorporated, and is available from the Assistant Secretary for Probation and Community Intervention at 2737 Centerview Drive, Suite 105, Tallahassee, FL 32399-3100.

Specific Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601(2) FS. History–New _____.

63D-5.003 Planning the Supervision of the Youth and Selecting Relevant Interventions.

(1) The Juvenile Probation Officer (JPO) must prepare the initial Youth-Empowered Success (YES) plan within 14 days of the youth's disposition date, or within 14 days of the youth's release from a commitment program in the case of post-commitment probation.

(a) To the extent possible, the youth and family shall participate in the development of the plan. In particular, the youth and family shall be consulted to identify goals and to assess their ability to fulfill their responsibilities.

(b) During development, the youth and parents or guardians must be informed of the consequences of failing to comply with the objectives and goals of the plan.

(c) The JPO shall document efforts made to facilitate parental involvement.

(2) The YES plan is the primary planning tool for administration and organization of case management services for the youth. The plan must detail how the youth, family and JPO will achieve the treatment goals and sanctions found in the dispositional court order, as well as any voluntary goals identified in the course of working with the youth and family.

(a) The plan must be performance based, with measurable and positive objectives, and described outcomes.

(b) Objectives described in the plan must address:

1. Public safety, accountability and competency development;

2. Court ordered sanctions and treatment goals

3. Mutually agreed to interventions to mitigate risk factors identified in the assessment generated by the PACT.

(c) Each goal must identify the major action steps required for achievement, and the individual(s) primarily responsible for each step. Realistic target dates must be recorded for each goal and action step.

(3) The JPO, Juvenile Probation Officer Supervisor (JPOS) and the youth must sign the YES plan. Parent(s)/guardian(s) must acknowledge the plan by signature

unless the youth is 18 years of age or older or is residing separately from parents or legal guardians on their own in the community.

(4) The JPO must provide the youth and family with a legible copy of the YES plan.

(5) The JPO must evaluate and, if necessary, update the plan at least every 90 days, and reflect in writing whenever sanctions are completed or modifications to goals or sanctions are made.

(6) Modifications to the plan may be accomplished as follows:

(a) If new needs are identified during the course of supervision, the JPO may include voluntary goals to address the needs.

(b) Formal adjustments to court ordered objectives must be made by the court during a judicial review. If jurisdiction is not in the county where supervision occurs, then the JPO may ask the youth to voluntarily agree to the modification. Absent agreement, judicial assistance must be requested.

(c) Subsequent disposition for pending cases shall also necessitate modification of the plan to reflect changes in sanctions, treatment goals and court ordered conditions.

(7) Formal reviews of the plan with the youth and family must occur every 90 days. The JPO shall review with the youth and family the accomplished objectives and the need for continued progress on those that have not been accomplished. The youth and parent(s)/guardian(s) must initial the plan to indicate that it was reviewed. In situations where the department cannot compel the parents to participate in the planning and review process, the JPO shall document efforts made to obtain parental involvement.

Specific Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601(2) FS. History—New _____.

63D-5.004 Classification and Reclassification.

(1) Prior to a youth's initial placement on supervision, the intake JPO must assess and classify the youth based upon the following factors:

(a) The risk score indicated on the PACT (low, moderate, moderate-high or high); and

(b) The quantity and type of other contacts made by service providers working with the youth and his or her family.

(2) Service providers making contact with the youth and family must document their contacts in writing and transmit that information to the JPO or contracted case manager in the manner indicated within their contract or service agreement.

(3) Over time, the initial classification shall be reviewed. To accommodate changes in the youth's behavior, supervision and treatment a periodic review of the youth's classification must be held.

(a) A staffing to review classification must take place within 90 days of the youth being placed on supervision, and within every 90 days thereafter. A reclassification staffing shall

also be conducted, regardless of timeframe, whenever there is a change in the youth's status, such as when the youth obtains new charges or returns from a period of absconding.

(b) In preparation for a reclassification review for youth who previously scored moderate-high or high-risk, a PACT reassessment must also be completed prior to the staffing.

(c) The JPO and the JPOS conduct the reclassification staffing. At a minimum, the staffing must consider the following items:

1. Any changes in the youth's needs;

2. The number and type of charges the youth has obtained in the last classification period, and any pending charges; and

3. Progress in completing YES plan objectives.

(d) Written justification must be provided for any reclassification decision and must be documented in writing on the PACT.

Specific Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601(2) FS. History—New _____.

63D-5.005 Risk-Based Interventions.

(1) The type and magnitude of the intervention is determined by the risk to reoffend.

(a) The specific type of intervention is tied to the specific individual risk factor identified by the PACT.

(b) If the intervention is not available then the reason for its unavailability must be documented.

(2) The JPO shall document youth participation in the specified intervention by various methods, including the following:

(a) Face to face observation of the youth.

(b) Telephone contact with the youth, family or service provider.

(c) Review of written documentation as to the compliance and progress of the youth in the program or as the youth and family participate in service delivery.

(d) Reports, written or verbal, from collateral contacts knowledgeable about the youth.

(3) Progress must be assessed on a periodic basis.

(4) When the periodic review identifies the need for a change then the intervention must be adjusted.

(5) Youth assessed as high risk to reoffend by the PACT must be referred for risk-based interventions designed to reduce or eliminate dynamic criminogenic risk factors, unless the JPO documents in writing barriers to participation, such as the lack of available services, lack of youth readiness to voluntarily participate, transportation difficulties, or lack of parental approval for participation. The JPO shall monitor youth participation in risk-based interventions to ensure attendance and participation. Examples of intervention activities used by the JPO to monitor progress include: face-to-face contact with the youth, telephone contact with youth, parent or service provider, collateral contact with the

program, family verification of participation or youth self report of progress and review of written documentation as to the compliance and progress of the youth in the program. Progress in addressing the criminogenic need shall be monitored through PACT reassessments. The type and frequency of interventions should be determined on a regular and periodic basis, but at least every 90 days.

Specific Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601(2) FS. History–New _____.

63D-5.006 Violations of Supervision.

(1) Violations of probation supervision include the following:

- (a) New law violations.
- (b) Non-law technical violations.
- (c) Absconding from supervision.

(2) The JPO must investigate known or reported violations of supervision. Such an investigation must include interviewing the supervised youth if he or she can be found, interviewing parents, if needed, school officials, and other important collateral contacts. The JPO must staff the case with his or her unit supervisor to make a final decision on the action to pursue.

(3) In the case of a new law violation, the JPO must file an Affidavit for Violation of Supervision for any such violation that results in the filing of a delinquency petition. All applicable non-law technical violations must be included in the affidavit. The JPO is not precluded from filing an affidavit based on the new law violation prior to the state attorney's decision regarding a petition.

(4) Non-law technical violations include violations of court ordered sanctions, such as not reporting to the JPO as directed, failing to complete community service, failing to follow through with a referral, missing school, or failing to make restitution payments. Responses to non-law technical violations must be progressive, but must also give effect to orders of the court that require report of any and all technical violations.

(a) If the JPO and the JPOS decide that a formal court hearing is not needed to address the violation, the JPO may address the non-compliant behavior with an intervention, such as addressing the behavior with a behavior contract, conducting a formal staffing with parents, referral of the youth to risk-based interventions or increasing supervision. Under no circumstances can a JPO informally modify conditions related to contact with a victim.

(b) If the JPO and the JPOS decide that court action is warranted, an affidavit must be filed with the state attorney alleging that the youth is in violation of supervision. The affidavit must be filed within 7 days of becoming aware of the technical violation. Any technical violations that had been informally addressed, particularly those that involve related non-compliance, may be added to the affidavit.

(5) Absconding occurs when a supervised youth goes in a clandestine manner out of the jurisdiction of the court in order to avoid legal process, or when the youth hides, conceals or absents himself or herself with the intent to avoid legal process. Mere absence or not appearing for appointments is not absconding, but may constitute a technical violation of probation conditions. To constitute absconding, the JPO must have cause to believe that the youth is deliberately avoiding supervision, or has removed himself or herself from the home or community. A youth reported by parents or guardians to have run away, is considered an absconder.

(a) At the point the JPO considers the youth to have absconded, the JPO must document all efforts to locate the youth considered an absconder.

(b) Within one working day of determining that the youth has absconded, the JPO must complete and file with the court an Affidavit for An Order to Take Into Custody, and an Affidavit for Violation of Probation/Post-Commitment Probation.

Specific Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.439, 985.601(2) FS. History–New _____.

63D-5.007 Termination of Supervision.

(1) A youth's progress must be documented in the case file or YES plan in writing, and submitted to the court using the Progress Report form. Progress reports must be submitted to the court within 1 working day of the dated ordered by the court or pursuant to a scheduled formal judicial review.

(2) The JPO must recommend termination of supervision when:

(a) A youth has complied with court ordered sanctions and goals;

(b) The department has lost jurisdiction because the youth has reached the maximum age provided in statute; or

(c) The department has lost jurisdiction based upon the maximum period of supervision applicable to the charge.

(3) Prior to requesting termination, the JPO must check with local law enforcement to determine if there are outstanding warrants or charges for the youth that have not been filed. At a minimum, this includes the sheriff and police department of the youth's county and city of residence. If the capacity to do so is available, the JPO must also check the Florida Crime Information Center and National Crime Information Center (FCIC/NCIC) to determine if there are outstanding warrants.

(4) Fifteen days prior to the loss of jurisdiction of a case, the JPO must notify the court regarding the impending loss of jurisdiction. A Progress Report must also be submitted if there is a need to recommend that the court retain jurisdiction over restitution. Upon the loss of jurisdiction, the JPO must close the case.

(5) Within 5 working days of receipt of the court's termination order or the date of loss of jurisdiction, the JPO must update the Juvenile Justice Information System.

(6) The JPO must notify the youth and parents or guardians in writing that the youth is no longer under supervision.

(7) Termination may be sought for youth who are in compliance with all court ordered sanctions, and in substantial compliance with restitution. Substantial compliance means that the youth has exhibited through routine payments the intention to follow through with his or her obligation. The JPO must verify the amount of paid restitution with the clerk of court.

(a) Except as provided in subsection (7), the JPO must recommend that the court retain jurisdiction for restitution if full payment has not yet been made.

(b) The JPO must notify the youth and parents or guardians that by retaining jurisdiction the court may find the youth in contempt for failure to make timely payments. The JPO must also advise the youth and parents or guardians that the court may request that they enter into a voluntary promissory note for payment. At no time, should the JPO become involved in the negotiation or development of the promissory note.

Specific Authority 985.14, 985.64 FS. Law Implemented 985.14, 985.435, 985.601(2) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack Ahearn, Office of Probation and Community Intervention
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Darryl Olson, Assistant Secretary for Probation and Community Intervention
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 7, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2007

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-11.001
RULE TITLE: Application for Licensure Examination

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to specify the supporting documents required for submission with licensure application.

SUMMARY: The proposed rule amendment specifies the supporting documents required for submission with licensure application.

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

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

SPECIFIC AUTHORITY: 460.405, 460.406 FS.

LAW IMPLEMENTED: 460.406 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-11.001 Application for Licensure Examination.

(1) through (2) No change.

(3) In order that the Board may timely certify to the Department of Health those applicants eligible to take the examination, all applications, fees and ~~all~~ supporting documentation including transcripts, NBCE examination results, fingerprint card, licensure verifications and any other documentation ~~documents~~ must be on file with the Board no later than March 1st of each year for those candidates applying for the May Examination and September 1st for the November examination. ~~All applications, fees and all supporting documents must be on file with the Board no later than September 1st of each year for those candidates applying for the November Examination.~~

Specific Authority 460.405, 460.406 FS. Law Implemented 460.406 FS. History-New 1-10-80, Amended 3-15-81, 10-10-85, Formerly 21D-11.01, Amended 2-19-86, 10-6-86, 1-28-87, 2-1-88, 4-19-89, 12-31-89, 5-7-90, 7-8-90, 7-15-91, 2-2-93, Formerly 21D-11.001, Amended 4-18-94, Formerly 61F2-11.001, Amended 2-20-95, Formerly 59N-11.001, Amended 11-4-98, 3-23-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-12.017
RULE TITLE: Processing Fee

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to change the fee required for processing applications.

SUMMARY: The proposed rule amendment changes the fee required for processing applications.

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

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-12.017 Processing Fee.

A licensee shall pay a processing fee of \$350.00 when the licensee applies for a change in licensure status at any time other than during licensure renewal, ~~except a certified chiropractic physician assistant shall pay \$55.00.~~ The renewal period shall begin 90 days prior to the end of the biennium and shall end on the last day of the biennium.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 2-20-95, Formerly 59N-12.017, Amended 7-11-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-18.001
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of this amendment is to clarify the definition of indirect supervision of certified chiropractic physician's assistants.

SUMMARY: The proposed rule amendment clarifies the definition of indirect supervision of certified chiropractic physician's assistants.

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

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

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 460.403(2), (3), (5), (6), (7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-18.001 Definitions.

(1) through (3) No change.

(4) The term "supervising physician" as herein used means any licensed chiropractic physician or group of physicians who is approved and certified by the Board to provide supervision for the certified chiropractic physician's assistant and/or registered chiropractic assistant, and who assumes legal liability for the services rendered by such assistants. An approved chiropractic physician or group of physicians may supervise more than one certified chiropractic physician's assistant at a ratio no greater than 2 certified chiropractic physician's assistants to one chiropractic physician.

(5) through (8) No change.

(9) "Indirect supervision" means responsible supervision and control by the supervising physician only in a practice that is exempt from licensure under Part X, Chapter 400, F.S., and wholly owned by one or more chiropractic physicians or by a chiropractic physician and the spouse, parent, child, or sibling of that chiropractic physician. Indirect supervision shall require the "easy availability" or physical presence of the licensed chiropractic physician for consultation and direction of the actions of the certified chiropractic physician's assistant. "Easy availability" means the supervising physician must be in a location to enable him to be physically present with the certified chiropractic physician's assistant within at least thirty minutes and must be available to the certified chiropractic physician's assistant when needed for consultation and advice either in person or by communication devices, such as telephone, two-way radio, medical beeper or other electronic means.

Specific Authority 460.405 FS. Law Implemented 460.403(2), (3), (5), (6), (7) FS. History--New 11-25-81, Formerly 21D-18.01, Amended 10-13-86, 7-15-91, Formerly 21D-18.001, 61F2-18.001, 59N-18.001, Amended 1-18-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-18.002
RULE TITLE: Application for Certification as a Chiropractic Physician's Assistant

PURPOSE AND EFFECT: The purpose and effect of this amendment is to clarify the application process.

SUMMARY: The proposed rule amendment clarifies the application process.

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

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

SPECIFIC AUTHORITY: 460.405, 460.4165(6), (9) FS.

LAW IMPLEMENTED: 460.4165(3),(5), (6), (9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-18.002 Application for Certification as a Chiropractic Physician's Assistant.

(1) through (2) No change.

(3) As part of the application process, the Board shall interview the supervising chiropractic physician and the certified chiropractic physician's assistant applicant about the work arrangement proposed in the application.

(4)(3) Applicants may qualify for certification as a chiropractic physician's assistant by either:

(a) Successfully completing a program approved pursuant to subsection 64B2-18.003(2), F.A.C., for the education and training of certified chiropractic physician's assistants, or

(b) Graduating from a chiropractic college which is accredited by, or has status with the Council on Chiropractic Education or its predecessor agency, provided that the

applicant has never had a license to practice as a chiropractic physician subject to disciplinary action in this or any other jurisdiction.

(c) Successfully completing 24 months of chiropractic education which is accredited by, or has status with the Council on Chiropractic Education or its predecessor agency.

(5)(4) The application shall be accompanied by a diploma, written verification of completion of the 24 months of chiropractic education from the educational institution, or similar certificate evidencing successful completion of one of the types of education and training programs referred to in subsection 64B2-18.002(3), F.A.C. For the training program, successful completion is deemed to mean obtaining a raw score of 75% on a comprehensive examination covering the entire education and training program.

(6)(5) In addition to the general certification as an assistant, an applicant may be certified in one or more specialty areas created by the Board if he or she demonstrates his or her satisfactory completion of education and training in the one or more specialty areas.

(7)(6) Upon approval of an application for certification in a specialty area the applicant shall be charged a fifty dollar (\$50.00) certification fee for the first biennium. The biennial renewal fee for each subsequent biennial shall be fifty dollars (\$50.00).

Specific Authority 460.405, 460.4165(6), (9) FS. Law Implemented 460.4165(3), (5), (6), (9) FS. History--New 11-25-81, Formerly 21D-18.02, 21D-18.002, 61F2-18.002, 59N-18.002, Amended 6-7-98, 4-25-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-18.005
RULE TITLE: Certification of Supervising Physicians

PURPOSE AND EFFECT: The purpose and effect of this amendment is to clarify the process for certifying supervising physicians of Chiropractic Physician's Assistants.

SUMMARY: The proposed rule amendment clarifies the process for certifying supervising physicians of Chiropractic Physician's Assistants.

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

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

SPECIFIC AUTHORITY: 460.405, 460.4165(9) FS.

LAW IMPLEMENTED: 460.4165(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-18.005 Certification of Supervising Physicians.

(1) Any chiropractic physician desiring to supervise, employ or work with a certified chiropractic physician's assistant shall make application to the Board on forms provided by the Board.

(2) As part of the application process, the Board shall interview the supervising chiropractic physician and the certified chiropractic physician's assistant about the work arrangement proposed in the application.

~~(3)~~ Upon approval of an application, the Board shall certify the physician or group of physicians to supervise a certified chiropractic physician's assistant.

~~(4)~~ Certifications to supervise assistants shall remain valid for one year and must be renewed annually.

~~(5)~~ A fee of one hundred dollars (\$100.00) shall accompany the initial application and annual application by a chiropractic physician or group of chiropractic physicians for authorization to supervise a certified chiropractic physician's assistant.

Specific Authority 460.405, 460.4165(9) FS. Law Implemented 460.4165(6) FS. History--New 11-25-81, Formerly 21D-18.05, Amended 10-15-92, Formerly 21D-18.005, 61F2-18.005, 59N-18.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.:
64D-3.046

RULE TITLE:
Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12, and Adult Education Classes

PURPOSE AND EFFECT: The Bureau of Immunization proposes an amendment to update forms and guidelines that are incorporated by reference.

SUMMARY: This rule amendment updates forms DH-680, Florida Certification of Immunization, DH Form 1479, Authorized Private Provider User Agreement For Access to Florida SHOTS, DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS, and DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes.

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

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

SPECIFIC AUTHORITY: 381.0011(13), 381.003(1),(2), 381.005(2), 1003.22 FS.

LAW IMPLEMENTED: 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS.

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

DATE AND TIME: June 12, 2007, 10:00 a.m. (EDT)

PLACE: 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, 2585 Merchants Row Blvd., Room 210N, Tallahassee, FL 32399-1719

THE FULL TEXT OF THE PROPOSED RULE IS:

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

(1)(a) Immunization and Documentation Requirements –

(b) A student may attend a public or non-public school, grades preschool through 12 or an adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680, Florida Certification of Immunization (January 2007), (~~July 2004~~), incorporated by reference, available from the Department of Health (DOH) county health departments (CHD) or physicians' offices.

2. Documentation of receipt of or exemption from must be noted for the following immunizations: diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), rubella, mumps, varicella and hepatitis B. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice.

(2) Specific immunization requirements by grade, in addition to those in paragraph (1)(a), which must be documented prior to admittance, attendance or transfer:

(a) Preschool – Completion of Haemophilus influenzae type b vaccination.

(b) Preschool or kindergarten effective with the 2001/2002 school year – completion of varicella vaccination. Each subsequent year thereafter, the next highest grade will be included in the requirement, so that students transferring into Florida schools are added to the varicella immunized cohort.

1. 7th Grade – Completion of a tetanus-diphtheria booster.

2. Additional Documentation Requirements for Exemptions.

3. For exemption from the rubeola immunization the practitioner must include with DH Form 680, Florida Certification of Immunization, incorporated by reference in subsection 64D-3.046(1), F.A.C., documentation on their own stationery of the physician's request for exemption, asserting that the student had an illness comprised of a generalized rash lasting three or more days, a fever of 101 degrees Fahrenheit or greater, a cough, and/or coryza, and/or conjunctivitis and, in the physician's opinion, has had the ten-day measles (rubeola) or serologic evidence of immunity to measles.

(c) Forms are to be fully executed by a practitioner licensed under Chapters 458, 459, 460, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year, as provided in DH Form 150-615, Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes (March 2007), (~~July 2002~~), incorporated by reference, available online at: www.doh.state.fl.us/disease_ctr/immune/schoolguide.pdf.

(d) Florida SHOTS (State Health Online Tracking System) Electronically Certified DH Form 680 produced by a CHD or a physician's office, as provided in (7), may be utilized.

~~(e)(d)~~ DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be issued and signed by the local county health department medical director or designee.

~~(f)(e)~~ Otherwise, required immunizations not performed must be accounted for under the Temporary or Permanent Medical Exemptions, DH Form 680, Florida Certification of Immunization, Parts B and C, incorporated by reference in subsection 64D-3.046(1), F.A.C.

(3) Documentation Requirements for Schools:

(a) The original of the form(s) required under subsection paragraph (1)(a) shall remain in the student's cumulative health record.

(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).

(c) Compliance Reporting:

1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (January 2007), (~~November 1996~~), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD director/administrator no later than October 1 of each school year, where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (November 2006), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the DOH shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine-preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the CHD director/administrator within a specified period, as determined by the DOH.

(4) Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection (2) above, not to exceed 30 days, may be issued by an authorized school official for any of the following, consistent with the definitions in Section 1003.01, F.S.:

(a) A homeless child.

(b) A transfer student.

(c) A student who enters a juvenile justice education program or school.

(5) Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous, according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school officials until such time as, in the DOH's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

(6) Florida SHOTS Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English) or DH Form 1478S (Spanish) or DH Form 1478H (Haitian-Creole), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt out will not be shared with other entities that are allowed by law to have access to children's immunization records via authorized access to Florida SHOTS.

(7) Florida SHOTS Private Provider Participation – Any healthcare practitioner licensed in Florida under Chapter 458, 459 or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (January 2007), (~~November 2000~~), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 1479 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

(8) Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), (~~November 2000~~), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall

notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

Specific Authority 381.0011(13), 381.003(1),(2), 381.005(2), 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New 11-20-06, Amended.

Editorial Note: Formerly 10D-3.88, 10D-3.088 and 64D-3.011

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles H. Alexander, Chief, Bureau of Immunization

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Russell W. Eggert, M.D., M.P.H., Director, Division of Disease Control

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2007

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-20.001	Distribution of Funds from the Rape Crisis Program Trust Fund
64F-20.002	Criteria for Distributing Monies

PURPOSE AND EFFECT: The Department proposes to review the existing language in this chapter to determine if amendments and/or new rules are necessary.

SUMMARY: The rule amendments will address distribution of Rape Crisis Trust Funds monies to the statewide non-profit organization and rape crisis centers.

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

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

SPECIFIC AUTHORITY: 794.056(2) FS.

LAW IMPLEMENTED: 794.056 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Elvira Hanson, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-20.001 Distribution of Funds from the Rape Crisis Program Trust Fund.

Rape Crisis Trust Fund monies allocated to the statewide non-profit association shall be distributed to rape crisis centers (RCCs) located throughout Florida. The department shall

~~contract through a competitive process pursuant to Chapter 287, F.S., with statewide non-profit association(s) as described in Section 794.055, F.S.~~

Specific Authority 794.056(2) FS. Law Implemented ~~794.055, 794.056~~ FS. History–New 8-31-04, Amended _____.

64F-20.002 Criteria for Distributing Monies.

(1) The statewide non-profit association shall distribute funds provided that a rape crisis center satisfies the following criteria:

(a) A rape crisis center as defined by Section 794.055(2)(d), F.S., must be certified by the statewide non-profit association;

(b) If governed by a board of directors, the rape crisis center’s board of directors must meet no less than four times out of the year and include a board member that has been a client or a victim of sexual battery or assault;

(c) The rape crisis center must have been in operation for at least two years;

(d) The rape crisis center must attend financial management training for not-for-profit organizations offered by the state or another entity every two years;

(e) A rape crisis center must complete and submit a rape crisis trust fund survey, to the Florida Department of Health Sexual Violence Prevention Program on or before March 31st of each year; and

(f) Conduct a client satisfaction survey.

(2) Certification by the statewide non-profit association does not guarantee funding. Funding shall be denied if a rape crisis center fails to meet the criteria under paragraphs 64F-20.002(1)(a)-(f), F.A.C., or the statewide not-for-profit organization revokes certification.

(3) Funding shall be denied to any rape crisis center if any state or federal agency has suspended or withdrawn funding or terminates a contract for reasons other than lack of money.

(4) Award of rape crisis trust fund monies to rape crisis centers shall be made by the Department via a contract with the statewide non-profit association.

(5) Distribution – The statewide non-profit association shall distribute a minimum of 80 percent of their Trust Fund monies to RCCs and each RCC shall use no more than 5 percent of its funding for administrative purposes. The statewide non-profit association shall use no more than 15 percent of their funds for statewide initiatives and no more than 5 percent for administrative costs.

Specific Authority 794.056(2) FS. Law Implemented 794.056 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Elvira Hanson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jan Davis

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 12, 2007

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.203
RULE TITLE: Personal Care of a Disabled Family Member

PURPOSE AND EFFECT: The proposed rule amendment is required to comply with federal regulations issued by the Department of Health and Human Services, Administration for Children and Families, to implement the Temporary Assistance for Needy Families provisions of the Deficit Reduction Act of 2005. The rule amendment will clarify when a parent or caretaker relative who is totally responsible for the care of a disabled family member is excluded from participation in work activities in accordance with 45 CFR 261.2(n)(2)(i), and is exempt from the time limit under the Temporary Cash Assistance (TCA) program.

SUMMARY: The proposed rule amendment will provide clarification that full-time school attendance by a disabled family member will be considered an “alternative care arrangement” and as such, a parent or caretaker relative will not receive a time limit exemption under the TCA program. It also provides for a form revision to reflect the policy change.

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

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.105(9) FS.

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

DATE AND TIME: June 13, 2007, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700. Telephone (850)488-8004

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen Schilling, Program Administrator, Food Stamps/TCA Policy, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, Telephone (850)414-5643

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.203 Personal Care of a Disabled Family Member.

(1) Family Member. Family member is defined as any individual related to any member of the assistance group by blood or marriage. The disabled family member must reside in the home with the caregiver. The family member with the disability may be a child or any adult member of the family, whether or not this person is a Temporary Cash Assistance (TCA) WAGES participant.

(2) Disability. In order for an exemption to program time limits due to an individual's responsibility for care of a disabled family member to be granted, the disability must be verified. Verification is satisfied when through the family member receives temporary or permanent disability benefits issued by a government or private source, or a statement by physician or licensed or certified psychologist that the family member is disabled. Verification of the family member's disability may be provided on the Statement of the Need for Care, CF-ES 2094, Apr 07 Oct 98, (~~incorporated by reference~~).

(3) Need for Personal Care. The disabled family member must require the physical presence of the individual to provide care, supervision, or arrange services, typically during the family member's waking hours. Personal care of the family member includes the provision of daily care services maintenance, supervision of care, and transportation. Verification of the family member's need for personal care may be provided on the Statement of the Need for Care, CF-ES 2094, Oct 98 (~~incorporated by reference~~). Any of the following will be accepted as verification of the need for personal care services:

(a) through (g) No change.

(h) Verification by a ~~A~~ children's mental health or substance abuse provider Target Population Enrollment Form, May 98 (~~incorporated by reference~~) certifying a child meets the criteria for serious emotional disturbance or psychoactive substance use disorder, and a statement by a licensed psychiatrist indicating the need for full time care or supervision of the child that includes a DSM-IV diagnosis, recommended treatment for the child and caretaker, and prognosis indicating the estimated length of time such care may be needed.

(4) ~~Lack of~~ Alternative Care. Depending upon the nature of the disability, documentation of attempts to provide alternative care must be provided. Alternative care may not be available because the service to meet a specific need does not exist in the community or the cost of the service is prohibitive. Full-time school attendance by a disabled family member will be considered an alternative care arrangement, and as such, a parent or caretaker relative will not receive a time limit exemption. Full-time school attendance is defined by the educational institution. A parent or caretaker relative may receive a time limit exemption during a summer school break if no other alternative care arrangement is available.

(5) No change.

(6) Welfare Transition WAGES Employment and Training. Care of a family member with a disability is considered good cause for not meeting program work requirements. Individuals meeting the criteria for an exemption from the time limits are not required to work register. A parent or caretaker relative of a disabled family member who attends school full-time will be considered to be work-eligible in accordance with 45 CFR 261.1(n)(2)(i), will not meet the criteria for an exemption from the time limit, and must work register.

(7) No change.

(8) Periodic Evaluation of Exemption. The exemption from time limits will be reevaluated annually at each regular eligibility redetermination for temporary cash assistance.

(9) A copy ~~Copies~~ of the CF-ES 2094, Statement of the Need for Care and the Target Population Enrollment form may be obtained from the Department of Children and Family Services, ACCESS Florida Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

Specific Authority 414.45, 414.065(4)(g) FS. Law Implemented 414.105 FS. History—New 4-27-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis, Chief, Program Policy, 414-5927

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: RULE TITLE:

65A-4.2131 Learnfare Requirements

PURPOSE AND EFFECT: This rule amendment will remove reference to obsolete forms.

SUMMARY: The proposed rule amendment removes reference to obsolete forms as the Learnfare information has been incorporated into the Rights and Responsibilities Form.

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

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

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.1251 FS.

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

DATE AND TIME: June 13, 2007, 1:30 p.m.
PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eileen Schilling, Program Administrator, Food Stamps/TCA Policy, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, Telephone (850)414-5643

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.2131 Learnfare Requirements.

(1) Learnfare Requirements. Temporary cash assistance (TCA) will be reduced when a participant's dependent school-age child(ren) is determined to be a habitual truant or school dropout or the parent or caretaker relative whose needs are included in the TCA assistance group fails to attend a school conference each semester. Notification of the Learnfare Program requirements and the right to request a fair hearing if they disagree with a department decision will be provided upon TCA application using the CF-ES 2064, Your Rights and Responsibilities, Oct 05 ~~CF-ES 2606, Notice of Learnfare Requirements, DEC 01~~, incorporated by reference. ~~The applicant must sign the CF-ES 2606 and a copy is to be retained in the case file.~~

(2) through (4) No change.

(5) School Conference. A parent or caretaker relative with a child subject to school attendance requirements must have a conference with an appropriate school official during each semester. The parent's or caretaker relative's statement of completion of the school conference must be obtained at a regularly scheduled redetermination. Verification of participation in a school conference each semester must be provided by participants using the form, CF-ES 2098, Learnfare School Conference Verification, DEC 01, incorporated by reference, or other written documentation from a school district official or by department staff's direct contact with a school official. If a redetermination is due during the summer when school is not in session, the conference verification from the previous semester will be sufficient documentation of compliance.

(6) No change.

(7) ~~Good Cause. Learnfare good cause reasons, penalty criteria, and right to request a fair hearing are contained in the CF-ES 2606, Notice of Learnfare Requirements provided to participants at TCA application. Participants are also notified at TCA application of their right to request a fair hearing using the CF-ES 2064, Your Rights and Responsibilities, Sept 00, incorporated in Administrative Rule 65A-1.204, F.A.C., if they disagree with a department decision. At the time of re-determination for TCA eligibility, a participant is required to~~

~~provide the Public Assistance Specialist (PAS) with verification of school conference compliance as specified in subsection (5). The PAS will inform participants that failure to provide verification within 10 days will result in Learnfare penalties being imposed.~~ Upon notification by the local school district that a participant's dependent child is a habitual truant or dropout, or a parent or caretaker relative fails to attend a school conference, the department must determine if good cause exists in accordance with Section 414.1251(1), F.S. If good cause does not exist, the department will advise the participant and impose Learnfare penalties in accordance with Section 414.1251(1) and (2), F.S.

(8) No change.

(9) Copies of the CF-ES 2064 ~~CF-ES 2606 and CF-ES 2098~~, may be obtained from the Department of Children and Family Services, ACCESS Florida Economic Self-Sufficiency Services, 1317 Winewood Boulevard, Tallahassee, Florida 31399-0700.

Specific Authority 414.45 FS. Law Implemented 414.1251 FS. History--New 6-2-02, Amended.....

NAME OF PERSON ORIGINATING PROPOSED RULE: Lonna Cichon

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis, Chief, Program Policy, ACCESS Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 16, 2007

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-31.010
RULE TITLE: Design of Aluminum Structures
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. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly.