

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 five (5) days before the workshop/meeting by contacting: Rhonda Bryan. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rhonda Bryan, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Division of Victim Services and Criminal Justice Programs

RULE NO.:	RULE TITLE:
2A-8.005	Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUMMARY: The proposed rule amendments reflect revised benefit payments in response to adjustments to the Consumer Price Index.

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: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers

published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March 2007 ~~2006~~ was 2.8 ~~3.4~~ percent. Therefore, the statutory amount for the period July 1, 2007 ~~2006~~ through June 30, 2008 ~~2007~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$57,398.52 ~~\$55,835.12~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$57,398.52 ~~\$55,835.12~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$172,195.47 ~~\$167,505.33~~.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rick Nuss, Chief, Bureau of Criminal Justice Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 17, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Standards

RULE NO.:	RULE TITLE:
5F-5.001	Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices

PURPOSE AND EFFECT: The purpose of this rule is to amend Rule 5F-5.001, F.A.C., to adopt the most recent national standards for weighing and measuring devices developed by the National Conference on Weights and Measures and published in the 2007 edition of National Institute of Standards and Technology Handbook 44. Adoption of the current national standards will make Florida's requirements uniform with the national requirements and facilitate interstate commerce and trade.

SUMMARY: Adopts the current national standards for specifications, tolerances and other technical requirements for commercial weighing and measuring devices as published in the latest edition of National Institute of Standards and Technology Handbook 44.

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: 531.40, 531.41(3) FS.

LAW IMPLEMENTED: 531.40 FS.

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

DATE AND TIME: Thursday, June 21, 2007, 10:00 a.m.

PLACE: Bureau of Weights and Measures, Doyle Conner Laboratory Complex, 3125 Conner Boulevard, Bldg. #2, Room 206, Tallahassee, Florida 32399-1650

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: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, phone: (850)488-9140. 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: Max Gray, Bureau Chief, Bureau of Weights and Measures, 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, phone: (850)488-9140

THE FULL TEXT OF THE PROPOSED RULE IS:

5F-5.001 Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices.

(1) The specifications, tolerances, and other technical requirements for commercial weighing and measuring devices adopted by the National Conference on Weights and Measures and contained in National Institute of Standards and Technology (NIST) Handbook 44, 2007 ~~2006~~ Edition, are hereby adopted as rules for the requirements for commercial weighing and measuring devices of the Department of Agriculture and Consumer Services. A copy of NIST Handbook 44, 2007 ~~2006~~ Edition, may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402, Phone (202)512-1800 or <http://ts.nist.gov/ts/htdocs/230/235/pubs.htm>.

(2) The violation of any of the provisions of these rules and regulations is subject to the penalties and remedies provided in the Weights, Measures, and Standards Law, Chapter 531, Florida Statutes.

Specific Authority 531.40, 531.41(3) FS. Law Implemented 531.40 FS. History--New 1-1-73, Amended 7-1-74, 4-18-75, 1-25-76, 1-17-77, 3-29-78, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-5.01, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 6-21-94, 8-16-95, 10-8-96, 8-27-98, 8-19-99, 7-3-00, 9-3-01, 6-23-02, 6-29-03, 6-21-04, 6-2-05, 5-23-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Max Gray, Bureau Chief, Bureau of Weights and Measures, Address: 3125 Conner Blvd., Bldg. #2, Tallahassee, FL 32399-1650, phone: (850)488-9140

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Paul N. Driggers, Director, Division of Standards

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

RULE NOS.:	RULE TITLES:
5F-8.0011	Standards Adopted
5F-8.0012	Bureau of Fair Rides Inspection Forms
5F-8.003	Qualified Inspectors

PURPOSE AND EFFECT: The rule revision for Standards Adopted are proposed for the purposes of adopting the 7th edition (2004) of the American Society for Testing and Materials F-24 Standards on Amusement Rides and Devices; the 10th edition (2005) of Article 525, Carnivals, Circuses, Fairs and Similar Events of the National Electrical Code (NEC) Handbook; the 2006 edition of the National Fire Protection Association 101, Life Safety Code; the 2006 edition of the American Society for Testing and Materials Standards E 543-06, Standard Practice for Agencies Performing Nondestructive Testing; the 2001 edition of the American Society for Nondestructive Testing, Document SNT-TC-1A, Personnel Qualification and Certification in Nondestructive Testing; to revise references within the existing rules to reflect the most current version of each standard and to specify the use of each as guidelines for inspection of amusement rides.

The rule revision for Bureau of Fair Rides Inspection Forms is proposed for the purpose of correcting revision dates & form sequencing for DACS Forms 03419, 03420, 03421, 03422, 03423, 03424, 03425, 03426, 03427, 03429, 03430, 03432, 03433, 03434 from November 2004 (11/04) to October 2004 (10/04) that were incorrectly stated in the current rule and to change the revision date on DACS Forms 03428 and 03431 to January 2007 (01/07) to reflect updated and revised versions.

The rule revision for Qualified Inspectors is proposed for the purpose of removing reference to Glenn Barclay and Associates as providers of continuing education since this company is no longer in business for this purpose.

SUMMARY: This rule amends specific sections of Chapter 5F-8 to adopt and be consistent with current versions of adopted standards, correct and current Bureau of Fair Rides Inspection forms and to accurately reflect known companies that provide continuing education for qualified inspectors.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of regulatory costs has been prepared, as no costs are anticipated.

SPECIFIC AUTHORITY: 616.242 FS.

LAW IMPLEMENTED: 616.242 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 18, 2007, 10:00 a.m.

PLACE: 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert H. Jacobs, Bureau Chief of the Bureau of Fair Rides Inspections, 3125 Conner Blvd., Suite N., Tallahassee, Florida 32399-1650, phone: (850)488-9790

THE FULL TEXT OF THE PROPOSED RULES IS:

5F-8.0011 Standards Adopted.

The following standards are adopted for ~~the inspection of~~ amusement rides in this state.

(1) American Society for Testing and Materials F-24 (ASTM F-24) Standards on Amusement Rides and Devices, ~~Seventh Fifth~~ Edition, ~~2004 1995~~. A copy of the adopted ASTM standards can be obtained by writing the American Society for Testing and Materials at 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428; Phone (610)832-9500.

<u>Form Number</u>	<u>Revised</u>	<u>Title</u>
<u>DACS 03419</u>	<u>10/04</u>	<u>Amusement Ride Inspection Report</u>
<u>DACS 03420</u>	<u>10/04</u>	<u>Water Park Amusement Ride Inspection Report</u>
<u>DACS 03421</u>	<u>10/04</u>	<u>Go Kart Amusement Ride Inspection Report (Track)</u>
<u>DACS 03422</u>	<u>10/04</u>	<u>Go Kart Amusement Ride Inspection Report (Vehicle)</u>
<u>DACS 03423</u>	<u>10/04</u>	<u>Bungy Jump Inspection Report</u>
<u>DACS 03424</u>	<u>10/04</u>	<u>Owner's Daily Inspection Report (Carnival Type)</u>
<u>DACS 03425</u>	<u>10/04</u>	<u>Owner's Daily Inspection Report (Water Park)</u>
<u>DACS 03426</u>	<u>10/04</u>	<u>Owner's Daily Inspection Report (Go Kart Track and Vehicle)</u>
<u>DACS 03427</u>	<u>10/04</u>	<u>Owner's Daily Inspection Report (Bungy)</u>
<u>DACS 03428</u>	<u>01/07</u>	<u>Written Accident Report</u>
<u>DACS 03429</u>	<u>10/04</u>	<u>Request for Inspection or Reinspection</u>
<u>DACS 03430</u>	<u>10/04</u>	<u>Mechanical, Structural or Electrical Defect Report</u>
<u>DACS 03431</u>	<u>01/07</u>	<u>Employee Training Record</u>
<u>DACS 03432</u>	<u>10/04</u>	<u>Amusement Ride Annual Permit Application</u>
<u>DACS 03433</u>	<u>10/04</u>	<u>Affidavit of Compliance and Nondestructive Testing</u>
<u>DACS 03434</u>	<u>10/04</u>	<u>Affidavit of Annual Inspection for Exempt Facilities</u>

(2) Article 525, Carnivals, Circuses, Fairs and Similar Events, of the National Electrical Code (NEC) Handbook, ~~2005 1996~~ Edition. Notwithstanding the provisions of Article 525-13(a), all flexible cords or cables used shall meet the requirements for extra hard usage, damp location, as listed in Table 400-4 of the NEC. A copy of the adopted NEC standards can be obtained by writing the National Fire Protection Association at 1 Batterymarch Park, Quincy, Mass. 02269-0901; Phone 1(800)344-3555.

(3) National Fire Protection Association 101, Life Safety Code, (NFPA 101), Chapter ~~3.3.28.10, 12.4.7 and 13.4.7 8-4.6 and 9-4.6~~, Special Provisions for Amusement Buildings, ~~2006 1994~~ Edition. A copy of the adopted NFPA standards can be obtained by writing the National Fire Protection Association at 1 Batterymarch Park, Quincy, Mass. 02269-0901; Phone 1(800)344-3555.

(4) American Society for Testing and Materials (ASTM) Standards E 543-~~06~~, Standard Practice for Agencies Performing Nondestructive Testing, ~~2006 1996~~ Edition. A copy of the adopted ASTM standards can be obtained by writing the American Society for Testing and Materials at 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428; Phone (610)832-9500.

(5) American Society For Nondestructive Testing (ASNT) Document SNT-TC-1A, Personnel Qualification and Certification in Nondestructive Testing, ~~2001 1996~~ Edition. A copy of the adopted ASNT standard can be obtained by writing the American Society For Nondestructive Testing, 1711 Arlingate Lane, Post Office Box 28518, Columbus, Ohio 43228-0518; Phone 1(800)222-2768.

Specific Authority 616.165, 616.242(4) FS. Law Implemented 616.001, 616.242 FS. History--New 2-14-99, Amended.

5F-8.0012 Bureau of Fair Rides Inspection Forms.

(1) The following forms are adopted by this reference for use by the Bureau of Fair Rides Inspection in the amusement ride inspection program:

Form Number	Revised	Title
DACS 03419	11/04	Amusement Ride Inspection Report
DACS 03428	11/04	Written Accident Report
DACS 03420	11/04	Water Park Amusement Ride Inspection Report
DACS 03421	11/04	Go Kart Amusement Ride Inspection Report (Track)
DACS 03422	11/05	Go Kart Amusement Ride Inspection Report (Vehicle)
DACS 03423	11/04	Bungy Jump Inspection Report
DACS 03424	11/04	Owner's Daily Inspection Report (Carnival Type)
DACS 03425	11/04	Owner's Daily Inspection Report (Water Park)
DACS 03426	11/04	Owner's Daily Inspection Report (Go Kart Track and Vehicle)
DACS 03427	11/04	Owner's Daily Inspection Report (Bungy)
DACS 03430	11/04	Mechanical, Structural or Electrical Defect Report
DACS 03429	11/04	Request for Inspection or Reinspection
DACS 03432	11/04	Amusement Ride Annual Permit Application
DACS 03431	11/04	Employee Training Record
DACS 03433	11/04	Affidavit of Compliance and Nondestructive Testing
DACS 03434	11/04	Affidavit of Annual Inspection for Exempt Facilities

(2) Copies of all Bureau forms may be obtained by contacting the Department of Agriculture and Consumer Services, Bureau of Fair Rides Inspection at 3125 Conner Boulevard, Suite N, Tallahassee, Florida 32399-1650; or by Phone at (850)488-9790, or by Fax at (850)488-9023.

Specific Authority 616.165, 616.242(4), (5), (6), (7), (10), (11), (14), (15), (16) FS. Law Implemented 616.242 FS. History--New 2-14-99, Amended 5-30-05,\_\_\_\_\_.

5F-8.003 Qualified Inspectors.

(1) Each person seeking to perform amusement ride inspections as a Qualified Inspector (QI) for an insurance underwriter and execute the Affidavit of Compliance and Nondestructive Testing required for the annual permit shall provide the department the following documents and information:

(a) Written certification from an insurance company, which certification must be renewed by the insurance company every 3 years, verifying that the applicant is an employee or agent of the company and is authorized to act as a qualified inspector for that insurance company, which is insuring the amusement ride; and

(b) Information which will verify employment dates together with names and addresses of employers for such period of time as will demonstrate the required experience in the amusement ride field; at least two years of which were involved in actual ride inspection with an amusement ride manufacturer, government agency, park, carnival or insurance company; and

(c) A written statement or certificate from a school or seminar which demonstrates at least eighty hours of formal education from a school or seminar for amusement ride inspection or ride safety, which is approved by rule of the department, during the past five years. Nondestructive testing training that meets the requirements of American Society of Nondestructive Testing (ASNT) may be substituted for up to half of the required hours of formal education; and

(d) A written statement or certificate from a school or sponsor of a seminar showing thirty-two hours per year of continuing education annually at a school or schools, or a seminar, approved by the department. These continuing education hours may include in-service industry or manufacturer updates and seminars. Curriculum subjects considered for credits are those subjects included in schools or seminars conducted or sponsored by: National Association of Amusement Ride Safety Officials (NAARSO), Amusement Industry Manufacturers and Suppliers International (AIMS), Council for Amusement and Recreational Equipment Safety (CARES), ~~Glenn Barclay and Associates~~ or any nationally recognized amusement ride organization, ride inspector or ride safety training programs conducted or sanctioned by state or local government amusement ride regulatory agencies in any jurisdiction, exempt permanent facilities in the state of Florida, and vocational training programs that reasonably relate to amusement ride safety or inspection, or other nationally recognized programs relating to amusement ride inspection or ride safety. Nondestructive testing training that meets the requirements of ASNT may be substituted for up to half of the required hours of continuing education.

(e) When a Qualified Inspector possesses the requisite qualifications the department will provide the applicant a qualified inspector number designating that person as a qualified inspector for the purpose of executing the Affidavit of Compliance and Nondestructive Testing required for the annual permit. The qualified inspector number shall be used when executing the required affidavits. The qualified inspector number issued by the department to a qualified inspector shall be valid for one year, so long as the applicant possesses the qualifications required by Section 616.242(1), F.S.

(f) The department acknowledges the amusement ride education programs of NAARSO, AIMS, CNA Insurance, ~~and Glenn Barclay and Associates~~, and the Pennsylvania Amusement Ride Safety Seminar, as educational programs meeting the department's requirements to certify a qualified inspector.

(g) A sponsor or an attendee of any school or seminar that concerns, or is reasonably related to, amusement ride inspection or ride safety may request consideration as an educational program which meets the requirements of this rule by contacting the Bureau Chief, Bureau of Fair Ride Inspections, Suite N, Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650; phone: (850)488-9790; Fax: (850)488-9023.

(2) through (3) No change.

Specific Authority 616.165, 616.242(3)(q), (5) FS. Law Implemented 616.242 FS. History—New 9-15-92, Amended 2-23-94, 2-14-99, 10-10-01, 5-30-05,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**

Robert H. Jacobs

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:**

Paul Driggers, Director, Division of Standards, Suite E, Administration Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650; phone: (850)488-0645; Fax: (850)922-8971

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:**

March 12, 2007

**DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW:**

April 20, 2007

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** RULE TITLE:

6A-1.09401 Student Performance Standards

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to amend the standards to align with current benchmarks and grade levels. The effect is consistency within standards, benchmarks, and grade levels.

**SUMMARY:** This rule is amended to provide consistency within current benchmarks and grade levels.

**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:** 1001.02 FS.

**LAW IMPLEMENTED:** 1001.03 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 W. Gaines Street, Room 1514, Tallahassee, FL 32399-0400; (850)245-9661

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kate Kemper, Department of Education, K-12 Public Schools, 325 West Gaines Street, Tallahassee, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09401 Student Performance Standards.

(1) Standards to benchmark student achievement serve as guides to best practices for local curriculum designers to help schools implement school improvement strategies to raise student achievement. Beginning with the 2007-2008 school year, the reading and language arts benchmarked standards for reading and language arts referenced below in paragraph (1)(a), describe what students should know and be able to do at grade level progression. The benchmarked standards in paragraphs (1)(b)-(g) of this rule describe what students should know and be able to do at four progression levels (grades Pre-k-2, 3-5, 6-8, 9-12) in the subjects of the arts, health/physical education, foreign languages, mathematics, science, and social studies. Sunshine State Standards for Special Diploma as incorporated by reference in paragraph (1)(h) of this rule describe what certain students with a disability should be able to do at three (3) proficiency levels (independent, supported, and participatory). Public schools shall provide appropriate instruction to assist students in the achievement of these standards. These standards and benchmarks are contained in the following publications and are hereby incorporated by reference and made a part of this rule.

- (a) Sunshine State Standards – Reading and Language Arts, July 2007,
- (b) Sunshine State Standards – Mathematics, 1996,
- (c) Sunshine State Standards – Science, 1996,
- (d) Sunshine State Standards – Social Studies, 1996,
- (e) Sunshine State Standards – Foreign Languages, 1996,
- (f) Sunshine State Standards – The Arts, 1996, and
- (g) Sunshine State Standards – Health/Physical Education, 1996, and
- (h) Sunshine State Standards for Special Diploma, 1999.

Copies of these publications may be obtained from the Division of Public Schools, Department of Education, 325 West Gaines St., Tallahassee, Florida 32399-0400.

(2) Each district school board shall incorporate the Sunshine State Standards contained herein into the district Pupil Progression Plan.

(3) The Sunshine State Standards shall serve as the basis for statewide assessments.

Specific Authority 1001.02 FS. Law Implemented 1001.03 FS. History—New 6-18-96, Amended 9-28-99, 3-1-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kate Kemper, Department of Education, K-12 Public Schools  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Smith, Deputy Chancellor, K-12 Public Schools, Department of Education  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 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 CORRECTIONS**

RULE NO.: 33-602.210  
RULE TITLE: Use of Force

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the requirements and procedures for video recording the administration of chemical agents on inmates creating disturbances in their cells; amend form DC4-711A, Refusal of Health Care Services, to insert a signed statement by an interpreter or translator; and amend Forms DC4-701C, Emergency Room Record, and DC4-708, Diagram of Injury to provide that the forms are not to be amended, revised, or altered without approval by the Office of Health Services Administration.

SUMMARY: Amends the rule to clarify the requirements and procedures for video recording the administration of chemical agents on inmates creating disturbances in their cells; amend form DC4-711A, Refusal of Health Care Services, to insert a signed statement by an interpreter or translator; and amend Forms DC4-701C, Emergency Room Record, and DC4-708, Diagram of Injury to provide that the forms are not to be amended, revised, or altered without approval by the Office of Health Services Administration.

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: 944.09 FS.

LAW IMPLEMENTED: 776.07, 944.09, 944.35 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.210 Use of Force.

(1) through (3) No change.

(4) Physical force shall be employed only as a last resort when it reasonably appears that other alternatives are not feasible to control the situation and will not be used solely in response to verbal abuse that does not rise to a level of a disturbance. When the use of force is justified, only that amount and type of force that reasonably appears necessary to accomplish the authorized objective shall be used.

(a) All authorized use of force incidents will be video recorded videorecorded in their entirety, except that videotaping the administration of chemical agents is not required for use on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell.

(b) The administration of chemical agents on an inmate creating a disturbance in his or her cell when the officer is attempting to resolve the situation without extracting the inmate from the cell will also be video recorded. The video recording will include: a specific introductory statement; the attempts to resolve the situation without the use of chemical agents; the final order by the supervisor; an advisement to the inmate that chemical agents will be administered if he or she continues the disruptive behavior; an additional advisement to the inmate that this warning will not be repeated prior to the application of chemical agents should he or she become disruptive again after the supervisor, camera and camera operator have left the area; and any response made by the inmate. The video recording will also include the actual application of chemical agents. Videotaping will be initiated after the final exposure to chemical agents and will continue from this point until the offer of a decontaminating shower and is provided, the medical examination is completed, and the inmate's is returned to a secure, decontaminated cell. Should the inmate refuse the shower for decontamination purposes or refuse the medical examination, both the staff providing the opportunity in each case and the inmate's responses will be recorded. If the inmate should cease the conduct creating the disturbance while the supervisor, camera and camera operator are present, but resume such conduct after the supervisor, camera and camera operator have left the area, the actual application of the chemical agents will not be videotaped. The original video recording will resume following the final exposure to chemical agents, include a statement referring to the originating incident, and continue from this point until the decontaminating shower and medical examination are offered and the inmate is returned to secure, decontaminated housing.

(c) All spontaneous use of force incidents will be videotaped from the point the video camera operator arrives at the scene. Videotaping shall continue uninterrupted until the incident is under control, the involved inmate is escorted to medical, and the inmate is subsequently returned to secure housing.

(d) Videotaping of post use of force medical exams shall be done in such a manner as to provide the privacy needed for the exam. If it is necessary to transport the inmate to an outside facility for treatment or to another department facility for secure housing purposes, videotaping shall continue until the inmate is loaded and secured in the transport vehicle.

(5) through (21) No change.

(22) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (c) No change.

(d) DC4-701C, Emergency Room Record, effective July 25, 2002.

(e) DC4-708, Diagram of Injury, effective March 2, 2006.

(f) DC4-711A, Refusal of Health Care Services, effective September 18, 2006.

(g) through (n) No change.

Specific Authority 944.09 FS. Law Implemented ~~20-315~~, 776.07, 944.09, 944.35 FS. History—New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, 8-1-05, 3-2-06, 9-18-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Ph.D., Deputy Secretary of Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.:	RULE TITLES:
40B-8.021	Definitions
40B-8.051	Minimum Surface Water Levels and Flows for the Waccasassa River and Estuary and Levy Blue Spring

PURPOSE AND EFFECT: The purpose of the rule development is to codify minimum flows and levels for the Waccasassa River and Levy Blue Spring within Chapter

40B-8, F.A.C. The effect of the rule will be to provide protection for these areas from significant harm resulting from uses of ground and surface water.

SUMMARY: This proposed rule development will establish minimum flows and levels for the Waccasassa River and Levy Blue Spring, in accordance with Rule 62-40.473, F.A.C., and Sections 373.042 and 373.0421, F.S.

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: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103, 373.415 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-8.021 Definitions.

(1) “Fanning Spring” means single spring vent located within Levy County, adjacent to the Suwannee River at 29<sup>d</sup> degrees 33<sup>l</sup> minutes 14<sup>u</sup> seconds north latitude and 82<sup>d</sup> degrees 56<sup>l</sup> minutes 07<sup>u</sup> seconds west longitude.

(2) “Flow Duration Curve” means a statistical representation of flows, actual or synthetic, and their recurrence probabilities over a determined period of record.

(3) “Historic period” means the period of record as documented in each technical report establishing minimum flow or level.

(4) “Levy Blue Spring” means a single spring vent located within Levy County, near the Town of Bronson, adjacent to the Waccasassa River at 29 degrees 27 minutes 03 seconds north latitude and 82 degrees 41 minutes 56 seconds west longitude.

(5)(4) “Little Fanning Spring” means the single spring vent located within Levy County, adjacent to the Suwannee River at 29<sup>d</sup> degrees 35<sup>l</sup> minutes 09<sup>u</sup> seconds north latitude and 82<sup>d</sup> degrees 56<sup>l</sup> minutes 04<sup>u</sup> seconds west longitude.

(6)(5) “Lower Suwannee River” means the river segment below the Wilcox gauge to the estuary.

~~(7)(6)~~ “Madison Blue Spring” means the single vent spring system located within Madison County, adjacent to the Withlacoochee River at 30<sup>o</sup> degrees 28’ minutes 48<sup>o</sup> seconds north latitude and 83<sup>o</sup> degrees 14’ minutes 40<sup>o</sup> seconds west longitude.

~~(8)(7)~~ “Manatee Spring” means the single spring vent located within Levy County, adjacent to the Suwannee River at 29<sup>o</sup> degrees 29’ minutes 21<sup>o</sup> seconds north latitude and 82<sup>o</sup> degrees 58’ minutes 37<sup>o</sup> seconds west longitude.

~~(9)(8)~~ “Minimum surfacewater flow” means a flow, expressed in cubic feet per second combined with a temporal element. The temporal element may be specifically expressed as a duration and return interval.

~~(10)(9)~~ “Minimum surfacewater level” means an elevation in feet NGVD combined with a temporal element. The temporal element, for purposes of this chapter, may be specifically expressed as a duration and return interval.

~~(11)(10)~~ “NGVD” means National Geodetic Vertical Datum of 1929.

~~(12)(11)~~ “Pinetta gauge” means stream flow measuring gauge number 02319000 located on the Withlacoochee River approximately 10 miles upstream from Madison Blue Spring at 30<sup>o</sup> degrees 35’ minutes 43<sup>o</sup> seconds north latitude and 83<sup>o</sup> degrees 15’ minutes 35<sup>o</sup> seconds west longitude.

~~(13)(12)~~ “Stage Duration Curve” means a statistical representation of stages, actual or synthetic, and their recurrence probabilities over a determined period of record.

~~(14)(13)~~ “Suwannee River” means the riverine waterbody which originates in south central Georgia and flows southeast and south into Florida discharging into the Gulf of Mexico north of Cedar Key.

~~(15)(14)~~ “Wilcox gauge” means stream flow measuring gauge number 02323500 located on the Suwannee River at 29<sup>o</sup> degrees 05’ minutes 90<sup>o</sup> seconds north latitude and 82<sup>o</sup> degrees 09’ minutes 37<sup>o</sup> seconds west longitude.

~~(16)~~ “Waccasassa River and Estuary” means the riverine waterbody which originates in Gilchrist and Alachua Counties and flows southwest discharging into the Gulf of Mexico between Cedar Key and Yankeetown.

~~(17)(15)~~ “Withlacoochee River” means the riverine waterbody which originates in south-central Georgia and flows southeast and south into Florida discharging into the Suwannee River at Ellaville.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.415 FS. History–New 9-15-05, Amended 8-7-06,\_\_\_\_\_.

40B-8.051 Minimum Surface Water Levels and Flows for Waccasassa River and Estuary and Levy Blue Spring.

The Governing Board hereby establishes the following minimum surfacewater flows. The Governing Board finds that the following minimum surfacewater flows are the limit at which further withdrawals would be significantly harmful to the water resources or ecology.

(1) The minimum surfacewater flow for Levy Blue Spring is the flow that will maintain 90 percent of the historic flow regime for the Levy Blue Spring discharge as defined in “Technical Report – MFL Establishment for the Waccasassa River, Estuary and Levy (Bronson) Blue Spring, June 2006.”

(2) The minimum surfacewater flow for Waccasassa River and Estuary is the flow that will maintain 87.5 percent of the historic flow regime for the Waccasassa River discharge as measured at the United States Geological Survey (USGS) Gulf Hammock gage and further defined in “Technical Report–MFL Establishment for the Waccasassa River and Estuary and Levy (Bronson) Blue Spring, June 2006.”

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is: 1) to update instructions for obtaining District’s forms; and 2) to update District forms incorporated by reference to reflect changes in Service Center locations.

SUMMARY: The proposed rule amendments update instructions for obtaining District forms and updates Forms 0970 and 0971 to reflect changes in Service Center locations.

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: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 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: July 12, 2007, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, (800)432-2045, ext. 2087 or (561)682-2087. 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: Anita R. Bain, Division Director, Natural Resources Management Division, South Florida Water Management, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, South Florida Water Management, 3301 Gun Club

Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov. Copies of the revised Forms 0970 and 0971 are also available upon request.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter and may be obtained without cost by contacting the Records Management Specialist, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, 1(800)432-8045, ext. 6436, or (561)682-6436 or at any of the District's Service Centers. Locations and contacts for the District's Service Centers may be obtained from the Records Management Specialist at the address and phone number provided herein or on the District's website at <http://www.sfwmd.gov>. These forms may also be obtained from the District's website at <http://www.sfwmd.gov>. "What We Do" then "Permitting/Regulation". On the "Permitting/Regulation" page, click on "Environmental Resource Permits" then "Forms".

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188-QMQ	8-03	Quarterly Report of Withdrawals
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells
0188-QMON	8-03	Quarterly Report of Monitoring Requirements
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0645-G60	8-03	Table A Descriptions of Wells
0645-G61-1	8-03	Table B Description of Surface Water Pumps
0645-G61-2	8-03	Table C Description of Culverts
0645-G65	8-03	Table D Crop Information
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0645-G71	8-03	Table I Water Treatment Method and Losses

0645-G72	8-03	Table J Aquifer Storage and Recovery
0645-G73	8-03	Table K Water Supply System Interconnections
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/ Application for a Works of the District Permit
0830	4-94	Special Use Application and License
0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification
0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification For Projects Permitted Prior to October 3, 1995
0889	9-04	Certification of Waiver of Permit Application Processing Fee
0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity
0941	8-95	Environmental Resource Standard/Noticed General Permit No.
0942	8-95	Surface Water Management General Permit No.
0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice
0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction
0970	<del>2-04</del>	Applicant Transmittal Form for Requested Additional Information
0971	<del>8-95</del>	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit
0972	8-95	Petition for a Formal Wetland and Surface Water Determination
0973	8-95	Above Ground Impoundment Inspection/Certification Report
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance
1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance
1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
1105	6-02	Performance Bond to Demonstrate Financial Assurance
1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
1109	8-03	Water Use General Permit
1189	2-06	Notice of Environmental Resource or Surface Water Management Permit
1190	1-07	Deed of Conservation Easement (Standard)
1191	1-07	Deed of Conservation Easement (Standard Passive Recreational)
1192	1-07	Deed of Conservation Easement (Standard Riparian)
1194	1-07	Deed of Conservation Easement (Third Party Standard)
1195	1-07	Deed of Conservation Easement (Third Party Passive Recreational)
1196	1-07	Deed of Conservation Easement (Third Party Riparian)
1197	1-07	Restrictive Covenant (Standard)

~~(2) The forms and instructions listed in subsection (1) are available without cost from the following District Service Centers upon request:~~

~~(a) Florida Keys Service Center, 80431 Old Hwy., Islamorada, FL 33036;~~

~~(b) Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL 33901;~~

~~(c) Okeechobee Service Center, 205 North Parrott Ave., Suite 201, P. O. Box 2033, Okeechobee, FL 34973-2033;~~

~~(d) Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809;~~

~~(e) Miami/Dade Regional Service Center, 172A W. Flagler Street, Miami, FL 33130;~~

~~(f) Big Cypress Basin, 6089 Janes Lane, Naples, FL 34109; and~~

~~(g) West Palm Beach Service Center, 3301 Gun Club Road, West Palm Beach, FL 33406.~~

Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anita R. Bain, Division Director, Natural Resources Management Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-4.041	Permits Required
40E-4.042	Formal Determination of Wetlands and Other Surface Waters
40E-4.091	Publications, Rules and Interagency Agreements Incorporated by Reference
40E-4.301	Conditions for Issuance of Permits
40E-4.302	Additional Conditions for Issuance of Permits
40E-4.361	Conversion from Construction Phase to Operation Phase
40E-4.381	General Conditions

PURPOSE AND EFFECT: The purpose of these rule amendments is to update rules referencing the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District” (BOR) to reflect the current version of the BOR as incorporated in Rule 40E-4.091, F.A.C., and to update clerical errors to the BOR.

SUMMARY: The proposed rule amendments will update rules referencing the BOR to reflect the current version of the BOR as incorporated in Rule 40E-4.091, F.A.C., and correct minor errors in Sections 4.2.8 and Appendix 2 of the BOR.

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: 373.043, 373.044, 373.103(8), 373.113, 373.171, 373.406(5), 373.413, 373.4135, 373.414(9), 373.421(2), 373.441, 668.003, 668.004, 668.50, 704.06 FS.

LAW IMPLEMENTED: 373.103, 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 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: July 12, 2007, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: South Florida Water Management District Clerk, (800)432-2045, ext. 2087, (561)682-2087. 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: Anita R. Bain, Division Director, Natural Resources Management Division, South Florida Water Management, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov. For procedural questions contact: Jan Sluth, Paralegal, South Florida Water Management, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-4.041 Permits Required.

(1) through (3) No change.

(4) The District issues two types of mitigation bank environmental resource permits: conceptual approvals and individual permits, pursuant to Section 4.4 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – ~~November 1996~~”, incorporated by reference in Rule 40E-4.091, F.A.C. A conceptual approval does not authorize the establishment or operation of the mitigation bank. A mitigation bank individual permit authorizes the establishment and operation of a mitigation bank and constitutes authorization pursuant to Chapter 40E-4, 40E-40, or 40E-400, F.A.C., as applicable, to construct any surface water management system proposed as part of the mitigation bank.

Specific Authority 373.044, 373.113, 373.406(5) FS. Law Implemented 373.103, 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 12-1-82, Formerly 16K-4.03(1), 16K-4.07(1), 16K-4.09(1), Amended 1-23-94, 4-20-94, 10-3-95, 4-1-96, 1-7-97, \_\_\_\_\_.

40E-4.042 Formal Determination of Wetlands and Other Surface Waters.

(1) through (2) No change.

(3) The process and procedures for filing a petition for a formal determination of wetlands and other surface waters are set forth in Section 4.5 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~August 1995~~”, and are incorporated by reference in Rule 40E-4.091, F.A.C. this rule.

(4) through (5) No change.

Specific Authority 373.043, 373.113, 373.421(2) FS. Law Implemented 373.421(2) FS. History—New 10-3-95, Amended \_\_\_\_\_.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – \_\_\_\_\_ April 23, 2007”.

(b) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1) Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, \_\_\_\_\_.

(The following are proposed changes to the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C.)

4.2.8 Cumulative Impacts

1st paragraph – No change.

When adverse impacts to water quality or adverse impacts to the functions of wetlands and other surface water, as referenced in the paragraph above, are not fully offset within the same drainage basin as the impacts, than an applicant must provide reasonable assurance that the proposed system, when considered with the following activities, will not result in unacceptable cumulative impacts to water quality or the functions of wetlands and other surface waters, within the same drainage basin:

(a) through (b) No change.

Paragraphs 3 and 4 – No change.

Appendix 2

SFWMD – ALLOWABLE DISCHARGE FORMULAS

<u>Canal</u>	<u>Allowable Runoff</u>	<u>Design Frequency</u>
C-1	$Q = \frac{(112 + 31) A}{\sqrt{A}}$ <del><math>Q = (112 + 31) A</math></del>	10 year
C-2	Essentially unlimited inflow by gravity connections southeast of Sunset Drive:	200 year +
C-4	54 CSM northwest of Sunset Drive Essentially unlimited inflow by gravity connections east of S.W. 87th Avenue	200 year +
C-6	Essentially unlimited inflow by gravity connections east of FEC Railroad	200 year +
<del>C-7</del>	Essentially unlimited inflow by gravity connection	100 year +
C-8	Essentially unlimited inflow by gravity connection	200 year +
C-9	Essentially unlimited inflow by gravity connection east of Red Road; 20 CSM pumped, unlimited gravity with development limitations west of Red Road or Flamingo Blvd.	100 year +
C-10	-----	200 year +
C-11	20 CSM west of 13A; 40 CSM east of 13A	-----
C-12	90.6 CSM	25 year
C-13	75.9 CSM	25 year
C-14	69.2 CSM	25 year
C-15	70.0 CSM	25 year

C-16	62.6 CSM	25 year
C-17	62.7 CSM	25 year
C-18	41.6 CSM	25 year
C-19	57.8 CSM	-----
C-23	31.5 CSM	10 year
C-24	30.25 CSM	10 year
C-25	$Q = (47 + 28) A$ (Under Review)	10 year
	$\sqrt{A}$	
	$Q = (47 + 28) A$ (Under Review)	
	$A$	
C-38	31.1 CSM (subject to restrictions of Basin Rule)	10 year
C-40, 41, 41A	35.4 CSM	10 year
Hillsboro Canal (east of S-39)	35 CSM	25 year
North New River (east of S-34)	70.8 CSM	25 year
Everglades Ag. Area (all canals)	20 CSM	5 year
L-28	11.8 CSM	-----
C-51	35 CSM east of Turnpike; 27 CSM west of Turnpike (subject to restrictions of Basin Rule)	10 year
C-100, 100A, 100B, 100C, 100D:	$Q = (104 + 43) A$	10 year
	$\sqrt{A}$	
	$Q = (104 + 43) A$	
	$A$	
C-102	$Q = (119 + 25) A$	10 year
	$\sqrt{A}$	
	$Q = (119 + 25) A$	
	$A$	
C-103N, C103-S	$Q = (107 + 39) A$	10 year
	$\sqrt{A}$	
	$Q = (107 + 39) A$	
	$A$	
C-110	$Q = (137 + 9) A$	10 year
	$\sqrt{A}$	
	$Q = (137 + 9) A$	
	$A$	
C-111	$Q = (117 + 29) A$	10 year
	$\sqrt{A}$	
	$Q = (117 + 29) A$	
	$A$	
C-113	$Q = (104 + 3) A$	10 year
	$\sqrt{A}$	
	$Q = (104 + 3) A$	
	$A$	

Definitions:

Q = Allowable runoff in cfs (cubic feet per second)

CSM = cfs per square mile

A = Drainage area in square miles

40E-4.301 Conditions for Issuance of Permits.

(1) No change.

(2) If the applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the applicant must comply with the requirements set forth in subsection 4.2.4.5 of the "Basis of Review for

Environmental Resource Permit Applications Within the South Florida Water Management District ~~November 1996~~, incorporated by reference in Rule 40E-4.091, F.A.C.

(3) The standards and criteria, including the mitigation provisions, and the provisions for elimination or reduction of impacts, contained in the "Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District ~~November 1996~~", incorporated ~~adopted~~ by reference in Rule 40E-4.091, F.A.C., shall determine whether the reasonable assurances required by subsection 40E-4.301(1) and Rule 40E-4.302, F.A.C., have been provided.

(4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.413, 373.416, 373.426 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(2), 16K-4.30, Amended 7-1-86, 3-24-87, 4-14-87, 7-9-87, 4-21-88, 4-20-94, 10-3-95, 4-1-96, 1-7-97, \_\_\_\_\_.

40E-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(a) Located in, on, or over wetlands or other surface waters will not be contrary to the public interest, or if such an activity significantly degrades or is within an Outstanding Florida Water, that the activity will be clearly in the public interest, as determined by balancing the following criteria as set forth in subsections 4.2.3. through 4.2.3.7 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C.

1. through 7. No change.

(b) Will not cause unacceptable cumulative impacts upon wetlands and other surface waters as set forth in subsections 4.2.8. through 4.2.8.2 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C.

(c) Located in, adjacent to or in close proximity to Class II waters or located in Class II waters or Class III waters classified by the Department as approved, restricted or conditionally restricted for shellfish harvesting as set forth and incorporated in Chapter 62R-7, F.A.C., will comply with the additional criteria in subsection 4.2.5 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated adopted by reference in Rule 40E-4.091, F.A.C.

(d) Which constitute vertical seawalls in estuaries or lagoons, will comply with the additional criteria provided in subsection 4.2.6 of the “Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District”, incorporated adopted by reference in Rule 40E-4.091, F.A.C.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History—New 10-3-95, Amended 1-7-97, 12-3-98, 5-28-00, \_\_\_\_\_.

40E-4.361 Conversion from Construction Phase to Operation Phase.

(1) No change.

(a) through (b) No change.

(2) No change.

(a) No change.

(b) The professional engineer or other individual authorized by law shall certify that:

1. The system has been constructed substantially in accordance with approved plans and specifications, or;

2. Any deviations from the approved plans and specifications will not prevent the system from functioning in compliance with the requirements of this rule and Section 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District ~~April 2003~~”, incorporated by reference in Rule 40E-4.091, F.A.C. The professional engineer or other individual authorized by law shall note and explain substantial deviations from the approved plans and specifications and provide two copies of as-built drawings to the District; and

(c) No change.

(3) A conversion to the operational phase shall not occur until a responsible entity meeting the requirements in Section 9.0, of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District ~~April 2003~~”, incorporated by reference in Rule 40E-4.091, F.A.C., has been established to operate and maintain the system. The entity must be provided with sufficient ownership, legal or equitable interest so that it has control over all water management facilities authorized by the permit.

(4) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.413, 373.416 FS. History—New 10-3-95, Amended 1-7-97, 4-14-03, 9-16-03, \_\_\_\_\_.

40E-4.381 General Conditions.

(1) (a) through (f) No change.

(g) The operation phase of this permit shall not become effective: until the permittee has complied with the requirements of paragraph (f) above, has submitted a Request for Conversion of Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity Form No. 0920, incorporated by reference in Rule 40E-1.659, F.A.C.; the District determines the system to be in compliance with the permitted plans and specifications; and the entity approved by the District in accordance with Sections 9.0 and 10.0 of the “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District”, incorporated by reference in Rule 40E-4.091, F.A.C., accepts responsibility for operation and maintenance of the system. The permit shall not be transferred to such approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall initiate transfer of the permit to the approved responsible operating entity if different from the permittee. Until the permit is transferred pursuant to Rule 40E-1.6107, F.A.C., the permittee shall be liable for compliance with the terms of the permit.

(h) No change.

(i) For those systems that will be operated or maintained by an entity that will require an easement or deed restriction in order to enable that entity to operate or maintain the system in conformance with this permit, such easement or deed restriction must be recorded in the public records and submitted to the District along with any other final operation and maintenance documents required by Sections 9.0 and 10.0 of the "Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District", incorporated by reference in Rule 40E-4.091, F.A.C., prior to lot or unit sales or prior to the completion of the system, whichever occurs first. Other documents concerning the establishment and authority of the operating entity must be filed with the Secretary of State where appropriate. For those systems which are proposed to be maintained by the county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local government entity. Failure to submit the appropriate final documents will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system and any other permit conditions.

(j) through (s) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 668.003, 668.004, 668.50 FS. Law Implemented 373.116, 373.229, 373.413, 373.416, 373.421, 373.422, 373.426, 668.003, 668.004, 668.50 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.07(3), 16K-4.38, Amended 7-1-86, 4-20-94, 10-3-95, 1-7-97, 4-14-03, 9-16-03, 10-1-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anita R. Bain, Division Director, Natural Resources Management Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-4.051  
RULE TITLE: Exemptions From Permitting

PURPOSE AND EFFECT: To establish specific Exemptions for minor roadway safety projects and recreational paths.

SUMMARY: The proposed rule amendments establish specific Exemptions from Environmental Resource Permitting requirements for minor roadway safety projects with no wetlands for: 1) sidewalks; 2) intersection improvements and turnlanes less than 0.25 miles; and 3) road widening and

shoulder paving that do not create additional lanes. The proposed Exemptions are also for recreational paths (with no wetlands) 8 feet or less for unidirectional and 12 feet or less for bidirectional, and no motorized vehicles except for maintenance or emergency.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.406, 373.413, 373.416, 403.813(2) FS.

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

DATE AND TIME: July 12, 2007, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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 hours before the workshop/meeting by contacting: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. 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: Damon Meiers, Deputy Department Director, Environmental Resource Regulation Department, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6876 or (561)682-6876, email: dmeiers@sfwmd.gov. For procedural questions contact Jan Sluth, Paralegal, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.051 Exemptions From Permitting.

(1) through (10) No change.

(11) Minor Roadway Safety Projects.

The construction of the following minor roadway safety projects provided that the capacity of existing swales, ditches, or other stormwater management systems is not reduced; the projects are not located within wetlands or other surface waters; and the projects include best management practices during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion and sedimentation:

(a) Sidewalks.

(b) Turnlanes less than 0.25 miles in length and other intersection improvements.

(c) Road widening and shoulder paving projects which do not result in the creation of additional traffic lanes.

(12) Recreational Paths.

Recreational paths that are not located within wetlands or other surface waters; include best management practices during construction to prevent secondary impacts in adjacent wetlands or other surface waters due to erosion and sedimentation; that have a width of eight feet or less for unidirectional paths and twelve feet or less for bidirectional paths; and which do not allow motorized vehicles powered by internal combustion engines except for maintenance and emergency vehicles.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.406, 373.413, 373.416, 403.813(2) FS. History–New 9-3-81, Amended 1-31-82, 3-9-83, Formerly 16K-4.02, Amended 4-20-94, 10-3-95, 5-28-00, 9-2-01, 4-14-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Damon Meiers, Deputy Department Director, Environmental Resource Regulation Department

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-7.669	Definitions
40E-7.670	Competitive Solicitation Preferences
40E-7.674	Certification Review Procedures

PURPOSE AND EFFECT: Since the implementation of the Small Business Enterprise Rule, staff has discovered several areas of the rule that require clarification of the intent of the rule and so that the public will clearly understand the elements of the rule and its procedure. Therefore, staff is seeking to initiate rulemaking to clarify these inconsistencies.

SUMMARY: First, the bid equalization is a process that enables the District to place SBE's on a more level playing field when bids are submitted to the District. The proposed change in the bid equalization restructures the application of the bid equalization process.

Secondly, the Sheltered Market Program provides designated procurement opportunities where only SBE's bid. The proposed change redefines how the District designates a Sheltered Market. The proposed change will enhance the Districts efforts in providing increased opportunities for small

business enterprise firms to compete in its procurement and contracting activities, and creating an environment to promote the growth and development of small business enterprises.

Thirdly, subcontracting requirements for proposals involves contracts awarded based on an evaluation criteria. The District would propose to change the current Rule language so that a firm seeking evaluation points designated for SBE participation would not receive evaluation points if they fail to submit the forms specified in the Rule.

Finally, the current certification review procedures allows applicants to submit a preliminary Small Business Enterprise Certification Application by facsimile machine; however, the signature page of the application, with the original signature of the owner, must be submitted to the District within thirty (30) days of facsimile submission. The proposed change is to remove this language thus requiring an original application with the original signature. This is more in line with other District processes such as permitting and Procurement Solicitations. Receiving completed applications and required support documents will ensure information is processed timely and efficiently.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.1135 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Persons with disabilities or handicaps who need assistance may contact District Clerk, at (561)686-8800 at least two business days in advance to make appropriate arrangements. 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: Frank Hayden, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 6611, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6043 or (561)682-6043 (internet:fhayden@sfwmd.gov). Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them



to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-7.669 Definitions.

(1) through (5) No change.

(6) “Non SBE Prime” means a business not currently certified by the District as a small business enterprise which submits a bid or proposal for the purpose of being awarded a legally binding agreement as a Prime Contractor for the performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions with the District.

~~(7)(6)~~ “Prime Contractor” means any individual or contracting entity with whom the District has entered into a legally binding agreement for performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions.

~~(8)(7)~~ “Responsible” means a business that is capable in all respects of fully performing the contract requirements and which has the integrity and reliability that will assure good faith performance.

~~(9)(8)~~ “Responsive” means a business’s bid or proposal conforms in all material respects to the invitation to bid or request for proposal.

~~(10)(9)~~ “District Small Business Enterprise (SBE)” means a business certified by the District, whose three (3) year average gross receipts, including affiliates, shall not exceed \$13 million if the business provides construction, \$5 million if the business provides commodities, and \$6 million if the business provides services. Additionally, a District Small Business Enterprise is licensed to do business in the State of Florida if the business requires a license.

(11) “SBE Prime” means a business certified by the District as a small business that submits a bid or proposal for the purpose of being awarded a legally binding agreement as a SBE Prime Contractor for the performance of work at a mutually agreed upon price in accordance with agreed upon terms and conditions with the District.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History—New 8-3-06, Amended \_\_\_\_\_.

40E-7.670 Competitive Solicitation Preferences.

The Small Business Enterprise Contracting Rule in this part provides for three types of Competitive Solicitation Preferences designed to assist small businesses. The Bid Equalization, Sheltered Market and Subcontracting Requirements are ~~as~~ outlined below.

(1) Bid Equalization. This process enables the District to award a contract to a SBE Prime even though the SBE Prime was not the low bidder as long as the SBE Prime's bid was

within a predetermined percentage of the lowest Non-SBE Prime's responsive, and responsible bid. Bid Equalization preferences are used only in construction solicitations.

Prior to solicitation, the District must determine whether to use the Bid Equalization preference. Should the District choose to use this preference, the District must first obtain the District engineer's estimate for the construction work being contemplated in the solicitation. Based on the estimate, the District will establish the percentage preference to apply in the solicitation. The percentages will be applied as follows: A process that enables the District to place SBE's on a more level playing field when bids are submitted to the District. Often large businesses are able to submit bids at a lower cost than smaller businesses. When bids are submitted SBEs may receive up to a 10% downward adjustment on its bid for evaluation purposes only. For Solicitations where it is determined by the District to use a bid equalizations the District shall implement a one percent (1%), five percent (5%), and ten percent (10%) maximum bid adjustment. This bid adjustment will increase the likelihood that certified SBE's may be awarded the contract even though they are not the low bidder so long as the difference in the amount of the bids does not exceed the bid equalization percentage see TABLE 7.6 I.

~~(a) The maximum Bid Equalization percent shall be determined by the estimated contract value and the dollar ranges as stated in sections b, c and d.~~

~~(a)(b) For contracts with an estimated value of \$2,000,000 or more, the District shall implement a maximum bid adjustment of one percent (1%). If the adjusted lowest SBEs firms bid does not exceed the lowest non SBE firms unadjusted responsive and responsible bid by one percent (1%) then the award shall be made to the lowest responsive and responsible SBE firm.~~

~~(b)(c) For contracts with an estimated value of more than \$500,001 but less than \$2,000,000, the District shall implement a maximum bid adjustment of five percent (5%). If the adjusted lowest certified SBE's firms bid does not exceed the lowest non SBE firms unadjusted responsive and responsible bid by five percent (5%) then the award shall be made to the lowest certified responsive and responsible SBE firm.~~

~~(c)(d) For contracts valued at \$500,000 or less, the District shall implement a maximum bid adjustment of ten percent (10%). If the adjusted lowest certified SBE's firms bid does not exceed the lowest non SBE firms unadjusted responsive and responsible bid by ten percent (10%) then the award shall be made to the lowest certified responsive and responsible SBE firm.~~

(d) The solicitation language shall clearly state that based on the District's estimate, a certain percentage preference will be applied to an SBE Prime, if the SBE Prime meets all of the requirements for the preference. For example, if the District engineer's estimate for a construction project is \$100,000, the District shall establish a 10% preference for a SBE Prime. If a

Non-SBE Prime is the lowest responsive and responsible bidder at \$100,000 and the next lowest responsive and responsible bid is by an SBE Prime at \$103,000, the SBE would be provided the ten percent preference and be awarded the contract at \$103,000. The SBE Prime's bid was only \$3,000 greater than the Non-SBE Prime. Therefore the SBE Prime

was 3% over and well within 10% of the lowest Non-SBE Prime's responsive and responsible bid and able to take advantage of the preference to obtain the contract award.

(e) The Bid Equalization does not apply to bids let under the Sheltered Market Program or when all bids received are from SBE Primes firms.

TABLE 7.6-1  
Bid Equalization Example using 10% as Incentive Bonus

Bid Incentive example	Lowest Non-Certified Firm	Lowest Certified SBE Firm
Bid	\$100,000	\$103,000 <sup>*</sup>
Bid Equalization (10%)	-0-	<10,300>
Tabulation	\$100,000	\$92,700
Note:- *In this example, the District will pay the \$103,000 award, with the difference between the 100,000 bid and the 103,000 bid, being the cost the District is willing to incur to advance the SBE Program commitment.		

(2) Sheltered Market Program. The District shall provide for sheltered markets for only SBE's to bid on designated solicitations. The District shall be guided in designating a selecting sheltered market solicitations by selecting industries in which small businesses have usually not had an opportunity to compete for awards against larger businesses. Additionally in order to designate award a contract in a sheltered market the District must identify receive responses from at least 3 SBE's available to perform work within the industry identified in the solicitation. If no bid or response is received for a contract that has been designated for the Sheltered Market, the contract shall be competed pursuant to the District's Procurement Policy.

(3) Subcontracting Requirements.

(a) Bids – The District shall set subcontracting goals for all bids based on availability. Availability refers to vendors registered vendors with the District, including certified Small Business Enterprise (SBE) firms able to perform work within specific commodity codes. The formula for setting a goal is expressed as the total number of District-certified (SBE) firms within specific commodity codes in a scope of work divided by the total number of vendors registered vendors with the District's Procurement Department within the same commodity codes at the time of the preparation of the solicitation. Numerically, this is expressed as:

$$\text{Total Number of District-Certified SBE's} = \frac{\text{Subcontracting Goal Percentage}}{\text{Total Number of District Registered Vendors}}$$

The maximum goal that will be applied to any solicitation will be 25%. When an SBE goal is set bidders shall may provide work to one or more District SBE's in order to meet the goal. At the time of submittal of its bid, the bidder shall identify all SBE firms which will be utilized as subcontractors, by using Form No. 0956, "SBE Subcontractor Participation Schedule" effective (August 3, 2006), which is hereby incorporated by reference and which can be obtained from the District upon request. All bids submitted where SBE participation is required, shall include Form No. 0957, "Statement of Intent to Perform as a SBE Subcontractor" effective (August 3, 2006), which is hereby incorporated by reference and can be obtained from the District upon request. This form shall be signed by

both the SBE subcontractor and the bidder and the form shall reflect the parties' intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. Failure to submit any of the information as required herein shall lead to the bid being deemed non-responsive.

Any bidder failing to meet the established goal shall be deemed non-responsive. If an SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its bid or be deemed non-responsive. If the SBE Prime intends to perform 100% of the work, the SBE Prime does not have to submit the aforementioned forms.

(b) Proposals – For contracts awarded based on an evaluation criteria, the District shall award points as reflected in Table 7.6-2. The maximum points will be awarded to the proposer if 25% or more of the total project work is performed by SBE firms. Percentages reflect the amount of the total contract value proposed to be assigned to SBE firms.

TABLE 7.6-2  
EVALUATION POINT TABLE

10 POINTS FOR SBE PARTICIPATION	
≥25% =	10 points
≥23% =	9 points
≥21% =	8 points
≥19% =	7 points
≥17% =	6 points
≥15% =	5 points
≥13% =	4 points
≥11% =	3 points
≥9% =	2 points
≥7% =	1 points

(c) At the time the proposal is of submittal of its bid or proposal the proposer bidder or proposal shall identify all SBE firms (if any) which will be utilized as subcontractors, by using

Form No. 0956, "SBE Subcontractor Participation Schedule" effective (August 3, 2006), which is hereby incorporated by reference and which can be obtained from the District upon request. All ~~bids or~~ proposals with SBE subcontractor participation shall include Form No. 0957, "Statement of Intent to Perform as a SBE Subcontractor" effective (August 3, 2006), which is hereby incorporated by reference and can be obtained from the District upon request. This form shall be signed by the SBE subcontractor and the bidder or proposer and the form shall reflect the parties' which confirms their intent to establish a business relationship as well as the type of work and percentage of work that the SBE subcontractor will perform. If a SBE Prime intends to subcontract work to an SBE subcontractor, the SBE Prime must submit the aforementioned forms at the time of submitting its proposal. Non SBE Primes will not receive points if they choose not to use SBE subcontractors. The District will not provide SBE points to a proposer if the District cannot establish the proposer's intent and confirms the SBE participation percentages. The proof of certification for all SBE's must be submitted to the District at the time of bid or proposal. Failure to submit any of the information required herein shall lead to the bid or proposal being deemed non-responsive.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New 8-3-06, Amended.

40E-7.674 Certification Review Procedures.

(1) Upon receipt by the District, all applications for SBE certification shall be screened to ensure appropriate signature and completeness. The application must be signed by the individual with the authority to bind the applicant. ~~If the application is submitted by means of a facsimile machine, the signature page of the application, with the original signature of the owner, must be submitted to the District within thirty (30) days of facsimile submission.~~

(2) Within thirty (30) days following receipt of the application, the District will request that the applicant business ~~to~~ furnish omitted items or additional information, if any. ~~If~~ All requested information must be ~~is not~~ received by the District within thirty (30) days from the date of the request, or the District will return the unprocessed application to the applicant business.

(3) Applicants determined eligible shall receive certification as an SBE from District staff. Once certified, an applicant shall remain certified for a period of three (3) years unless the applicant fails to follow this rule and is sanctioned pursuant to the Rule. The District retains the right to re-evaluate the certification of any business at any time.

(4) Applicants determined ineligible shall receive a notification from the District ~~staff~~. Applicants receiving this notification of ineligibility shall not be eligible to submit new applications until 180 days after the date of the notice denying certification.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.1135 FS. History--New 8-3-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Hayden, Procurement Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sandra Turnquest, Deputy Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NOS.:	RULE TITLES:
40E-40.051	Standard General Permit Authorization
40E-40.061	Delegation of Authority Pertaining to General Environmental Resource Permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations

PURPOSE AND EFFECT: To include Regulatory Manager as one of those delegated or appointed by the Governing Board to review and take final agency action on all general environmental resource and surface water management permits issued under Chapters 40E-1, 40E-40 and 40E-400, F.A.C., and associated Sovereign Submerged Lands Authorizations.

SUMMARY: The proposed rule amendments delegate the authority to review and take final agency action on all general environmental resource and surface water management permit applications issued under 40E-1, 40E-40, and 40E-400, F.A.C., and associated Sovereign Submerged Lands Authorizations, to the Regulatory Manager.

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: 120.53(1), 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 120.53, 373.016, 373.103(2), 373.103(6), 373.118, 373.427 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: July 12, 2007, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Clerk of the South Florida Water Management District, 1(800)432-2045, ext. 2087 or (561)682-2087. 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: Anita R. Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, ext. 6866 or (561)682-6866, email: abain@sfwmd.gov. For procedural questions, contact Jan Sluth, Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045 ext. 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-40.051 Standard General Permit Authorization.

(1) through (3) No change.

(4) For applications for standard general permits, the Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Environmental Resources Regulation Department Director, Environmental Resources Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, Regulatory Managers and Service Center Directors, as its agents for the purposes of reviewing and issuing these permits.

(5) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.103(2), 373.103(6), 373.427 FS. History--New 10-3-95, Amended 4-1-96, 5-28-00,\_\_\_\_\_.

40E-40.061 Delegation of Authority Pertaining to General Environmental Resource Permits, General Surface Water Management Permits and Associated Sovereign Submerged Lands Authorizations.

(1) The Governing Board delegates to and appoints the Executive Director, Deputy Executive Director, Environmental Resources Regulation Department Director, Environmental Resources Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, Regulatory Managers and Service Center Directors, as its agents to review and take final action on all general environmental resource and surface water management permit applications issued under Chapter 40E-40,

F.A.C. However, staff recommendations for denial of general permit applications shall be considered by the Governing Board.

(2) The Board of Trustees of the Internal Improvement Trust Fund, pursuant to Rule 18-21.0051, F.A.C., has delegated to the Governing Board the authority to review and take final agency action on certain applications to use sovereign submerged lands. Rule 18-21.0051, F.A.C., also provides that the Governing Board may delegate review and decision-making authority to District staff. Therefore, the Governing Board further delegates this authority to the Executive Director, Deputy Executive Director, Regulation Department Director, Regulation Department Deputy Director, Natural Resource Management Division Director, Surface Water Management Division Director, Regulatory Managers and Service Center Directors, when an application to use sovereign submerged lands involves an activity which is to be reviewed pursuant to the general permit procedures of Chapters 40E-1, 40E-40, or 40E-400, F.A.C.

Specific Authority 120.53(1), 373.044, 373.113, 373.118 FS. Law Implemented 120.53, 373.016, 373.118 FS. History--New 4-1-96, Formerly 40E-1.6015, Amended 5-28-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anita R. Bain, Division Director, Natural Resources Management Division

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40E-400.443	General Permit for Minor Bridge Alteration, Replacement, Maintenance and Operation
40E-400.447	General Permit for Minor Activities Within Existing Rights-of-Way or Easements

PURPOSE AND EFFECT: To clarify the language for activities which qualify for general permits and to include the Florida Turnpike Enterprise and various transportation authorities defined in Chapters 343, 348 and 349, F.S., as entities to be granted these types of general permits.

SUMMARY: The proposed rule amendments clarify the language for activities which qualify for general permits and include the Florida Turnpike Enterprise and various transportation authorities defined in Chapters 343, 348 and 349, F.S., as entities to be granted these types of permits.

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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 FS.

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

DATE AND TIME: July 12, 2007, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

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: Clerk of the South Florida Water Management District, (800)432-2045, ext. 2087 or (561)682-2087. 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: Damon Meiers, Deputy Department Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876, email: dmeiers@sfwmd.gov, or for procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov

THE FULL TEXT OF THE PROPOSED RULES IS:

40E-400.443 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Bridge Alteration, Replacement, Maintenance and Operation.

(1) A general permit is hereby granted to the Florida Department of Transportation, Counties, ~~and~~ Municipalities, the Florida Turnpike Enterprise (§338.2215, F.S.), and the various Transportation Authorities defined in Chapters 343, 348 and 349, F.S., to conduct the activities described below:

(a) The replacement, ~~or~~ modification or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.5 acre.

(b) No change.

(2) (a) through (k) No change.

(l) This general permit authorizes dredging and filling for the replacement, ~~or~~ modification or maintenance of a bridge and approaches for a specific crossing of a wetland or other surface water. Replacement of a bridge or modification of a bridge that includes changes in the configuration of the bridge or fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this Permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 40E-4, 40E-40, or 40E-400, F.A.C., as applicable, before the start of construction; and

(m) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended \_\_\_\_\_.

40E-400.447 General Permit to the Florida Department of Transportation, Counties and Municipalities for Minor Activities Within Existing FDOT Rights-of-Way or Easements.

(1) A general permit is hereby granted to the Florida Department of Transportation, municipalities, ~~and~~ counties, the Florida Turnpike Enterprise (§338.2215, F.S.) and the various Transportation Authorities defined in Chapters 343, 348 and 349, F.S., to conduct the activities described below:

(a) The extension of existing culverts and crossing approaches to accommodate widening of the roadway where excavation or deposition of material shall not exceed 1000 cubic yards in wetlands and other surface waters and the area from which material is excavated or to which material is deposited shall not exceed a total of 0.25 acres at any one culverted crossing location (project site). The 1000 cubic yardage limitation shall be separately applied to excavation and deposition of material.

(c) through (g) No change.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History—New 10-3-95, Amended 6-26-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Damon Meiers, Deputy Department Director, Environmental Resource Regulation Department

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-5.001  
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to add the definitions of lightning rods and related systems.

SUMMARY: The definitions of lightning rods and related systems will be added to the rule.

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: 489.503(22), 489.505(2), 489.507(3), 489.511 FS.

LAW IMPLEMENTED: 489.503(22), 489.505(10), (12), 489.511(2)(a)3.c. 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

61G6-5.001 Definitions.

As used in this chapter:

(1) through (16) No change.

(17) "Lightning rods or related systems" means:

(a) Lightning rod – a strike termination device that is a receptor for attachment of flashes to the lightning protection system.

(b) Related system – a conductor system connecting the strike termination device(s) to the ground terminal(s).

Specific Authority 489.503(22), 489.505(2), 489.507(3), 489.511 FS. Law Implemented 489.503(22), 489.505(10), (12), 489.511(2)(a)3.c. FS. History–New 1-2-80, Amended 2-15-82, Formerly 21GG-5.01, Amended 2-23-86, 3-21-88, 11-26-90, 7-8-91, 5-20-92, 11-3-92, Formerly 21GG-5.001, Amended 12-26-93, 3-24-94, 7-13-95, 5-2-96, 5-6-96, 8-27-96, 2-13-97, 8-3-97, 1-4-98, 9-7-98, 10-1-03, 3-26-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

**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 NO.: 62-204.800  
RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through March 31, 2007, the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 51, 53, 58, 63 and 74.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Ms. Rebecca Robinette, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

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

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) Title 40, Code of Federal Regulations, Part 50, National Primary and Secondary Ambient Air Quality Standards.

(a) The provisions of 40 CFR Part 50, Sections 50.1 through 50.12, revised as of July 1, 2006; section 50.13, promulgated October 17, 2006, at 71 FR 61143; and section 50.14, promulgated March 22, 2007, at 72 FR 13559; ~~2004, except Section 50.7,~~ are adopted and incorporated by reference.

(b) The following appendices of 40 CFR Part 50, revised as of July 1, 2006 ~~2004~~, or later as specifically indicated, are adopted and incorporated by reference:

1. through 10. No change.

11. 40 CFR 50, Appendix K, Interpretation of the National Ambient Air Quality Standards for PM<sub>10</sub>; amended October 17, 2006, at 71 FR 61143 ~~July 30, 2004, at 69 FR 45592~~.

12. 40 CFR 50, Appendix L, Reference Method for the Determination of Fine Particulate Matter as PM<sub>2.5</sub> in the Atmosphere; promulgated October 17, 2006, at 71 FR 61143 (~~Reserved~~).

13. 40 CFR 50, Appendix N, Interpretation of the National Ambient Air Quality Standards for PM<sub>2.5</sub>; promulgated October 17, 2006, at 71 FR 61143.

14. 40 CFR 50, Appendix O, Reference Method for the Determination of Coarse Particulate Matter as PM<sub>10-2.5</sub> in the Atmosphere; promulgated October 17, 2006, at 71 FR 61143.

(2) Title 40, Code of Federal Regulations, Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans.

(a) The following subparts of 40 CFR Part 51, revised as of July 1, 2006 ~~2004~~, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 51, Subpart F, Procedural Requirements; amended January 18, 2007, at 72 FR 2193, ~~revised as of July 1, 2004; amended November 29, 2004, at 68 FR 69290; amended November 29, 2004, at 69 FR 69298.~~

2. through 5. No change.

(b) The following appendices of 40 CFR Part 51, revised as of July 1, 2006 ~~2004~~, or later as specifically indicated, are adopted and incorporated by reference:

1. through 4. No change.

(3) No change.

(4) Title 40, Code of Federal Regulations, Part 53, Ambient Air Monitoring Reference and Equivalent Methods.

The following subparts of 40 CFR Part 53, revised as of July 1, 2006 ~~2004~~, or later as specifically indicated, are adopted and incorporated by reference:

(a) 40 CFR 53, Subpart A, General Provisions; amended October 17, 2006, at 71 FR 61235.

(b) No change.

(c) 40 CFR 53, Subpart C, Procedures for Determining Comparability Between Candidate Methods and Reference Methods; amended October 17, 2006, at 71 FR 61235.

(d) No change.

(e) 40 CFR 53, Subpart E, Procedures for Testing Physical (Design) and Performance Characteristics of Reference Methods and Class I and Class II Equivalent Methods for PM<sub>2.5</sub> or PM<sub>10-2.5</sub>; amended October 17, 2006, at 71 FR 61235.

(f) 40 CFR 53, Subpart F, Performance Specifications for PM<sub>2.5</sub> Class II Equivalent Samplers; amended October 17, 2006, at 71 FR 61235.

(5) No change.

(6) Title 40, Code of Federal Regulations, Part 58, Ambient Air Quality Surveillance.

(a) The following subparts of 40 CFR Part 58, revised as of July 1, 2006 ~~2004~~, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 58, Subpart A, General Provisions; amended October 17, 2006, at 71 FR 61235.

2. 40 CFR 58, Subpart B, Monitoring Network; ~~Criteria~~; amended July 30, 2004, at 69 FR 45592 October 17, 2006, at 71 FR 61235.

3. 40 CFR 58, Subpart C, ~~Special Purpose Monitors~~ State and Local Air Monitoring Stations (SLAMS); amended October 17, 2006, at 71 FR 61235.

4. 40 CFR 58, Subpart D, Comparability of Ambient Data to NAAQS; amended October 17, 2006, at 71 FR 61235 ~~National Air Monitoring Stations (NAMS).~~

~~5. 40 CFR 58, Subpart E, Photochemical Assessment Monitoring Stations (PAMS).~~

~~5.6.~~ 40 CFR 58, Subpart F, Air Quality Index Reporting; amended October 17, 2006, at 71 FR 61235.

~~6.7.~~ 40 CFR 58, Subpart G, Federal Monitoring; amended October 17, 2006, at 71 FR 61235.

(b) The following appendices of 40 CFR Part 58, revised as of July 1, 2006 ~~2004~~, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 58, Appendix A, Quality Assurance Requirements for ~~(SLAMS)~~, SPMs and PSD Air Monitoring; amended October 17, 2006, at 71 FR 61235.

~~2. 40 CFR 58, Appendix B, Quality Assurance Requirements for Prevention of Significant Deterioration (PSD) Air Monitoring.~~

~~2.3.~~ 40 CFR 58, Appendix C, Ambient Air Quality Monitoring Methodology; amended October 17, 2006, at 71 FR 61235.

~~3.4.~~ 40 CFR 58, Appendix D, Network Design Criteria for Ambient Air Quality Monitoring for State and Local Air Monitoring Stations (SLAMS), National Air Monitoring Stations (NAMS), and Photochemical Assessment Monitoring Stations (PAMS); amended October 17, 2006, at 71 FR 61235.

~~4.5.~~ 40 CFR 58, Appendix E, Probe and Monitoring Path Siting Criteria for Ambient Air Quality Monitoring; amended October 17, 2006, at 71 FR 61235.

~~6. 40 CFR 58, Appendix F, Annual SLAMS Air Quality Information:~~

~~5.7. No change.~~

~~(7) through (10) No change.~~

~~(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.~~

~~(a) No change.~~

~~(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:~~

~~1. through 23. No change.~~

~~24. 40 CFR 63, Subpart HH, Oil and Natural Gas Production Facilities; amended June 23, 2003, at 68 FR 37333; amended April 20, 2006, at 71 FR 20445; amended January 3, 2007, at 72 FR 26; except that the Secretary is not the Administrator for purposes of 40 CFR 63.776(c)(1) through (4).~~

~~25. through 101. No change.~~

~~102. 40 CFR 63, Subpart DDDDDD, National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources; promulgated January 23, 2007, at 72 FR 2929; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11145(c)(1) through (5).~~

~~103. 40 CFR 63, Subpart EEEEEEE, National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources; promulgated January 23, 2007, at 72 FR 2929; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11152(c)(1) through (5).~~

~~104. 40 CFR 63, Subpart FFFFFFF, National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources; promulgated January 23, 2007, at 72 FR 2929; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11159(c)(1) through (4).~~

~~105. 40 CFR 63, Subpart GGGGGG, National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources-Zinc, Cadmium, and Beryllium; promulgated January 23, 2007, at 72 FR 2929; except that the Secretary is not the Administrator for purposes of 40 CFR 63.11168(c)(1) through (4), and 40 CFR 63.11168(c)(1) through (5).~~

~~(c) No change.~~

~~(d) General Subparts Adopted. The following general subparts of 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:~~

~~1. 40 CFR Part 63, Subpart A, General Provisions; amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May~~

~~20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR 28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004 at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; amended January 3, 2007, at 72 FR 26; amended January 23, 2006, at 72 FR 2929; except that the Secretary is not the Administrator for purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14.~~

~~2. through 5. No change.~~

~~(12) through (17) No change.~~

~~(18) Title 40, Code of Federal Regulations, Part 74, Sulfur Dioxide Opt-Ins. The following subparts of 40 CFR Part 74, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:~~

~~a. 40 CFR 74, Subpart A, Background and Summary.~~

~~b. 40 CFR 74, Subpart B, Permitting Procedures.~~

~~c. 40 CFR 74, Subpart C, Allowance Calculations for Combustion Sources.~~

~~d. 40 CFR 74, Subpart E, Allowance Tracking and Transfer and End of Year Compliance.~~

~~e. 40 CFR 74, Subpart F, Monitoring Emissions: Combustion Sources.~~

~~(18) through (25) renumbered (19) through (26) No change.~~

~~Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History--New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07,\_\_\_\_\_.~~

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:                      RULE TITLE:

62-210.200                      Definitions

PURPOSE AND EFFECT: The proposed rule would amend definitions of certain terms used in the department's air permitting program, consistent with recent revisions to U.S. Environmental Protection Agency (EPA) regulations.

SUMMARY: The proposed rule amendments involve the department's EPA-approved air permitting 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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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: Wednesday, June 20, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Larry George at (850)921-9555

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless content clearly indicates otherwise, have the following meanings:

(1) through (193) No change.

(194) "Major Stationary Source" –

(a) No change.

(b) A major stationary source that is major for volatile organic compounds or nitrogen oxides shall be considered major for ozone.

(c) through (h) No change.

(195) through (277) No change.

(278) "Significant Emissions Rate" –

(a) With respect to any emissions increase or any net emissions increase, or the potential of a facility to emit any of the following pollutants, significant emissions rate means a rate of pollutant emissions that would equal or exceed:

1. A rate listed at 40 CFR 52.21(b)(23)(i), adopted by reference at Rule 62-204.800, F.A.C.; specifically, any of the following rates:

a. through d. No change.

e. Ozone: 40 tpy of volatile organic compounds or nitrogen oxides;

f. through o. No change.

2. No change.

(b) No change.

(279) through (334) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deputy Secretary Mimi Drew

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-212.400	Prevention of Significant Deterioration (PSD)
62-212.720	Actuals Plantwide Applicability Limits (PALs)

PURPOSE AND EFFECT: The proposed rule would amend the department's prevention-of-significant-deterioration (PSD) air permitting rule consistent with recent revisions to U.S. Environmental Protection Agency (EPA) regulations. In addition, the department is proposing to clarify that, in providing for public participation in the PSD permitting process, applicable state administrative procedures are followed rather than federal procedures, and that, in applying the provisions of 40 CFR 52.21 cited from within the department's PSD and plantwide applicability limit (PAL) permitting rules, the term "Administrator" shall mean "Department."

SUMMARY: The proposed rule amendments involve the department's PSD and PAL air permitting programs.

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: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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: Wednesday, June 20, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Larry George at (850)921-9555

THE FULL TEXT OF THE PROPOSED RULE IS:

62-212.400 Prevention of Significant Deterioration (PSD).

(1) General ~~Provisions~~ ~~Prohibitions~~.

(a) through (b) No change.

(c) For purposes of this rule, the term "Administrator," wherever it appears in any provision of 40 CFR 52.21 cited herein, shall mean "Department."

(2) No change.

(3) Exemptions.

(a) through (d) No change.

(e) The requirements of subsection 62-212.400(7), F.A.C., as they relate to monitoring for a particular pollutant shall not apply if:

1. The emissions increase of the pollutant from the new source or the net emissions increase of the pollutant from the modification would cause, in any area, air quality impacts less than the amounts listed at 40 CFR 52.21 (i)(5), adopted by reference at Rule 62-204.800 F.A.C., specifically the following amounts:

a. through d. No change.

e. Ozone – No de minimis air quality level is provided for ozone. However, any net increase of 100 tons per year or more of volatile organic compounds or nitrogen oxides subject to PSD would be required to perform an ambient impact analysis including the gathering of ambient air quality data;

f. through k. No change.

2. No change.

(4) through (10) No change.

(11) Public Participation. No permit shall be issued until the applicant and Department have complied with all applicable public notice and participation provisions of 40 CFR 52.21(q), adopted by reference at Rule 62-204.800, and Rules 62-210.350 and 62-110.106, F.A.C. In complying with the requirements of 40 CFR 52.21(q), the Department shall follow the procedures of Rules 62-210.350 and 62-110.106, F.A.C., in lieu of the procedures of 40 CFR Part 124.

(12) through (13) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—Formerly 17-2.500, Amended 2-2-93, Formerly 17-212.400, Amended 11-23-94, 1-1-96, 3-13-96, 2-5-98, 8-15-99, 2-2-06,\_\_\_\_\_.

62-212.720 Actuals Plantwide Applicability Limits (PALs).

(1) No change.

(2) Definitions. The definitions of 40 CFR 52.21 (aa)(2), adopted by reference in Rule 62-204.800, F.A.C., shall apply to PAL permitting processes and PAL permits except the "PAL permit" shall mean the permit specified in subsection 62-212.720(1), F.A.C., and except that "significant" and "emissions unit" shall mean "significant emissions rate" and "emissions unit" as defined in Rule 62-210.200, F.A.C. For purposes of this rule, the term "Administrator," wherever it appears in any provision of 40 CFR 52.21 cited herein, shall mean "Department."

(3) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087 FS. History—New 2-2-06, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Deputy Secretary Mimi Drew

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: May 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: May 11, 2007

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.:

62-303.360

62-303.370

62-303.380

62-303.460

62-303.470

62-303.480

62-303.720

RULE TITLES:

Primary Contact and Recreation Use Support

Fish and Shellfish Consumption Use Support

Drinking Water Use Support and Protection of Human Health

Primary Contact and Recreation Use Support

Fish and Shellfish Consumption Use Support

Drinking Water Use Support and Protection of Human Health

Delisting Procedure

PURPOSE AND EFFECT: The proposed revisions change the assessment methodology for determining surface water quality impairment due to elevated fecal coliform levels. The proposed revisions are being adopted as changes to Florida's water quality standards.

SUMMARY: Changes address a) how samples collected within four days are assessed for compliance with the fecal coliform criteria, b) which component of the fecal coliform criteria will be assessed using the binomial method, c) how many exceedances of the monthly average criteria are needed to list waters as impaired, d) how samples are assessed for representativeness, and e) how waters listed for fecal coliform impairment will be delisted. The proposed revisions also include a new delisting provision for waters listed for synthetic organics and pesticides.

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: 403.061, 403.062, 403.067 FS.

LAW IMPLEMENTED: 403.021(11), 403.062, 403.067 FS.

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

DATE AND TIME: Thursday, June 28, 2007, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Marjory Stoneman Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, 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 48 hours before the workshop/meeting by contacting: Daryll Joyner with the Bureau of Watershed Management at (850)488-3603. 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: Daryll Joyner, Division of Water Resource Management, Bureau of Watershed Management, Mail Station 3510, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)488-3603

THE FULL TEXT OF THE PROPOSED RULES IS:

62-303.360 Primary Contact and Recreation Use Support.

(1) A Class I, II, or III water shall be placed on the planning list for evaluating primary contact and recreation use support if:

(a) There is a sufficient number of samples from the water segment that do not meet the applicable water quality criteria for bacteriological quality, based on the methodology described in Rule 62-303.320, F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days within any four day period will be assessed as daily samples, or

(b) through (c) No change.

(d) The water segment includes a bathing area that was closed or had advisories or warnings for more than 12 weeks during a calendar year based on previous bacteriological data or on derived relationships between bacteria levels and rainfall or flow, or

(e) The water segment includes a sampling location that has two or more monthly geometric mean values above the monthly geometric mean fecal coliform or enterococci criterion during the planning period. To calculate a monthly

geometric mean, there shall be at least ten ~~five~~ samples collected within that month, with at least one sample from each full week of the month. ~~or~~

~~(f) The water segment includes a sampling location that exceeds 400 counts per 100 ml in more than ten percent of the samples collected in at least two different months during the planning period. To assess the monthly data for a sampling location, there shall be at least five samples collected within that month, with at least one sample from each full week of the month.~~

(2) When evaluating a water segment for bacteriological quality under subparagraph (1) (a), the criterion used for fecal coliforms shall be that the Most Probable Number (MPN) or Membrane Filter (MF) shall not exceed 400 counts per 100 ml.

(2) through (3) renumbered (3) through (4) No change.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, \_\_\_\_\_.

62-303.370 Fish and Shellfish Consumption Use Support.

A Class I, II, or III water shall be placed on the planning list for fish and shellfish consumption if:

(1) There is a sufficient number of samples from the water segment that do not meet the applicable Class II water quality criteria for bacteriological quality; based on the methodology described in Rule 62-303.320, F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days within any four day period will be assessed as daily samples, or

(2) through (5) No change.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06, \_\_\_\_\_.

62-303.380 Drinking Water Use Support and Protection of Human Health.

(1) A Class I water shall be placed on the planning list for drinking water use support if:

(a) There is a sufficient number of samples from the water segment that do not meet the applicable Class I water quality criteria, based on the methodology described in Rule 62-303.320, F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days within any four day period will be assessed as daily samples, or

(b) through (3)(b) No change.

(4) When evaluating a water segment for bacteriological quality under paragraph (1)(a), the criterion used for fecal coliforms shall be that the MPN or MF shall not exceed 400 counts per 100 ml. The water segment includes a sampling location that exceeds 400 counts per 100 ml in more than ten percent of the samples collected in at least two different months during the planning period. To assess the monthly data

~~for a sampling location, there shall be at least five samples collected within that month, with at least one sample from each full week of the month.~~

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06,\_\_\_\_\_.

VERIFIED LIST METHODOLOGY

62-303.460 Primary Contact and Recreation Use Support.

(1) through (2) No change.

(3) Water segments shall be included on the verified list if:

(a) The number of samples that do not meet the applicable single-sample bacteriological water quality criteria meet the requirements in subsection 62-303.420(6), F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days within any four day period will be assessed as daily samples, or

(b) There are one ~~two~~ or more exceedances of a bacteriological water quality criterion expressed as a monthly geometric mean during a calendar year ~~or more than four exceedances of a monthly geometric mean criterion over the verified period,~~ or

~~(c) There are two or more months during a calendar year or more than four months during the verified period in which greater than 10 percent of the samples at a given station exceed 400 counts per 100 ml.~~

~~(d) As to paragraphs (3) (b) and (c) above, to~~ To assess the monthly data for a sampling location, there shall be at least ten ~~five~~ samples collected within that month, with at least one sample from each full week of the month.

(4) When evaluating a water segment for bacteriological quality under paragraph 62-303.460(3)(a), F.A.C., the criterion used for fecal coliforms shall be that the Most Probable Number (MPN) or Membrane Filter (MF) shall not exceed 400 counts per 100 ml.

(5) When assessing waters pursuant to paragraphs 62-303.460(3)(a) and (b), F.A.C., the Department shall evaluate whether the samples are representative and are not biased toward collecting samples at times either under the influence of wet weather conditions or absent the influence of wet weather conditions. Representative sampling generally reflects a consistent number of samples evenly spaced over regular intervals. Any determinations to exclude waters based on this provision shall be documented, and the documentation shall include the basis for the decision.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06,\_\_\_\_\_.

62-303.470 Fish and Shellfish Consumption Use Support.

(1) through (2) No change.

(3) Class II waters shall be included on the verified list for coliform impairment if, following review of the available data as described in subsection 62-303.460(2), F.A.C.

(a) The number of samples above 43 counts per 100 ml meet the requirement in subsection 62-303.420(6), F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days within any four day period will be assessed as daily samples, or,

(b) through (4) No change.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History—New 6-10-02, Amended 12-11-06,\_\_\_\_\_.

62-303.480 Drinking Water Use Support and Protection of Human Health.

If the water segment was listed on the planning list due to exceedances of a human health-based water quality criterion and there were insufficient data from the last five years preceding the planning list assessment to meet the data sufficiency requirements of subsection 303.320(4), F.A.C., additional data will be collected as needed to meet the requirements. Once these additional data are collected, the Department shall re-evaluate the data using the methodology in subsection 62-303.380(2), F.A.C., and limit the analysis to data collected during the five years preceding the planning list assessment, the additional data collected pursuant to this paragraph (not to include data older than 7.5 years), and data older than 7.5 years if it is demonstrated to be representative of current conditions. Any determinations to use older data shall be documented by the Department, and the documentation shall provide the basis for the decision that the data are representative of current conditions. For this analysis, the Department shall exclude any data meeting the requirements of subsection 62-03.420(5), F.A.C. The following water segments shall be listed on the verified list:

(1) For human health-based criteria expressed as maximums, water segments that meet the requirements in subsection 62-303.420(7), F.A.C., or

(2) No change.

(3) For bacteriological water quality criteria, water segments shall be included on the verified list if, following review of the available data as described in subsections 62-303.460(2) and (5), F.A.C.:

(a) The number of samples that do not meet the applicable single-sample bacteriological water quality criteria meet the requirements in subsection 62-303.420(6), F.A.C., with the exception that paragraph 62-303.320(4)(a), F.A.C., does not apply and samples collected on different days within any four day period will be assessed as daily samples, or

(b) There are one ~~two~~ or more exceedances of a bacteriological water quality criterion expressed as a monthly geometric mean during a calendar year ~~or more than four exceedances of the monthly criterion over the verified period,~~ or

(e) ~~There are two or more months during a calendar year or more than four months during the verified period in which greater than 10 percent of the samples at a given station exceed 400 counts per 100 ml.~~

(d) ~~As to paragraphs (3)(b) and (e) above, to~~ To assess the monthly data for a sampling location there shall be at least five samples collected within that month, with at least one sample from each full week of the month.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New 6-10-02, Amended 12-11-06,\_\_\_\_\_.

62-303.720 Delisting Procedure.

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

(g) ~~For waters listed pursuant to paragraphs 62-303.460(3)(b) and (e), F.A.C., 62-303.470(3)(b), F.A.C., or 62-303.480(3)(b) and (e), F.A.C., the water shall be delisted when:~~

1. The criteria applicable to those sections are met for three consecutive years and there are sufficient new data available to calculate monthly values for at least the same seasons in which the exceedances occurred, or

2. Following a demonstration that the water was inappropriately listed due to flaws in the original analysis, including the use of a non-representative sample set. For waters listed pursuant to rules 62-303.460(3)(b) and (e), or 62-303.480(3)(b) and (e), F.A.C., there shall be sufficient data available to calculate monthly values for at least the same seasons in which the exceedances occurred.

(h) For waters listed pursuant to paragraphs 62-303.460(3)(a), F.A.C., 62-303.470(3)(a), F.A.C., or 62-303.480(3)(a), F.A.C., the water shall be delisted upon meeting the delisting provisions in paragraph 62-303.720(2)(a), F.A.C.

(h) through (k) renumbered (i) through (l) No change.

(m) For waters listed pursuant to paragraph 62-303.320(6)(b), F.A.C., the water shall be delisted when the applicable criteria are met for at least three consecutive years and there are new data available for the same seasons in which the previous exceedances occurred.

(3) No change.

Specific Authority 403.061, 403.067 FS. Law Implemented 403.062, 403.067 FS. History–New 6-10-02, Amended 12-11-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jerry Brooks, Deputy Director, Division of Water Resource Management, Department of Environmental Protection

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary, Environmental Protection

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2007

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-345.300	Assessment Method Overview and Guidance
62-345.400	Qualitative Characterization – Part I
62-345.500	Assessment and Scoring – Part II
62-345.600	Time Lag, Risk, and Mitigation Determination
62-345.900	Forms

**PURPOSE AND EFFECT:** This proposed rulemaking will amend the rule to provide clarification and guidance on establishing the reference community in Part I, when to score an assessment area as zero in Part II, and determining time lag. In addition, the mathematical formula will be modified to better address multiple impact and mitigation sites and sites with known mitigation acreage.

**SUMMARY:** Subsection 373.414(18), F.S., directed the Department and water management districts to develop a uniform mitigation assessment method for wetlands and other surface waters and the Department to adopt the assessment method by rule. The rule (Chapter 62-345, F.A.C.) was developed and became effective on February 2, 2004. The rule applies to water management districts and local government in addition to the Department. The proposed rule will clarify certain provisions of the rule, including guidance on establishing the reference community in Part I, when an assessment area is scored zero in Part II, and providing a clearer mathematical formula to address multiple impact and mitigation sites.

Assessment Method Overview and Guidance (62-345.300).

Chapter 62-345 was designed to assess the function of impact and mitigation areas relative to naturally occurring communities and to provide that basis of comparison in Part I. The proposed amendments are intended merely to clarify the Department’s original intent by referring to “native community type”. An additional change to this section clarifies where listed species and other site-specific information is noted.

Qualitative Characterization – Part I (62-345.400).

This section of the rule is proposed to be clarified through use of reference to “native community type” when providing frame of reference for assessment, particularly when classifying a site and identifying the anticipated functions. When the assessment area is currently an artificial system, guidance is provided to refer to the native system it most closely resembles.

Assessment and Scoring – Part II (62-345.500).

Paragraph (1)(c) is a new addition to clarify that if the activity will result in the elimination of the wetland or surface water area by converting it to upland, then all of the indicators of wetland function are scored zero under the “with impact” scenario. Similarly, a sentence is added to paragraph (2)(c) to clarify that if the community structure attribute of an upland is scored a zero due to the loss of that natural system, then the location and landscape is also scored zero.

Time Lag, Risk, and Mitigation Determination (62-345.600). Paragraph (1)(a) is modified to provide guidance for the time lag determination by referring to the anticipated mitigation outcome, which is the scenario that is scored in Part II as "with mitigation".

Subsection (3) has a series of changes intended to simplify and clarify the formulas, which is particularly important for those projects with multiple impacts and mitigation areas. The changes begin with a definition of a new term, Functional Gain, referring to the increase in function provided by the mitigation area. Paragraph (3)(c) is modified to state the relationship between functional gain and functional loss for single impact and mitigation areas. Paragraph (3)(d) is new and provides the mathematic relationship between functional gain(s) and functional loss(es) for projects with multiple impacts and mitigation assessment areas.

Forms (62-345.900)

The form adopted by reference in subsection (3) Mitigation Determination Formulas is modified to reflect the changes in 62-345.600(3), as described above.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A statement of estimated regulatory cost was prepared and summarized that revisions are limited to clarification and guidance, and impose no appreciable 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:** 373.026(7), 373.043, 373.414(9), (18) FS.

**LAW IMPLEMENTED:** 373.414(18) 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 22, 2007, starting at 10:00 a.m. (ET)

**PLACE:** Department of Environmental Protection, Bob Martinez Center, 2600 Blair Stone Road, Room 609, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Mary VanTassel, (850)245-8486. 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:** Constance Bersok, Environmental Administrator, Office of Submerged Lands and Environmental

Resources, 2600 Blair Stone Road – MS 2500, Tallahassee, FL 32399-2400, by e-mail at [connie.bersok@dep.state.fl.us](mailto:connie.bersok@dep.state.fl.us), or by phone at (850)245-8479. (Regarding OGC No.: 06-1877)

THE FULL TEXT OF THE PROPOSED RULES IS:

62-345.300 Assessment Method Overview and Guidance.

(1) through (2) No change.

(3) The assessment method is designed to be used in any type of impact site or mitigation site in any geographic region of the state. The inherent flexibility required for such a method is accomplished in a multi-part approach that consists of the following processes:

(a) Conduct qualitative characterization of both the impact and mitigation assessment areas (Part I) that describes the assessment area, identifies its native community type and the functions provided by the area to fish and wildlife and their habitat. The purpose of Part I is to provide and establishes a framework for comparison of the assessment area to the optimal condition and location of that native community type quantitative assessment. Another purpose of this part is to note any relevant factors of the assessment area that are discovered by site inspectors, including use by listed species.

(b) through (e) No change.

(4) through (5) No change.

Specific Authority 373.026(7), 373.043, 373.414(9), (18) FS. Law Implemented 373.414(18) FS. History–New 2-2-04, Amended \_\_\_\_\_.

62-345.400 Qualitative Characterization – Part I.

(1) An impact or mitigation assessment area must be described with sufficient detail to provide a frame of reference for the type of community being evaluated and to identify the functions that will be evaluated. When an assessment area is an upland proposed as mitigation, functions must be related to the benefits provided by that upland to fish and wildlife of associated wetlands or other surface waters. Information for each assessment area must be sufficient to identify the functions beneficial to fish and wildlife and their habitat that are characteristic of the assessment area's native community type, based on currently available information, such as aerial photographs, topographic maps, geographic information system data and maps, site visits, scientific articles, journals, other professional reports, field verifications when needed, and reasonable scientific judgment. For artificial systems, such as borrow pits, ditches and canals, and for altered systems, refer to the native community type it most closely resembles. The information provided by the applicant for each assessment area must address the following, as applicable:

(a) through (d) No change.

(e) Classification of the assessment area's native community type, considering including description of past alterations that affect classification. Classification shall be based on Florida Land Use, Cover and Form Classification

System (1999) (FLUCC) codes, which is incorporated by reference herein. In addition, the applicant may further classify the assessment areas using the 26 Communities of Florida, Soils Conservation Service (February 1981), which is incorporated by reference herein; A Hydrogeomorphic Classification for Wetlands, Wetland Research Program Technical Report WRP-DE-4, Mark M. Brinson (August 1993), which is incorporated by reference herein; or other sources that, based on reasonable scientific judgment, describe the natural communities in Florida;

(f) No change.

(g) Functions performed by the assessment area's native community type. Functions to be considered are: providing cover, substrate, and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife movement; food chain support; and natural water storage, natural flow attenuation, and water quality improvement, which enhances fish, wildlife, and listed species utilization;

(h) Anticipated wildlife utilization and type of use (feeding, breeding, nesting, resting, or denning), and applicable listing classification (threatened, endangered, or species of special concern as defined by Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.). The list developed for the assessment area need not include all species which use the area, but must include all listed species in addition to those species that are characteristic of the native community type area and the functions provided by the area, considering the size and geographic location of the assessment area. Generally, wildlife surveys will not be required. The need for a wildlife survey will be determined by the likelihood that the site is used by listed species, considering site characteristics and the range and habitat needs of such species, and whether the proposed system will impact that use;

(i) through (j) No change.

Specific Authority 373.026(7), 373.043, 373.414(9), (18) FS. Law Implemented 373.414(18) FS. History—New 2-2-04, Amended.

#### 62-345.500 Assessment and Scoring – Part II.

(1) No change.

(a) through (b) No change.

(c) When the “with impact” outcome is upland, the “with impact” scores for each of the wetland indicators of function shall be zero (0).

(2) No change.

(a) For upland preservation, the gain in ecological value is determined by the mathematical difference between the score of the upland assessment area with the proposed preservation measure and the upland assessment area without the proposed preservation measure. When the community structure is scored as “zero”, then the location and landscape support shall also be

“zero”. The resulting delta is then multiplied by the preservation adjustment factor contained in subsection 62-345.500(3), F.A.C.

(b) through (c) No change.

(3) through (7) No change.

Specific Authority 373.026(7), 373.043, 373.414(9), 373.414(18) FS. Law Implemented 373.414(18) FS. History—New 2-2-04, Amended.

62-345.600 Time Lag, Risk, and Mitigation Determination.

(1) Time lag shall be incorporated into the gain in ecological value of the proposed mitigation as follows:

(a) The time lag associated with mitigation means the period of time between when the functions are lost at an impact site and when the site has achieved the outcome that was scored in Part II ~~those functions are replaced by the mitigation~~. In general, the time lag varies by the type and timing of mitigation in relation to the impacts. Wetland creation generally has a greater lag time to establish certain wetland functions than most enhancement activities. Forested systems typically require more time to establish characteristic structure and function than most herbaceous systems. Factors to consider when assigning lag time include biological, physical, and chemical processes associated with nutrient cycling, hydric soil development, and community development and succession. There is no time lag if the mitigation fully offsets the anticipated impacts prior to or at the time of the impact.

(b) through (d) No change.

(2) No change.

(3) The relative gain of functions provided by a mitigation assessment area must be adjusted for lag time and risk using the following formula: Relative functional gain (RFG) = Mitigation Delta (or adjusted mitigation delta for preservation)/(risk x t-factor). The loss of functions provided by impact assessment areas is determined using the following formula: Functional loss (FL) = Impact Delta x Impact Areas. When the acres of a proposed mitigation assessment area is known, the gain in functions provided by that mitigation assessment area is determined using the following formula: Functional gain (FG) = RFG x Mitigation Acres.

(a) through (b) No change.

(c) To determine the acres of one mitigation area needed to offset impacts to one assessment area when not using a bank or a regional offsite mitigation area as mitigation, divide functional loss (FL) by relative functional gain (RFG). If the acreage of proposed mitigation is known, then functional gain (FG) must be equal to or greater than the functional loss (FL). ~~If there is more than one impact assessment area or more than one mitigation assessment area, the total functional loss and total relative functional gain is determined by summation of the functional loss and relative functional gain for each assessment area.~~

(d) If there are multiple impact assessment areas and/or multiple mitigation assessment areas with known acreages to offset those impacts, then the summation of the appropriate functional gains (FG) must be equal to or greater than the summation of the respective functional loss (FL).

Specific Authority 373.026(7), 373.043, 373.414(9), 373.414(18) FS. Law Implemented 373.414(18) FS. History–New 2-2-04, Amended \_\_\_\_\_.

62-345.900 Forms.

(1) through (2) No change.

(3) Mitigation Determination Formulas, [Effective Date] 2-2-04.

Specific Authority 373.026(7), 373.043, 373.414(9), 373.414(18) FS. Law Implemented 373.414(18) FS. History–New 2-2-04, Amended \_\_\_\_\_.

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 Drew, Deputy Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.103
RULE TITLE: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for continuing education credits and license renewal.

SUMMARY: The rule amendment will clarify the requirements for continuing education credits and license renewal.

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: 456.033, 465.009 FS.

LAW IMPLEMENTED: 456.013(7), (9), 456.033, 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

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

(c) Prior to renewal, a licensee must complete, within the 24 month period prior to the expiration date of the license, a two-hour continuing education course approved in advance by an Accreditation Council for Pharmacy Education (ACPE) approved provider the Board or the Accreditation Council for Pharmacy Education (ACPE) on medication errors that covers the topics set forth in subsection Rule 64B16-26.6011(2), F.A.C. Hours obtained pursuant to this section may be applied by the licensee to the requirements of subsection (1).

(d) through (j) No change.

(k) All programs accredited approved by an the ACPE provider for continuing education for pharmacists are deemed accredited approved by the Board for general continuing education hours for pharmacists. Any course necessary to meet the continuing education requirement for HIV/AIDS, consultant pharmacist license renewal or nuclear pharmacist license renewal shall be Board approved.

(l) No change.

(2)(a) through (c) No change.

(3)(a) Prior to renewal a nuclear pharmacist shall complete no less than 24 hours of Board approved continuing education in the course work specified in Rule 64B16-26.304, 64B16-26.303, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. A nuclear program or course accredited by an ACPE approved provider shall be deemed approved by the Board for nuclear pharmacist continuing education hours. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(b) through (c) No change.

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7), (9), 456.033, 465.009 FS. History–New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, 4-12-05, \_\_\_\_\_.



NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 6, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-26.600  
RULE TITLE: Tripartite Continuing Education  
Committee

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements for the Tripartite Continuing Education Committee.

SUMMARY: The rule amendment will clarify the requirements for the Tripartite Continuing Education Committee.

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: 465.005, 465.009(5) FS.

LAW IMPLEMENTED: 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.600 Tripartite Continuing Education Committee.

(1) The Tripartite Continuing Education Committee will be composed of equal representation from the Board of Pharmacy, each College or ~~and~~ School of Pharmacy in the State, and practicing pharmacists within the State. The members of the Committee shall be selected by the Board of Pharmacy and serve for a period of two years. The chairman of the Committee shall be selected by the Chair of the Board.

(2) The Board delegates to the Tripartite Continuing Education Committee the authority to perform the following duties ~~act upon applications submitted~~ pursuant to Rule

64B16-26.601, F.A.C.; ~~to become a board approved continuing education provider, the approval of individual programs or courses submitted by providers, and~~

(a) Approve continuing education providers.

(b) Approve continuing education course or program for organizations or individuals that are non-approved providers for the following:

1. General;

2. Initial Consultant Pharmacist Certification;

3. Consultant Recertification;

4. Nuclear Recertification;

5. Medication Errors;

6. HIV/AIDS;

7. Laboratory Tests;

8. Laws and Rules;

9. Misfill Course.

c. Penalties can be from probation to termination of provider status and the Board will be advised of such action.

(3) The Board delegates to the Tripartite Continuing Education Committee the authority to perform auditing and monitoring activities pursuant to Rule 64B16-26.601, F.A.C. The Tripartite Committee shall perform an audit on each approved continuing education provider 90 days prior to the end of the renewal period. The approved provider shall submit the following information for one program:

(a) Title, date and location of the program.

(b) Program Number.

(c) Any Co-sponsors.

(d) Total number of pharmacists attending.

(e) Rosters of attendees with addresses.

(f) Brochures of program announcement.

(g) CV's of each speaker.

(h) Handouts, Copy of CE Credit statement, educational materials distributed as part of the program.

(i) Summary report of program evaluations.

(4) The Committee shall hold meeting as may be convened at the call of the Chairman of the Committee.

Specific Authority 465.005, 465.009(5) FS. Law Implemented 465.009 FS. History—New 10-18-79, Amended 7-29-81, Formerly 21S-13.01, 21S-13.001, 21S-26.600, 61F10-26.600, 59X-26.600, Amended 10-15-01, 3-10-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF HEALTH****Board of Pharmacy**

RULE NO.:

RULE TITLE:

64B16-26.601

Standards for Approval of  
Continuing Education Courses and  
Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the standards for approval of continuing education courses and providers.

SUMMARY: The rule amendment will clarify the standards for approval of continuing education courses and providers.

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: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B16-26.601 follows. See Florida Administrative Code for present text.)

64B16-26.601 Standards for Approval of Continuing Education Courses and Providers.

(1) Providers seeking board approval shall meet each of the following:

(a) Complete the application (DOH/MQA/PH109) and submit a fee of \$150.00.

(b) There shall be a visible, continuous, and identifiable authority charged with the administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background, education, training and/or experience.

(c) All continuing education offerings conducted by the provider shall meet the standards outlined in subsection (3).

(d) Submit licensee continuing education course completion credits in the electronic continuing education tracking system in accordance with Florida Statute 456.025(7).

(2) Organizations or individuals seeking approval of a single course or program shall meet each of the following:

(a) Complete the application (DOH/MQA/PH 111) and submit a fee of \$50.00.

(b) All continuing education offerings under this section shall meet the standards outlined in subsection (3).

(c) All continuing education offerings shall be submitted to the Tripartite Committee for review and approval at least 45 days in advance of the program or course.

(3) Each continuing education offering shall contain a detailed outline of the content and shall build upon Standards of Practice and a basic course or courses offered in the curricula of accredited colleges or schools of pharmacy. Continuing education may consist of post-baccalaureate degree programs offered by accredited colleges or schools of pharmacy, post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other such committee-approved educational methods. All offerings shall meet the following standards:

(a) Education Content Development.

1. Continuing education offerings shall involve advance planning that includes a statement of measurable educational goals and behavioral objectives.

2. Continuing education offerings shall be designed to reflect the educational needs of the pharmacist and build on the standards of practice and courses in the curricula of accredited colleges or schools of pharmacy.

3. Each continuing education offering shall be designed to explore one subject or a group of closely related subjects or standards.

(b) Methods of Delivery.

1. The method of delivery of a course shall be determined by giving appropriate consideration to such factors as educational content, objectives, and composition of the audience.

2. The method of delivery shall encourage active participation and involvement on the part of the pharmacist.

(c) Program Faculty Qualifications.

1. The program faculty for a particular continuing education offering shall be competent in the subject matter and qualified by experience.

2. An appropriate number of program faculty for each activity shall be utilized.

3. There shall be adequate personnel to assist with administrative matters and personnel with competencies outside content areas in cases where the method of delivery requires technical or other special expertise.

(d) Facilities. The facilities to be utilized shall be appropriate and adequate to the content, method of delivery, size of the audience and promote the attainment of the objectives of the offering.

(e) Evaluation.

1. The provider shall make provision for evaluation of the participants' attainment of the stated learner objectives through in-process activities that provide a measurable demonstration of the learner's achievement(s).

2. The provider shall develop and employ an evaluation mechanism for the purpose of allowing the participant to assess his/her achievement of personal objectives.

3. The provider shall develop and employ an evaluation mechanism that shall assess the effectiveness of the learning experiences, instructional methods, facilities, and resources used for the offering.

(f) Contact Hour Criteria.

1. The number of contact hours or Continuing Education Units (CEU) shall be determined by the provider in advance of the offering subject to approval by the committee and awarded upon the successful completion of the entire planned education experience.

2. Providers shall adhere to a uniform quantitative system of measurement for continuing education credit based on the contact hour which is defined as 50-60 minutes of participation or its equivalent and the CEU which is defined as 10 contact hours in an organized continuing pharmacy education activity under responsible sponsorship, capable direction and qualified instruction.

(g) Record Keeping.

1. Records of single course offerings shall be maintained by the provider for inspection by the Board. The records shall be adequate to serve the needs of the participants and to permit the Board to monitor for adherence to the standards for continuing education offerings as outlined in the rules.

2. An individual certificate of attendance specifying title of offering, provider number, date of offering, and number of contact hours earned shall be furnished to each participant by the provider.

3. Records shall be maintained by the provider for a minimum of four (4) years.

4. All programs issued an Accreditation Council for Pharmacy Education (ACPE) Universal Program number from an ACPE approved provider may be deemed approved by this Board for general continuing education hours for pharmacists.

5. Approved providers shall pay a renewal fee of \$150 which shall run concurrent with the pharmacist licensure renewal period.

Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.009 FS. History—New 10-17-79, Amended 7-29-81, Formerly 21S-13.02, 21S-13.002, Amended 1-10-93, Formerly 21S-26.601, 61F10-26.601, 59X-26.601, Amended 1-29-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 13, 2007

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.:

RULE TITLE:

64B16-26.2031

Licensure by Examination; Foreign Pharmacy Graduates

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the qualifications of a foreign pharmacy graduate in order to sit for the licensure examination.

SUMMARY: The qualifications will be changed for a foreign pharmacy graduate who desires licensure by examination.

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: 465.007 FS.

LAW IMPLEMENTED: 465.007 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination, the application must:

(1) No change.

(2) Be certified by the Foreign Pharmacy Graduate Examination ~~Committee~~ Commission to have passed the ~~FPGEE~~ Foreign Pharmacy Graduate Equivalency Examination, the Test of English as a Foreign Language, and the Test of Spoken English. ~~Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate equivalency Commission.~~

(3) Complete a minimum of 500 hours of supervised work activity within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE Foreign Pharmacy Graduate Examination Commission. Demonstrate proficiency in the use of English by passing the Test of English as a

Foreign Language (TOEFL), which is given by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version.

~~(4) Demonstrate proficiency in the use of spoken English by passing the Test of Spoken English (TSE) with a score of at least 200 or an equivalent score of 45 on the recalibrated TSE.~~

~~(5) Complete a minimum of 500 hours of supervised work activity within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of work activity will be approved for any applicant until said applicant has successfully completed the examination as set forth in subsections (2) and (3) above.~~

Specific Authority 465.007 FS. Law Implemented 465.007 FS. History--New 1-11-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: 69A-60.012  
RULE TITLE: Purpose, Criteria and Procedures for Designation as an Approved Nationally Recognized Testing Laboratory in Florida for Firesafety Purposes.

PURPOSE AND EFFECT: To provide procedures and criteria for becoming a nationally recognized testing laboratory in Florida for firesafety purposes.

SUMMARY: The rule provides that testing laboratories can be recognized in Florida for firesafety purposes if they are nationally recognized or eligible for national recognition.

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: 633.065, 633.071, 633.083, 633.539, 633.701 FS.

LAW IMPLEMENTED: 633.065, 633.071, 633.083, 633.539, 633.701 FS.

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

DATE AND TIME: Thursday, June 28, 2007, 1:00 p.m.

PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Millicent King, (850)413-3619. 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: Jim Goodloe, Chief, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342. Phone: (850)413-3171; Fax: (850)922-2553

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-60.012 Purpose, Criteria and Procedures for Designation as an Approved Nationally Recognized Testing Laboratory in Florida for Firesafety Purposes.

(1) The purpose of this rule is to determine whether a laboratory is nationally recognized in accordance with the following provision:

(a) Section 633.065, F.S., pertaining to fire suppression equipment;

(b) Section 633.071, F.S., pertaining to fire extinguishers;

(c) Section 633.083, F.S., pertaining to certain types of fire extinguishers;

(d) Section 633.539, F.S., pertaining to fire protection systems, and

(e) Section 633.701, F.S., pertaining to Alarm Systems.

(2) Criteria for Determination of Designation.

(a) Documentation that the applicant is designated as a Nationally Recognized Testing Laboratory by the U.S. Department of Labor, and the purpose or purposes for which it was recognized; or, in the alternative,

(b) Documentation that the applicant is eligible for recognition as a Nationally Recognized Testing Laboratory by the U.S. Department of Labor, and the purpose or purposes for which Florida designation is sought in accordance with subsection (1) above.

(3) Application Procedure.

(a) An applicant that is currently recognized by the United States Department of Labor as a Nationally Recognized Testing Laboratory can make application for Florida designation to the Division of State Fire Marshal on Form DFS-K3-1791 which is hereby adopted and incorporated

herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or by visiting the Division of State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>.

(b) An applicant that is not currently recognized by the United States Department of Labor as a Nationally Recognized Testing Laboratory can make application for Florida designation to the Division of State Fire Marshal on Form DFS-K3-1792, which is hereby adopted and incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, or by visiting the Division of State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>, and shall include all of the information and material requested thereon.

(c) The Division of State Fire Marshal shall review the application for completeness and request additional information that was either not provided or is necessary to make a determination.

(d) When the application is deemed complete, the Division of State Fire Marshal shall either approve or deny the application.

(e) If the application is approved, the Division of State Fire Marshal shall issue a certificate to the applicant evidencing its designation as a Nationally Recognized Testing Laboratory qualified in Florida, and the purposes to which the designation is limited. The designation may be for any of the purposes set forth in subsection (1) above, as approved by the Division of State Fire Marshal, but only for those purposes.

(f) If the application is denied, the applicant shall be notified in writing, along with the reasons for denial and rights under Chapter 120, F.S.

(g) An application that is approved in part but denied for one or more requested purposes shall be treated procedurally as a denied application.

(4) Material Changes. Any testing laboratory designated in Florida as "nationally recognized" for one or more of the purposes in the statutes listed in subsection (1):

(a) Will be subject to ongoing verification that it continues to meet the Florida designation criteria, and

(b) Shall notify the Division of State Fire Marshal within 30 days of the occurrence of any of the following:

1. Change in the company name or the company address;
2. Change in any major test equipment;
3. Establishment of a new branch office or facility at which items are to be tested;
4. Change in principal officers, key supervisory personnel, or key testing personnel in the company.

Specific Authority 633.065, 633.071, 633.083, 633.539, 633.701 FS. Law Implemented 633.065, 633.071, 633.083, 633.539, 633.701 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Goodloe, Chief, Bureau of Fire Prevention  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Les Hallman, Director, Division of  
State Fire Marshal

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: May 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: December 22, 2006

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.:	RULE TITLE:
690-167.015	Uniform Home Grading Scale to Grade the Ability of a Home to Withstand Wind Loads from Tropical Storms or Hurricanes

PURPOSE AND EFFECT: To establish a uniform home grading scale to measure the ability of a home to withstand the wind load from a sustained severe tropical storm or hurricane.

SUMMARY: The rule adopts a study which developed a uniform home grading scale by Ch 2007-1, Laws of Florida, Section 40.

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: Ch 2007-1, Laws of Florida, Section 40.

LAW IMPLEMENTED: Ch 2007-1, Laws of Florida, Section 40.

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 14, 2007, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Chris Bailey, Office of Insurance Regulation, E-mail [chris.bailey@fldfs.com](mailto:chris.bailey@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Chris Bailey, Office of Insurance Regulation, E-mail [chris.bailey@fldfs.com](mailto:chris.bailey@fldfs.com).

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-167.015 Uniform Home Grading Scale to Grade the Ability of a Home to Withstand Wind Loads from Tropical Storms or Hurricanes.

(1) The Home Structure Rating System – Methodology Development for Hurricane Wind Effects Report, dated March 30, 2007, is hereby adopted as the Uniform Home Grading Scale and is incorporated by reference.

(2) The report is available for viewing or download at [www.floir.com](http://www.floir.com).

Specific Authority 624.308(1) FS., Ch. 2007-1, Laws of Florida, § 40 (CS/HB 1A). Law Implemented 624.307(1), FS., Ch. 2007-1, Laws of Florida, § 40 (CS/HB 1A). History–New.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Chris Bailey  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Abby London  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 31, 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 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 JUVENILE JUSTICE**

**Residential Services**

RULE NO.: 63E-4.002                      RULE TITLE: Definitions

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.

63E-4.002 Definitions.

For the purpose of this rule the following words shall have the meanings indicated.

(1) through (2) No change.

(3) Authority for Evaluation and Treatment – The document that, when signed by a parent or guardian, authorizes the department to assume responsibility for the provision of necessary and appropriate physical and mental health care to a youth in the department’s physical custody. The Authority for Evaluation and Treatment (~~HS 002, May 2007~~ ~~October 2006~~) is incorporated by reference and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(4) through (15) No change.

(16) Facility Entry Physical Health Screening – A standardized initial health screening, conducted at the time of a youth’s admission or re-admission to each residential commitment program. The purpose of this screening is to ensure the youth has no immediate health conditions or medical needs that require emergency services. This screening shall be conducted and documented using the Facility Entry Physical Health Screening form and the Facility Entry Physical Health Screening Body Chart (male or female). The Facility Entry Physical Health Screening form and its accompanying Facility Entry Physical Health Screening Body Charts (~~HS 010, May 2007~~ ~~February 2007~~) are incorporated by reference and are available electronically at [http://www.djj.state.fl.us/forms/health\\_services\\_forms\\_index.html](http://www.djj.state.fl.us/forms/health_services_forms_index.html).

(17) though (25) No change.

(26) Performance Summary – A written document used to inform the youth, committing court, youth’s Juvenile Probation Officer, parent or guardian, and other pertinent parties of the youth’s performance in the program, including status of and progress toward performance plan goals, academic status, behavior and adjustment to the program, significant incidents (positive and negative), and justification for a request for release, discharge or transfer, if applicable. The Performance Summary (~~RS 007, September 2006~~) is incorporated by reference and is accessible electronically at [http://www.djj.state.fl.us/forms/residentialrule63E\\_forms.htm](http://www.djj.state.fl.us/forms/residentialrule63E_forms.htm).

(27) through (32) No change.

(33) Pre-Release Notification and Acknowledgement – A form that allows for a residential commitment program to give prior notification to the JPO of a youth’s planned release, the JPO’s additional information pertinent to the release, and the court’s approval of the youth’s release from the program. The Pre-Release Notification and Acknowledgement (~~RS 008, September 2006~~) is incorporated by reference and is accessible electronically at [http://www.djj.state.fl.us/forms/residential\\_rule63E\\_forms.html](http://www.djj.state.fl.us/forms/residential_rule63E_forms.html).

(34) through (41) No change.