

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-13.001	Purpose
5M-13.002	Approved Best Management Practices
5M-13.003	Presumption of Compliance
5M-13.004	Notice of Intent to Implement
5M-13.005	BMP Record Keeping

PURPOSE AND EFFECT: The purpose of this rulemaking is to adopt the “Water Quality/Quantity Best Management Practices for Florida Specialty Fruit and Nut Crops” manual by rule and associated regulations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will address the development of practices that protect water resources, the procedures for filing a Notice of Intent, and associated recordkeeping requirements necessary for producers to receive a presumption of compliance with state water quality standards. The draft manual can be reviewed at: <http://www.floridaagwaterpolicy.com/BestManagementPractices.html>.

RULEMAKING AUTHORITY: 403.067(7)(c)2., 570.07(23) FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

DATE AND TIME: July 12, 2010, 4:00 p.m.

PLACE: University of Florida, Alachua County Extension, 2800 N.E. 39th Ave., Gainesville, Florida 32609, phone: (352)955-2402

DATE AND TIME: July 13, 2010, 2:00 p.m.

PLACE: Gulf Coast Research and Education Center, University of Florida-IFAS, 14625 CR 672, Wimauma, Florida 33598, phone: (813)634-0000

DATE AND TIME: July 14, 2010, 2:00 p.m.

PLACE: University of Florida, Miami-Dade County Extension, 18710 S.W. 288th Street, Homestead, Florida 33030, phone:(305)248-3311

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Bill Bartnick, Environmental Administrator, (850)617-1700 or Fax (850)617-1701

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: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-35.060	Licensure Application Process.
59A-35.090	Background Screening; Prohibited Offenses.

PURPOSE AND EFFECT: These rules will be revised to reflect annual adjustments to licensure fees as provided in Section 408.805(2), F.S. and changes in background screening requirements in Section 408.809, F.S. and Chapter 435, F.S. provided in Chapter 2010-114, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: Licensure application forms incorporated by reference in Rule 59A-35.060, F.A.C., will be revised to reflect annual increases as provided in Section 408.805(2), F.S. for health care provider types that did not meet the cost of administering the licensure program.

Background screening requirements in Rule 59A-35.090, F.A.C., will be revised to reflect the changes in statutory requirements.

RULEMAKING AUTHORITY: 408.819 FS.

LAW IMPLEMENTED: 408.806, 408.809, 408.810 FS.

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

DATE AND TIME: Thursday, August 5, 2010, 10:00 a.m. – 12:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308 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: Nick Harris at (850)412-4421 or email nicholas.harris@ahca.myflorida.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nick Harris at (850)412-4421 or email nicholas.harris@ahca.myflorida.com

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-8.2015 RULE TITLE: VPK Child Registration Pilot Project

PURPOSE AND EFFECT: The purpose of the proposed rule development is to revise the current rule to permit all early learning coalitions to allow Voluntary Prekindergarten Education (VPK) Program providers to facilitate student eligibility determinations and to conduct parent orientation sessions or exhibit parent orientation videos on behalf of early learning coalitions. The proposed rule is anticipated to reduce administrative costs incurred in the enrollment of students into the VPK Program.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revisions address the process by which student eligibility determinations and parent orientation sessions are conducted.

RULEMAKING AUTHORITY: 1002.79(2) FS. (2009)

LAW IMPLEMENTED: 1002.53(2), (4), (5), 1002.75(2)(a), (b) FS. (2009)

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

DATE AND TIME: July 21, 2010, 9:00 a.m. – 11:00 a.m. or until business is concluded

PLACE: Hyatt Regency Tampa, 211 North Tampa Street, Tampa, FL 33602 and via conference call and WebEx which may be accessed at the following web address: http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules.

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: Audrey Gaten at (850)245-7160. 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: Kristin Harden, Assistant General Counsel, Agency for Workforce

Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: Available online at: http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules.

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NO.:	RULE TITLE:
60FF-5.007	Non-Wireless Provider Fee Remittance Collections for T1/PRI Circuits

PURPOSE AND EFFECT: The Board proposes the to promulgate and adopt the new rule to clarify procedures for non-wireless service provider fee remittance collections for T1/PRI Circuits.

SUBJECT AREA TO BE ADDRESSED: Non-wireless service provider fee remittance collections.

RULEMAKING AUTHORITY: 365.172(2)(a) FS.

LAW IMPLEMENTED: 365.172(9)(a), (b), (c), 365.173(2)(b), (c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 160Q, Tallahassee, Florida 32399-2334

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-35.0281	Alcoholic Beverages and Tobacco – Licensing: Application for Brand/Label Registration
61-35.02811	Alcoholic Beverages and Tobacco – Licensing: Application for Malt FL/Florida Imprinting Exemption

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to promulgate forms for registration of brands and/or labels and application for an exemption from the statutory imprinting requirement.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in these rules is the promulgation of forms for use by the Division of Alcoholic Beverages and Tobacco, Bureau of Licensing.

RULEMAKING AUTHORITY: 20.165(8), 561.11, 563.04, 563.045, 564.04, 564.045, 565.08, 565.095 FS.

LAW IMPLEMENTED: 563.04, 563.045, 563.06, 564.04, 564.045, 565.08, 565.095 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renita Hayes, Management Review Specialist, Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-3227

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.: RULE TITLES:

61A-4.005 Brand Registration
61A-4.056 Primary American Source of Supply

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to update the process of getting brand and/or label registration, imprinting approval, or exemption from the imprinting requirements. The rules will also utilize newly adopted department forms for registration of brands and/or labels and application for an exemption from the statutory imprinting requirement.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in these rules is to update the process of getting brand and/or label registration, imprinting approval, or exemption from the imprinting requirements.

RULEMAKING AUTHORITY: 561.11, 563.04, 563.045, 564.04, 564.045, 565.08, 565.095 FS.

LAW IMPLEMENTED: 563.04, 563.045, 563.06, 564.04, 564.045, 565.08, 565.095 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renita Hayes, Management Review Specialist, Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-3227

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-4.0051 Malt Beverage Container Imprinting; Exemption

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to update the process of getting brand and/or label registration, imprinting approval, or exemption from the imprinting requirements. The rules will also utilize newly adopted department forms for registration of brands and/or labels and application for an exemption from the statutory imprinting requirement.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in these rules is to update the process of getting brand and/or label registration, imprinting approval, or exemption from the imprinting requirements.

RULEMAKING AUTHORITY: 561.11, 563.04, 563.045, 564.04, 564.045, 565.08, 565.095 FS.

LAW IMPLEMENTED: 563.04, 563.045, 563.06, 564.04, 564.045, 565.08, 565.095 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Renita Hayes, Management Review Specialist, Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-3227

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: RULE TITLE:
61D-2.023 Animal Welfare

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement recent changes in Florida Statutes pertaining to the welfare of racing animals.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the welfare of racing animals, inspections of areas where racing animals are raced, trained, housed, or maintained, including any areas where food, medications, or other supplies are kept, to ensure the humane treatment of racing animals and compliance with this chapter and the rules of the division.

RULEMAKING AUTHORITY: 550.0251(3), 550.2415(12) FS

LAW IMPLEMENTED: 550.0251(11), 550.2415(6) FS.

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

DATE AND TIME: July 22, 2010, 10:00 a.m. – 5:00 p.m.

PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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 Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-6.008 RULE TITLE: Permitted Medications for Horses

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement Florida Statutes pertaining to permitted medications for horses by establishing threshold levels for certain Class IV and V medications commonly found in racehorses.

SUBJECT AREA TO BE ADDRESSED: The proposed rule addresses the establishment of threshold levels for certain Class IV and V medications commonly found in racehorses.

RULEMAKING AUTHORITY: 550.0251, 550.2415 FS.

LAW IMPLEMENTED: 550.0251(11), 550.2415(1), (8)(e), (9)(c), (13), (14), (16) FS.

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

DATE AND TIME: July 22, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Hurston Building, North Tower, 400 West Robinson Street, Suite N-901, Orlando, Florida 32801-1736

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 Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.006	Occupational License Application Requirements for Business Entities
61D-14.007	Business Occupational License Requirements for an Independent Testing Laboratory
61D-14.022	Slot Machine Requirements
61D-14.024	Logic Compartment
61D-14.032	Progressive System Requirements
61D-14.033	Progressive Displays and Controllers
61D-14.034	Progressive Jackpots
61D-14.037	Games with Bonus Features, Multiple Win Lines, Prizes
61D-14.038	Percentage Payout and Odds
61D-14.047	Facility Based Monitoring System and Computer Diagnostics
61D-14.048	Facility Based Monitoring System Required Reports
61D-14.073	Meter Readings

PURPOSE AND EFFECT: The purpose and effect of the proposed rules will be to implement Florida Statutes pertaining to the regulation of slot machine operations at pari-mutuel racing facilities and the implementation of wide area progressive systems (WAP).

SUBJECT AREA TO BE ADDRESSED: The amendment to Rule 61D-14.006, F.A.C., adds wide area progressive providers to those business entities requiring a slot machine business occupational license under Section 551.107(2), F.S. The amendment to Rule 61D-14.007, F.A.C., adds wide area progressive providers to those business entities in which an independent testing laboratory is prohibited from having an interest. The amendment to Rule 61D-14.022, F.A.C., provides updates to the technical standards for slot machines, slot

machine operations, and slot machine capabilities, as well as addresses wide area progressive system (WAP) slot machine games where two or more slot machine terminals are linked to substantially increase potential jackpot payouts. The updated rule also describes in additional detail the required procedures for jackpot payment. The rule has been substantially reworded to conform to plain language requirements and improve clarity of specifications in a number of technical requirement areas. Rule 61D-14.024, F.A.C., provides technical standards for access to logic compartments and interior compartments housing components that could affect the outcome of a slot machine game, including progressive systems, and requires procedures to limit access to compartment keys. The rule also provides procedures for sealing the compartments and providing access only to authorized personnel, and has been substantially reworded to conform to plain language requirements and improve clarity of specifications for technical requirement areas. Rule 61D-14.032, F.A.C., provides system and operational requirements for slot machines configured to accept and participate in both wide area and local area progressive jackpot slot machine play. Rule 61D-14.033, F.A.C., provides system and operational requirements for progressive gaming system displays and controllers used in progressive jackpot slot machine play. Rule 61D-14.034, F.A.C., addresses progressive system jackpots, the recording of information related thereto by progressive slot machines, and the modification thereof. The amendment to Rule 61D-14.037, F.A.C., adds wide area progressive slot machines to the requirements governing slot machine games with bonus features. The amendment to Rule 61D-14.038, F.A.C., adds the requirement that the division must approve the frequency of progressive awards. The amendment to Rule 61D-14.047, F.A.C., adds progressive slot machines to the requirement that slot machines not be enabled to play following receipt of an error until its control program is authenticated. The amendment to Rule 61D-14.048, F.A.C., adds daily progressive meter reports to the reports required under the rule and specifies what must be included in a daily progressive meter report. The amendment to Rule 61D-14.073, F.A.C., adds progressive meter readings to the meter readings accounting department employees must make under the rule and specifies the requirements therefor.

RULEMAKING AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a), (b), (c), (d), (e), (g), (h), (i), 551.104(4)(f), (j), 551.107, 551.108, 551.121(5) FS.

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

DATE AND TIME: July 20, 2010, 9:00 a.m. – 5:00 p.m.

PLACE: Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering, North Broward Regional Service Center, 1400 West Commercial Boulevard, Suite 195, Ft. Lauderdale, Florida 33309

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 Polombo at (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

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

Division of Recreation and Parks

RULE NOS.:	RULE TITLES:
62D-5.053	Purpose
62D-5.054	Definitions
62D-5.055	General Requirements
62D-5.056	Application Requirements and Processing
62D-5.057	Evaluation Criteria
62D-5.058	Grant Administration
62D-5.059	Compliance Responsibilities

PURPOSE AND EFFECT: The Division of Recreation and Parks is proposing to amend Chapter 62D-5, Part V, Florida Administrative Code to address needed changes such as revisions to definitions, scoring criteria, grant administration and to add new language to clarify ambiguities. These areas need clarification and changing due to evolving grant program policies.

SUBJECT AREA TO BE ADDRESSED: Financial Assistance for Outdoor Recreation through the Florida Recreation Development Assistance Program (FRDAP).

RULEMAKING AUTHORITY: 375.075 FS.

LAW IMPLEMENTED: 375.075 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES:

WORKSHOP 1: Tuesday, July 20, 2010, 9:00 a.m. –12:00 Noon

WORKSHOP 2: Thursday, July 22, 2010, 9:00 a.m. – 12:00 Noon

PLACES:

WORKSHOP 1: South Econ Community Park, Renaissance Senior Center, 3800 S. Econlockhatchee Trail, Orlando, FL 32829

WORKSHOP 2: Dept. of Environmental Protection, Douglas Bldg., Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Angie Bright, Administrative Assistant, Office of Information & Recreation Services, Division of Recreation and Parks, 3900 Commonwealth Blvd., MS #585, Tallahassee, FL 32399-3000, angie.bright@dep.state.fl.us, (850)245-2501. 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: Attn: Angie Bright, Re: FRDAP 62D-5, Part V Rule Development/ Public Comments, Office of Information & Recreation Services, Division of Recreation and Parks, 3900 Commonwealth Blvd., MS #585, Tallahassee, FL 32399-3000, angie.bright@dep.state.fl.us, (850)245-2501 direct, (850)245-3038 fax

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-25.004 RULE TITLE: Endorsements

PURPOSE AND EFFECT: The purpose of this rule development is to consider whether amendments to the requirements for licensure by endorsement should be adopted by allowing applicants to complete the requirement for Florida laws and rules education via distance learning.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsements.

RULEMAKING AUTHORITY: 456.013(2), 480.035(7), 480.041(4)(c) FS.

LAW IMPLEMENTED: 456.013(2), 480.041(4)(c) FS.

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

DATE AND TIME: July 28, 2010, 11:00 a.m., or as soon thereafter as can be heard

PLACE: Rosen Plaza Hotel, 9700 International Dr., Orlando, FL 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board, of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-28.009 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The purpose of this rule development is to consider whether amendments to the continuing education requirements and criteria for the Board of Massage Therapy should be adopted.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 456.013(7), (8), (9), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7), (8), (9), 480.0415 FS.

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

DATE AND TIME: July 28, 2010, 11:00 a.m., or as soon thereafter as can be heard

PLACE: Rosen Plaza Hotel, 9700 International Dr., Orlando, FL 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board, of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NOS.: 64B7-32.003 RULE TITLES: Minimum Requirements for Board Approved Massage Schools
64B7-32.0035 Distance Learning Requirements

PURPOSE AND EFFECT: The purpose of this rule development is to consider whether amendments to the minimum requirements for Board of Massage Therapy approval of a massage school should be adopted. This rule

development would also propose a new Rule 64B7-32.0035, F.A.C., that sets standards for the approval of distance learning and internet courses offered for educational credit.

SUBJECT AREA TO BE ADDRESSED: Minimum Requirements for Board Approved Massage Schools and Distance Learning Requirements.

RULEMAKING AUTHORITY: 480.035(7), 456.013(7), (8), (9), 480.033(9), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7), (8), (9), 480.033(9), 480.041(1), 480.0415 FS.

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

DATE AND TIME: July 28, 2010, 11:00 a.m., or as soon thereafter as can be heard

PLACE: Rosen Plaza Hotel, 9700 International Dr., Orlando, FL 32819

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Christy Robinson, Acting Executive Director, Board, of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:	RULE TITLE:
64B16-26.351	Standards for Approval of Registered Pharmacy Technician Training Programs

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the standards for training programs and to update the incorporated form.

SUBJECT AREA TO BE ADDRESSED: Standards for Approval of Registered Pharmacy Technician Training Programs.

RULEMAKING AUTHORITY: 465.014 FS.

LAW IMPLEMENTED: 465.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.:	RULE TITLE:
64D-3.002	Notifiable Diseases or Conditions to Be Reported, Human

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

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed include an updated DH 680 Form (Certification of Immunization) and the Immunization Guidelines for Florida Schools, Childcare Facilities and Family Day Care Homes. The guidelines will be updated to require a tetanus-diphtheria-acellular-pertussis (Tdap) vaccination rather than a tetanus-diphtheria (Td) vaccination at 7th grade entry to be implemented with the 2009-2010 school year.

RULEMAKING AUTHORITY: 381.003 FS.

LAW IMPLEMENTED: 381.003 FS.

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

DATE AND TIME: July 12, 2010, 8:30 a.m. (EDT)

PLACE: 2585 Merchants Row Blvd., Room 135Q, Tallahassee, FL 32399-1719

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 3 days before the workshop/meeting by contacting: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A11, Tallahassee, FL 32399-1719. 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: Susan Lincicome, Senior Management Analyst Supervisor, Department of Health, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A11, Tallahassee, FL 32399-1719

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-6.017	Definitions
64E-6.018	System Location, Design and Maintenance Criteria
64E-6.0181	System Repair
64E-6.0182	Coordinated Permitting

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes, implement the provisions of 2010 legislation, and incorporate modifications proposed through the Technical Review and Advisory Panel.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include but are not limited to: Onsite sewage treatment and disposal system design, permitting, construction, modification, repair, maintenance, operation and sampling and reporting in the Florida Keys.

RULEMAKING AUTHORITY: 381.0011(4), 381.011(13), 381.006, 381.0065(3)(a), 381.0065(4)(k) FS., Chs. 1999-395, 2010-205, LOF.

LAW IMPLEMENTED: 381.0065, 381.00655, 386.041 FS., Chs. 1999-395, 2001-337, 2010-205, LOF

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-6.017 Definitions.

Definitions in Chapter 64E-6, Parts I and III, F.A.C., are also applicable to Chapter 64E-6, Part II, F.A.C.

(1) Basic disinfection – treatment process designed to meet secondary treatment standards for fecal coliform providing an arithmetic annual mean not to exceed 200 fecal coliform colonies per 100 ml sample.

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

(5)(4) Minimum level of waste treatment – a treatment which will provide a recovered water product that contains not more, on a permitted annual average basis, than the following concentrations from a sampling point located following the final design treatment step of the onsite sewage treatment and disposal system:

(a) Biochemical Oxygen Demand (CBOD ₅)	10 mg/l ±
(b) Suspended Solids	10 mg/l ±
(c) Total Nitrogen, expressed as N	10 mg/l ±
(d) Total Phosphorus, expressed as P	1 mg/l ±

(5) through (7) renumbered (6) through (8) No change.

~~Rulemaking Specific Authority 381.0011(4), (13), 381.006, 381.0065(3)(a), (4)(k) FS., Chs. 99-395, 2010-205, LOF. Law Implemented 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 386.041 FS., Chs. 99-395, 2010-205, LOF. History–New 7-15-86, Amended 3-17-92, 1-3-95, Formerly 10D-6.062, Amended 3-3-98, 3-22-00,_____.~~

64E-6.018 System Location, Design and Maintenance Criteria.

(1) Table III of Chapter 64E-6, Part I, F.A.C., and other subsections of Part I pertaining to soil texture, soil depth, and maximum sewage loading rates for specific soils shall not apply to areas subject to the provisions of this Part except for Table III, Footnote 2., as it relates to the falling head percolation test procedure. However, approved system design criteria, system location, operation, maintenance and monitoring requirements of this section ~~subsections 64E-6.018(1), (2), (3), and (4), F.A.C.,~~ shall apply. A minimum of one soil profile and one percolation test per application shall be required for site evaluations performed in the Florida Keys. However, a soil profile and percolation test is not required when ~~the system design engineer chooses the use of an injection well~~ is used for effluent disposal.

(2) Effluent loading rates for various onsite sewage treatment and disposal system components installed under this part shall not exceed the following:

(a) <u>Nutrient material-lined drainfield receiving effluent from a performance-based treatment system.</u>	<u>1.7 gallons per day per square foot</u>
(b) <u>Sand-lined drainfield receiving effluent from a performance-based treatment system</u>	<u>1.3 gallons per day per square foot</u>
(c) <u>Sand-lined drainfield receiving effluent from an aerobic treatment unit</u>	<u>1.1 gallons per day per square foot</u>
(d) <u>Sand-lined drainfield receiving effluent from a septic tank</u>	<u>0.9 gallons per day per square foot</u>
(e) <u>Mineral aggregate filter receiving effluent from an aerobic treatment unit or performance based treatment system</u>	<u>5.5 gallons per day per square foot</u>

(3) All new, modified and repaired onsite sewage treatment and disposal systems shall be performance-based treatment systems designed by an engineer licensed in the State of Florida, permitted in accordance with Part IV of this chapter and shall meet the minimum level of waste treatment as defined in Rule 64E-6.017, F.A.C. All receptacles subject to a positive buoyancy exposure shall be anchored or otherwise weighted to prevent flotation during flooding periods. The engineer's design shall evaluate the receptacles ~~shall be evaluated~~ for buoyancy while in their normal operating condition.

(4)(1) An onsite sewage treatment and disposal system which meets the location, construction, maintenance and operational requirements of this section paragraphs 64E-6.018(1)(a) or (b), F.A.C., shall be approved, provided that if an aerobic treatment unit is a component of the system design, the certification, construction, operational and maintenance requirements of Rule 64E-6.012, F.A.C., shall also be met; however, the design engineer may specify an aerobic treatment unit with a minimum treatment capacity equal to the estimated sewage flow in Table I in lieu of using the values in Table IV when the aerobic treatment unit is part of a performance-based treatment system.

(a) When final effluent disposal is into a nutrient reducing material-lined drainfield system, the following general requirements shall apply:

~~1. The county health department shall require the installer of a nutrient reducing material lined drainfield system to provide certification from the installer's nutrient reducing material supplier that the material supplied for such type of installations meets the requirements of this subsection.~~

~~1.2.~~ No part of the system shall be within 25 feet of the boundaries of surface water bodies or salt marsh and Buttonwood Association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

~~2.3.~~ The bottom of the drainfield shall be at least 24 inches above mean high water. The nutrient reducing material layer shall be a minimum of 12 inches thick and the bottom surface of the nutrient reducing material layer shall be at least 12 inches above mean high water. The nutrient reducing material shall overlie a 12 inch thick layer of quartz sand meeting the particle size requirements for sand liners under drainfields. The bottom surface of the sand liner shall be at the elevation of mean high water.

~~3.4.~~ Appropriate shallow root vegetative cover shall be established over drainfield systems to maximize the beneficial effects of evapotranspiration.

~~5. Nutrient reducing material has a finite life span. The nutrient reducing material shall be replaced as necessary to ensure that the system continues to meet the minimum level of waste treatment.~~

4. Even effluent distribution over the nutrient reducing material layer shall be assured by utilizing low-pressure dosing, or drip irrigation.

(b) When final disposal is into a sand-lined drainfield, the following general requirements apply:

1. For a sand-lined drainfield, a minimum 12 inch thick layer of quartz sand shall be placed beneath the bottom of the drainfield absorption surface and a minimum 12 inch wide and minimum 24 inch thick layer of quartz sand shall be placed contiguous to the drainfield sidewall absorption surfaces in order to provide an additional level of effluent treatment prior to effluent passing into the surrounding natural limestone rock. Sand material shall have either an effective grain size in the

range of 0.25 millimeter to 1.00 millimeter and shall have a uniformity coefficient of less than 3.5, or the material shall be of such size whereby at least 90 percent of the sand particles pass a U.S. Standard Number 18 sieve and less than 10 percent pass a number 60 sieve. These materials are in the USDA soil texture classes known as medium sand and coarse sand. The county health department shall require the installer of a sand-lined drainfield system to provide certification from the installer's sand supplier that the sand supplied for such type of installation meets the requirements of this subsection.

2. No part of the system shall be within 25 feet of the mean high water line of tidal surface water bodies or within 25 feet of the ordinary high water line of lakes, ponds or other non-tidal surface waters or salt marsh and Buttonwood Association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

3. The bottom of the drainfield shall be at least 24 inches above mean high water. The bottom surface of the sand layer shall be at least 12 inches above mean high water.

4. Appropriate shallow root vegetative cover shall be established over drainfield systems to maximize the beneficial effects of evapotranspiration.

~~(c)(b)~~ An injection well shall be approved for final effluent disposal provided setbacks from salt marsh/buttonwood habitats and other surface water bodies cannot be met by another approved effluent disposal system or when the percolation rate exceeds 30 minutes per inch or where the soil profile shows caprock underlies the site noted above, and provided the installation is in. Installation of injection wells shall be in compliance with the following:

1. An injection well shall not be permitted or installed under the provisions of this part in any area designated by the United States Environmental Protection Agency or the Florida Department of Environmental Protection as having a single or sole source aquifer. Single source aquifer is defined in subsection 62-520.200(14), F.A.C.

2. In areas where injection wells are approved for use, the DOH Monroe County Health Department shall be the permitting authority for the engineer designed onsite sewage treatment unit and the injection well, where the estimated daily domestic sewage flow will not exceed 2000 gallons per day. For establishments having a total daily sewage flow greater than 2000 gallons per day but not greater than 10,000 gallons per day, the Monroe County Health Department shall be the permitting authority for the engineer designed treatment unit and DEP is the permitting authority for the injection well and any additional associated effluent treatment device.

3. The ground surface within a distance of at least 10 feet in all directions around the injection well and any portion of the onsite sewage treatment and disposal system shall not be subject ~~frequent to surface or ground water~~ flooding. In

addition, the invert of the effluent inlet pipe to the injection well shall be a minimum 18 inches above the estimated seasonal high water level.

4. If there is adequate vertical and horizontal clearance to allow for proper maintenance, repair or replacement of the treatment unit and injection well, such components of the onsite sewage treatment and disposal system shall be allowed to be placed beneath an elevated building.

5. Prior to discharge into an injection well, effluent shall pass through an unsaturated mineral aggregate filter unit as described in this paragraph, or where effluent is passed through a filter unit of another design which has been determined by the State Health Office to be at least equal to the mineral aggregate filter unit with regard to sewage treatment capability. The unsaturated mineral aggregate filter shall be designed in accordance with the following:

a. Effluent application to the unsaturated mineral aggregate filter unit shall be by gravity or pressure distribution to a perforated pipe distribution system as specified in Part I, Rule 64E-6.014, F.A.C. Such distribution system shall be placed within the walls of the mineral aggregate filter and shall be placed above a mineral aggregate filter layer which shall be at least 24 inches thick. Mineral aggregate filter material shall have either an effective size in the range of 1.18 millimeters to 4.75 millimeters and shall have a uniformity coefficient of less than 3.5 or the material shall be equivalent in size to Florida Department of Transportation aggregate classification number eight or nine. The system designer may specify additional layers of filter material above or below the required 24-inch layer of filter material. The DOH Monroe County Health Department shall require the installer of mineral aggregate filter systems to provide certification from the installer's mineral aggregate supplier that the aggregate supplied meets requirements of this sub-paragraph. If the filter is not sealed with a lid meeting the requirements for septic tank lids in Rule 64E-6.013, F.A.C., the filter shall be capped with a layer of slightly limited soil no less than 6 nor more than 12 inches thick. The design engineer may choose to use 24 inches of phosphorous absorbing material in lieu of the 24-inch layer of filter material provided the phosphorous absorbing material meets the particle size distribution required for unsaturated mineral aggregate filters.

b. The maximum sewage loading rate to an approved filter unit other than an unsaturated mineral aggregate filter as described in this section shall be evaluated by the State Health Office based on unit design, size, filter media characteristics and expected functional life of the unit.

c. Effluent having passed through an unsaturated mineral aggregate filter shall collect in an underdrain for gravity or mechanical discharge into an injection well. The underdrain shall consist of minimum 4 inch diameter perforated drainpipe which is encased within a minimum 8 inch depth of 1/2 to 2 inch diameter washed and durable aggregate. The walls and

bottom of the filter unit shall be reinforced concrete or other material of adequate strength and durability to withstand hydrostatic and earth stresses to which the unit will be subjected. The walls and bottom of the unit shall be made waterproof so that the total volume of effluent passed through the mineral aggregate filter will be collected in the filter underdrain for discharge into the injection well.

6. Prior to discharge into an injection well, effluent from the filter unit shall be disinfected by chlorination or other disinfection method approved by the State Health Office to meet the basic disinfection requirements of this rule. Where chlorination is used, a free chlorine residual of 0.5 milligram per liter measured at the point of effluent discharge after a minimum chlorine contact time of 15 minutes into the injection well, shall be maintained in the effluent at all times. Disinfection shall occur in a treatment chamber dedicated to that purpose.

~~5. Prior to discharge into an injection well, effluent shall be disinfected by chlorination or other disinfection method approved by the State Health Office. A minimum disinfection level equivalent to a free chlorine residual of 0.5 milligrams per liter measured at the point of effluent discharge after a minimum chlorine contact time of 15 minutes into the injection well, shall be maintained in the effluent at all times.~~

~~7.6.~~ An injection well to receive an estimated daily domestic sewage flow not exceeding 2000 gallons per day shall meet minimum construction criteria a., b. and c. of this sub-paragraph. The Monroe County Health Department shall be notified by the well driller regarding the time when the well will be drilled so the county health department can schedule observation of well construction. The DOH Monroe County Health Department shall not approve an injection well for use until the well driller has certified, in writing to the DOH Monroe County Health Department, that the well has been installed in compliance with the provisions of this sub-paragraph. The inspection fee for the construction of an injection well shall be \$125.00.

a. An injection well as defined in subsection 64E-6.017(3), F.A.C., shall be constructed, in part, utilizing a casing of polyvinyl chloride, commonly referred to as PVC. The minimum PVC casing weight and strength classification shall be schedule 40 and the minimum outside diameter of the casing shall be 4 inches. Other casing materials having strength and corrosion resistance properties equal to or greater than PVC schedule 40 pipe shall also be approved.

b. An open hole having a minimum diameter of 6 inches shall extend to a depth of not less than 30 feet below the bottom of the casing.

c. The annular space between the casing and the natural rock wall of the borehole shall be grouted the full length of the casing.

8.7. A minimum of one maintenance visit every four months shall be made to those systems using injection wells for effluent disposal. The visit shall include an inspection of the chlorination unit and any filter units. When an aerobic treatment unit is a component of the onsite sewage treatment and disposal system, documents and reports required in Rule 64E-6.012, F.A.C., shall also include the results of aerobic treatment unit inspections and shall include information on chlorine residuals to assess compliance with the disinfection requirements of this rule.

9.8. If an injection well is discontinued for effluent disposal the injection well shall be properly abandoned and plugged by filling the injection well from bottom to top with cement grout: or by filling the open hole from the bottom of the hole to one foot below the bottom of the casing with gravel that meets the size requirements for drainfield aggregate in paragraph 64E-6.014(4)(c), F.A.C., and filling the remainder of the injection well with cement grout. The Monroe County Health Department shall be notified by the well driller, septic tank contractor, or state-licensed plumber about the time when the well will be abandoned so the county health department can schedule observation of well abandonment. The DOH Monroe County Health Department shall not approve an injection well abandonment until the well driller, septic tank contractor, or state-licensed plumber has certified, in writing to the DOH Monroe County Health Department, that the well has been abandoned in compliance with the provisions of this sub-paragraph. If the abandonment of the well is not ready to be inspected at the time of the inspection of the abandonment of the treatment receptacles, the inspection fee for the abandonment of an injection well shall be \$75.00 and shall be paid to the department prior to the inspection.

~~(2) For an aerobic treatment unit treating domestic sewage flows in excess of 1500 gallons per day but not exceeding 10,000 gallons per day, where effluent from the treatment unit will be discharged to an engineer designed soil absorption drainfield system, the following requirements shall be met:~~

~~(a) The soil absorption drainfield system shall be set back from surface water bodies by the greatest distance attainable, but shall meet at least minimum setback and elevation requirements specified in subsection 64E-6.018(1), F.A.C.~~

~~(b) The owner or lessee of a system shall comply with the general maintenance and operational requirements of subsections 64E-6.012(2) and (3), F.A.C., and any additional operation and maintenance requirements specified by the system design engineer.~~

(d) Nutrient-reducing materials have a finite life-span. Nutrient-reducing material shall be used in accordance with the following requirements:

1. The installer shall provide certification from the nutrient reducing material supplier that the material supplied meets the requirements of this section. The certification shall

include the capacity of the material to absorb nutrient stated in units of mass of nutrient absorbed per mass of absorbing material at the design effluent nutrient concentration.

2. The nutrient reducing material shall be replaced as necessary to ensure that the system continues to meet the minimum level of waste treatment. The design engineer shall specify the capacity of the nutrient reducing material to absorb nutrient stated in units of mass of nutrient absorbed per mass of absorbing material at the design effluent nutrient concentration. The design engineer shall provide an estimate of the life span for the system using the absorption capacity and estimated sewage flow.

~~(5)(3)~~ The owner or lessee of a performance-based treatment system shall obtain and maintain a maintenance contract with an approved maintenance entity.

(a) All new onsite sewage treatment and disposal systems shall be inspected by an approved maintenance entity at least two times each year.

(b) A maintenance report shall be kept by the maintenance entity. A copy of all maintenance reports shall be provided to the county health department. The report shall include the following information:

1. The address of the system.
2. Date and time of inspection.
3. Sample collection time and date, and person who collected sample.
4. Results of all sampling.
5. Volume of effluent treated, to include total monthly and daily average.
6. Maintenance performed.
7. Problems noted with the treatment system and actions taken or proposed to overcome them.

(6) The maintenance entity of a performance-based treatment system shall cause the system to be screening tested for nitrogen and phosphorous at least once every year. The screening test shall be one of the tests approved by the Monroe County Health Department. If the health department is requested to conduct the screening test, an inspection fee of \$75 shall be paid to the health department prior to requesting the test. Upon the results of a screening test that shows a violation for phosphorous or nitrogen, the owner shall have the system sampled and tested by a laboratory certified by the Department. The Monroe County Health Department shall require the property owner or maintenance entity to have the system sampled for nitrogen or phosphorous or both and to have the samples tested by a laboratory certified by the department when there is reason to believe that the system is not meeting applicable performance standards.

(a) If any individual laboratory-certified test shows a total phosphorous concentration in excess of 4.0 mg/l, the system may be resampled at the owner's discretion. If the system is

not resampled within 30 days of the original sampling date or the resample shows a phosphorous concentration in excess of 4.0 or shows less than a 50% reduction of phosphorous between the influent and effluent samples, the the phosphorous absorbing material shall be replaced as a system repair or the the system shall be re-engineered by an engineer registered in the State of Florida. The system shall be brought into compliance with treatment standards required at the time of system permitting.

(b) If any individual laboratory certified test shows a total nitrogen concentration in excess of 40.0 mg/l, the system may be resampled at the owner's discretion. If the system is not resampled within 30 days of the original sampling date or the resample shows a nitrogen concentration in excess of 40.0 or shows less than a 50% reduction of nitrogen between the influent and effluent samples, the system shall be re-engineered by an engineer registered in the State of Florida. The system shall be brought into compliance with treatment standards required at the time of system permitting.

(7)(4) In conjunction with the systems specified in this subsection subsections 64E-6.018(1) and (2), F.A.C., an applicant may use the alternative systems described in subsection 64E-6.009(1), (3), (4), (5) or (6), F.A.C. An alternative system shall meet the general intent of Part I and Part II of this rule.

Rulemaking Specific Authority 381.0011(4), (13), 381.006, 381.0065(3)(a) FS., Chg. 99-395, 2010-205, LOF. Law Implemented 381.0065, 381.00655 FS., Chg. 99-395, 2010-205, LOF. History--New 7-15-86, Amended 3-17-92, 1-3-95, Formerly 10D-6.063, Amended 3-3-98, 3-22-00, 4-21-02, 11-26-06, _____.

64E-6.0181 System Repair Cesspit and Undocumented System Replacement and Interim System Use.

(1) Where a property is determined to have a cesspit or an undocumented system, the cesspit or undocumented system shall be required to be replaced with an onsite sewage treatment and disposal system complying with Rule 64E-6.018, F.A.C., except as provided for in subsection (2).

(2) In areas that are scheduled to be served by a central sewer by December 31, 2015, where there is documentation from the sewer utility that the property is scheduled to be served by December 31, 2015 and there is documentation from the sewer utility or from the county tax collector's office that the property owner has paid or has signed an agreement to pay for connection to the central sewer system, an onsite sewage treatment and disposal system requiring repair shall be repaired to the standards in this section sewage facility before July 1, 2010, interim construction standards specified in subsection 64E-6.0181(3), F.A.C., for new, modified, expanded or existing onsite sewage treatment and disposal systems or to replace cesspits or undocumented systems shall be allowed.

(a) Interim system requirements shall be allowed through July 1, 2004, for onsite sewage treatment and disposal systems in areas that are scheduled to be served, according to an adopted local comprehensive plan determined to be in compliance by the Department of Community Affairs, by a central sewage facility before July 1, 2010.

(b) After July 1, 2004, interim system requirements shall be allowed in an area scheduled to be served by a central sewage facility only when all of the following conditions are met:

1. An enforceable contract to provide the central sewage and collection system has been signed;
2. The contract contains a binding schedule for connection of the onsite sewage treatment and disposal systems to the central sewage facility; and
3. There is an enforceable requirement for abandonment of the onsite sewage treatment and disposal systems.

(c) Onsite sewage treatment and disposal systems that are not scheduled to be served in accordance with this section shall provide the level of treatment required in Rule 64E-6.018, F.A.C.

(d) All onsite sewage treatment and disposal systems in operation on July 1, 2010, shall provide the level of treatment required in Rule 64E-6.018, F.A.C.

(3) Interim systems standards shall be:

(a) No system shall be repaired to meet a lower standard of treatment than the treatment standard permitted or required to be met prior to the repair.

(b) The following general requirements apply for the use of a septic tank and sand-lined drainfield system:

1. A tank need not be replaced as part of the repair if the health unit determines the tank to be structurally sound, constructed of approved materials, and if such tank has an effective capacity within two tank sizes of the capacities required by Table II. In addition, the tank shall be pumped and a solids deflection device shall be installed as a part of the outlet of the tank if one is not currently in place. If the tank needs to be replaced as part of the repair, it shall be replaced with a tank meeting the requirements of Table II and Rule 64E-6.013, F.A.C.

2. Effluent from the septic tank shall discharge to a drainfield over a sand liner meeting the standards in subparagraph 64E-6.018(4)(b)1., F.A.C.

3. No part of a septic tank and sand-lined drainfield system shall be located within 50 feet of the mean high water line of tidal surface water bodies or within 50 feet of the ordinary high water line of lakes, ponds or other non-tidal surface waters.

4. The drainfield component of the system must be located a minimum distance of 50 feet from salt marsh and Buttonwood Association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

5. The bottom of the drainfield shall be at least 30 inches above mean high water. The bottom surface of the sand layer shall be at least 18 inches above mean high water.

6. Appropriate shallow root vegetative cover shall be established over drainfield systems to maximize the beneficial effects of evapotranspiration.

(c) The following general requirements apply for the use of an aerobic treatment unit and a sand-lined drainfield system:

1. ~~The A Class I aerobic treatment unit shall meet the which meets the location, construction, maintenance and operational requirements of subparagraph 64E-6.0181(3)(a)1. or 2., F.A.C., and the certification, construction, operational and maintenance requirements of Rule 64E-6.012, F.A.C.~~

1. Where a Class I aerobic treatment unit is utilized, and where final effluent disposal is into a sand lined drainfield system, the following general requirements shall apply:

2. Effluent from the aerobic treatment unit shall discharge to a drainfield over a sand liner meeting the standards in subparagraph 64E-6.018(4)(b)1., F.A.C.

a. For a sand-lined drainfield, a minimum 12 inch thick layer of quartz sand shall be placed beneath the bottom of the drainfield absorption surface and a minimum 12 inch wide and minimum 24 inch thick layer of quartz sand shall be placed contiguous to the drainfield sidewall absorption surfaces in order to provide an additional level of effluent treatment prior to effluent passing into the surrounding natural limestone rock. Sand material shall have either an effective grain size in the range of 0.25 millimeter to 1.00 millimeter and shall have a uniformity coefficient of less than 3.5, or the material shall be of such size whereby at least 90 percent of the sand particles pass a U.S. Standard Number 18 sieve and less than 10 percent pass a number 60 sieve. These materials are in the USDA soil texture classes known as medium sand and coarse sand. The county health department shall require the installer of a sand lined drainfield system to provide certification from the installer's sand supplier that the sand supplied for such type of installation meets the requirements of this subsection.

3. ~~b.~~ No part of the system shall be within 25 feet of the mean high water line of tidal surface water bodies or within 25 feet of the ordinary high water line of lakes, ponds or other non-tidal surface waters or salt marsh and Buttonwood Association habitat areas where the dominant vegetation species are those typical of salt marsh communities.

4. ~~e.~~ The bottom surface of the sand layer shall be at least 12 inches above mean high water.

~~d.~~ The maximum sewage loading rate to an aerobic treatment unit absorption bed drainfield with underlying sand liner shall be 1.1 gallons per square foot per day.

5. ~~e.~~ Appropriate shallow root vegetative cover shall be established over drainfield systems to maximize the beneficial effects of evapotranspiration.

(d) The following general requirements apply for the use of an aerobic treatment unit and an injection well as defined in Rule 64E-6.017, F.A.C.

1. The Class I aerobic treatment unit shall meet the certification, construction, operational and maintenance requirements of Rule 64E-6.012, F.A.C.

2. Effluent from the aerobic treatment unit shall discharge to filter, disinfection chamber and injection well located, designed, installed, operated and maintained in accordance with paragraph 64E-6.018(4)(c), F.A.C.

2. Provided a Class I aerobic treatment unit is utilized and provided effluent from the treatment unit, prior to discharge into an injection well, is passed through a mineral aggregate filter unit as described in subparagraph 64E-6.0181(3)(a)2., F.A.C., or where effluent is passed through a filter unit of another design which has been determined by the State Health Office to be at least equal to the mineral aggregate filter unit with regard to sewage treatment capability, an injection well shall be approved in compliance with the following:

a. An injection well shall not be permitted or installed under the provisions of this part in any area designated by the United States Environmental Protection Agency or the Florida Department of Environmental Protection as having a single or sole source aquifer. Single source aquifer is defined in subsection 62-520.200(14), F.A.C.

b. In areas where injection wells are approved for use, the DOH Monroe County Health Department shall be the permitting agent for the aerobic treatment unit, the filter unit and the injection well, where the estimated daily domestic sewage flow will not exceed 2000 gallons per day. For establishments having a total daily sewage flow greater than 2000 gallons per day but not greater than 10,000 gallons per day, the Monroe County Health Department shall be the permitting authority for the aerobic treatment unit and the filter unit and DEP is the permitting agent for the injection well and any additional associated effluent treatment device. The effluent from the treatment unit permitted by the DOH Monroe County Health Department shall not exceed 20 mg/l CBOD₅ or 20 mg/l suspended solids on a permitted annual average basis and shall have disinfection in accordance with sub-subparagraph 64E-6.0181(3)(a)2.h., F.A.C., prior to discharge into any injection well.

e. The interior of the aerobic treatment unit, the top surface of the mineral aggregate filter soil cover, and the ground surface within a distance of at least 10 feet in all directions around the injection well, filter unit and aerobic treatment unit shall not be subject to surface or ground water flooding. In addition, the invert of the effluent inlet pipe to the injection well shall be a minimum 18 inches above the estimated seasonal high water level.

d. If there is adequate vertical and horizontal clearance to allow for proper maintenance, repair or replacement of the aerobic treatment unit, filter unit and injection well, such

components of the onsite sewage treatment and disposal system shall be allowed to be placed beneath an elevated building.

e. If a mineral aggregate filter as referred to in subparagraph 64E 6.0181(3)(a)2., F.A.C., is utilized, effluent discharge from the aerobic unit shall be by gravity or pressure distribution to a perforated pipe distribution system as specified in Part I, Rule 64E 6.014, F.A.C. Such distribution system shall be placed within the walls of the mineral aggregate filter and shall be placed above a mineral aggregate filter layer which shall be at least 24 inches thick. Mineral aggregate filter material shall have either an effective size in the range of 2.36 millimeters to 4.75 millimeters and shall have a uniformity coefficient of less than 3.5 or the material shall be equivalent in size to Florida Department of Transportation aggregate classification number eight or nine. The system designer may specify additional layers of filter material above or below the required 24 inch layer of filter material. The DOH Monroe County Health Department shall require the installer of mineral aggregate filter systems to provide certification from the installer's mineral aggregate supplier that the aggregate supplied meets requirements of this sub paragraph. If the filter is not sealed with a lid meeting the requirements of paragraph 64E 6.013(1)(e), F.A.C., the filter shall be capped with a layer of slightly limited soil no less than 6 nor more than 12 inches thick.

f. The maximum sewage loading rate to the mineral aggregate filter shall be 5.5 gallons per square foot per day based upon the top surface area of the filter layer. The maximum sewage loading rate to an approved filter unit other than a mineral aggregate filter as described in this section shall be evaluated by the State Health Office based on unit design, size, filter media characteristics and expected functional life of the unit.

g. Effluent having passed through a mineral aggregate filter shall collect in an underdrain for gravity or mechanical discharge into an injection well. The underdrain shall consist of minimum 4 inch diameter perforated drainpipe which is encased within a minimum 8 inch depth of 1/2 to 2 inch diameter washed and durable aggregate. The walls and bottom of the filter unit shall be reinforced concrete or other material of adequate strength and durability to withstand hydrostatic and earth stresses to which the unit will be subjected. The walls and bottom of the unit shall be made waterproof so that the total volume of effluent passed through the mineral aggregate filter will be collected in the filter underdrain for discharge into the injection well.

h. Prior to discharge into an injection well, effluent from the filter unit shall be disinfected by chlorination or other disinfection method approved by the State Health Office. A minimum disinfection level equivalent to a free chlorine residual of 0.5 milligram per liter measured at the point of

effluent discharge after a minimum chlorine contact time of 15 minutes into the injection well, shall be maintained in the effluent at all times.

i. An injection well to receive an estimated daily domestic sewage flow not exceeding 2000 gallons per day shall meet minimum construction criteria (I), (II) and (III) of this sub paragraph. The DOH Monroe County Health Department shall not approve an injection well for use until the well driller has certified, in writing to the DOH Monroe County Health Department, that the well has been installed in compliance with the provisions of this sub paragraph. The inspection fee for the construction of an injection well shall be \$125.00.

(I) An injection well as defined in subsection 64E 6.017(3), F.A.C., shall be constructed, in part, utilizing a casing of polyvinyl chloride, commonly referred to as PVC. The minimum PVC casing weight and strength classification shall be schedule 40 and the minimum outside diameter of the casing shall be 4 inches. Other casing materials having strength and corrosion resistance properties equal to or greater than PVC schedule 40 pipe shall also be approved.

(II) An open hole having a minimum diameter of 6 inches shall extend to a depth of not less than 30 feet below the bottom of the casing.

(III) The annular space between the casing and the natural rock wall of the borehole shall be grouted the full length of the casing.

j. A minimum of one maintenance visit every four months shall be made to those systems using injection wells for effluent disposal. In addition to the standard aerobic treatment unit maintenance visit, the visit shall include an inspection of the chlorination and filter units. Documents and reports required in Rule 64E 6.012, F.A.C., shall also include the results of these inspections and shall include information on chlorine residuals to assess compliance with the disinfection requirements of this rule.

k. If an injection well is discontinued for effluent disposal use such injection well shall be properly abandoned and plugged by filling the injection well from bottom to top with cement grout.

(b) A performance based treatment system designed and certified by a professional engineer, licensed in the state, as producing an effluent meeting at a minimum the treatment standards for a system designed in accordance with paragraph 64E 6.0181(3)(a), F.A.C., and permitted, constructed and monitored in accordance with Part IV.

Rulemaking Authority 381.0011(4), (13), 381.0065(3)(a) FS., Chs. 99-395, 2010-205, LOF. Law Implemented 381.0065, 386.00655 FS., Chs. 99-395, 2001-337, 2010-205, LOF. History—New 3-3-98, 3-22-00, 4-21-02, 5-24-04, 11-26-06, _____.

64E-6.0182 Coordinated Permitting.

Chapter 28-20, F.A.C., and the Memorandum Of Understanding (MOU) between Monroe County, the Department of Community Affairs, the Department of Environmental Protection, and the Department of Health, including the Monroe County Health Department, dated July 25, 1997, are herein incorporated by reference, and is available by contacting the department. Chapter 28-20, F.A.C., and the MOU establish a permit allocation system for development and a coordinated permit review process. Chapter 28-20, F.A.C., and the MOU prohibit new system construction permits to serve new residential development that would allow development in excess of the number of permits that Monroe County may issue under its policy.

Rulemaking Specific Authority 381.0011(4), (13), 381.006, 381.0065(3)(a), (4)(k) FS., Chg. 99-395, LOF. Law Implemented ~~154.01, 381.0011(4), 381.006(7), 381.0065, 386.00655, 386.01, 386.03,~~ 386.041 FS., Ch. 99-395, LOF. History–New 3-3-98, 3-22-00, Repromulgated.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NOS.:	RULE TITLES:
65D-31.001	Applicability
65D-31.002	Definitions
65D-31.003	Managing Entity Qualifications
65D-31.004	Functions of Managing Entities
65D-31.005	Managing Entity Policies Requiring Departmental Approval
65D-31.006	Department’s Responsibilities

PURPOSE AND EFFECT: To further specify the essential elements, functions and authority of managing entities based on specifications of Section 394.9082, F.S. To clarify the authority residing with the department and the managing entities. To develop specifications needed to measure both DCF’s performance and that of managing entities.

SUBJECT AREA TO BE ADDRESSED: Definition of the role, functions, essential elements, activities, and authority of managing entities.

RULEMAKING AUTHORITY: 394.9082 FS.

LAW IMPLEMENTED: 394.9082 FS.

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

DATE AND TIME: TBD

PLACE: TBD

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gloria C. Henderson, 1317 Winewood Boulevard, Building 6, Room 235, Tallahassee, FL 32399-0700, (850)413-9068

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NOS.:	RULE TITLES:
5E-14.110	Fumigation Requirements – Notices
5E-14.111	Fumigation Requirements – Application; Restrictions and Precautions

PURPOSE AND EFFECT: To provide electronic submission of required 24 hour prior notice of structural fumigations to the Department and to clarify and delineate precautionary language directing fumigator’s to visually inspect and secure the space between adjacent buildings.

SUMMARY: The proposed rule will change existing rules and policies by providing pest control fumigators the ability to meet the 24 hour notification requirement through a Department maintained website/database and improving the Department’s capability and efficiency to regulate pest control through the use of technological web-based applications. The proposed change will also clarify and delineate precautionary language directing fumigators to inspect and secure the space between adjacent buildings and update an outdated pest control practice while maintaining appropriate safety and precautionary pest control practices.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency that states there is no financial impact to small business.

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

RULEMAKING AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.051(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Michael J. Page, Chief of Bureau of Entomology and Pest Control; 1203 Governors Square Boulevard, Tallahassee, Florida 32301; (850)921-4177

THE FULL TEXT OF THE PROPOSED RULES IS: