

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tasha Carter, Director, Division of Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5800 or Tasha.Carter@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69J-128.023 Nondiscrimination.

Rulemaking Specific Authority 624.308(1), 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History–New 12-8-02, Formerly 4-128.035, 69B-128.035, Repealed _____.

69J-128.024 Effective Date.

Rulemaking Specific Authority 624.308, 626.9651 FS. Law Implemented 624.307(1), 626.9651 FS. History – New 12-16-01, Formerly 4-128.026, 69B-128.024, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tasha Carter, Director, Division of Consumer Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 2012

Section III Notices of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.:	RULE TITLE:
40C-1.1101	Amendments to and Releases of Conservation Easements.

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The correction is in response to a comment submitted by the Joint Administrative Procedures Committee in a letter dated July 6, 2012. The correction describes the basis that the District relied upon to conclude that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S. The following underlined part contains the correction:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The District has determined that this rule will not have an adverse impact on small businesses and will not increase regulatory costs in excess of \$200,000 within one year. No SERC has been prepared by the District.

The District has completed for the Governor’s Office of Fiscal Accountability and Regulatory Reform (OFARR) the “Is a SERC Required?” form and prepared a summary of the proposed rule amendment, which are both available upon request. Based on the completed “Is a SERC Required?” form and summary and the analysis performed by the District in preparing and completing those documents, the proposed rule amendments are not expected to require legislative ratification pursuant to Section 120.541(3), F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Wendy Gaylord, Legal Administrative Assistant, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)326-3026, email wgaylord@sjrwmd.com

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.:	RULE TITLE:
40E-2.091	Publications Incorporated by Reference

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly. The Notice as published is supplemented by the following: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Costs.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-3.021	Definitions
40E-3.036	Rules and Publications Incorporated by Reference
40E-3.038	Violations of Contractor Licensing and Well Construction Requirements
40E-3.101	Content of Application
40E-3.411	Well Completion Reports
40E-3.507	Casing and Liner Pipe Standards
40E-3.512	Well Construction Requirements
40E-3.517	Grouting and Sealing
40E-3.521	Well Seals
40E-3.600	Scope of Part VI
40E-3.601	General Permit for Water Wells within a Portion of Southern Miami-Dade County

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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

The Notice as published is supplemented by the following: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Costs ("SERC").

The changes to the proposed rule are in response to comments made by the Joint Administrative Procedures Committee in a letter dated June 20, 2012, and are as follows:

40E-3.021(17): The definition of "Water Well Contractor" has been deleted from this rule, the remainder of the subsections within this rule have been re-numbered, and the proposed rule text has been revised to reflect these changes.

40E-3.021(20): A grammatical error has been corrected, the subsection has been re-numbered to (19), and the proposed rule text has been revised to reflect these changes.

40E-3.036(3), 40E-3.038(1), 40E-3.101(1), (2), (3), and 40E-3.411(1): The proposed rule text for these rules has been revised to indicate that the delegated permitting authorities are identified in Rule 40E-3.035, F.A.C.

40E-3.517(8)(g): This subsection of the rule has been deleted and the proposed rule text has been revised to reflect this change.

40E-3.600(1): The rule text has been revised to say "Part VI of Chapter 40E-3, F.A.C.," instead of "This Part".

40E-3.600(2): This subsection has been deleted from this rule, the subsequent subsection has been re-numbered, and the proposed rule text has been revised to reflect this change.

40E-3.600(3): The rule text has been revised to say "...in accordance with Rule 40E-3.601, F.A.C.," instead of "Rule 40E-30.302, F.A.C.," the rule text has also been revised to say "Part VI of Chapter 40E-3, F.A.C.," instead of "This Part", and the subsection of this rule has been re-numbered to (2).

40E-3.601(1): The reference to Rule 40E-3.201, F.A.C., has been removed from the rule text, the last sentence of this subsection has been deleted, and the proposed rule text has been revised to reflect these changes.

40E-3.601(2): The rule text has been revised to include Section 373.118, F.S., as law implemented.

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-3.021 Definitions.

When used in this chapter:

~~(1) "Abandoned Well" means a well, the use of which has been permanently discontinued. Any well which is in such a state of disrepair that its continued use for the purpose of obtaining groundwater, or disposing of water or liquid wastes, or for observation, is impractical, shall be deemed to be abandoned.~~

~~(1)(2) "Annulus" or "Annular Space" means any artificially created void existing between a well casing or liner pipe and a borehole wall, or between two casings, or between tubing and the casing for liner pipes.~~

~~(3) "Aquifer" means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield useful quantities of groundwater to wells, springs, or surface water.~~

~~(4) "Bentonite Grout" means a pumpable grouting material, consisting of high solid sodium montmorillonite, used for plugging or sealing water wells.~~

~~(2)(5) "Casing Diameter" or "Diameter of Casing" means the largest nominal permanent water bearing casing. For the purpose of this chapter, the diameter of the casing at the upper terminus will be presumed to be the diameter for the entire length, unless the well owner or contractor can demonstrate that the well has a smaller diameter permanent water bearing casing below the upper terminus.~~

~~(3)(6) "Consolidated" means a geologic stratum, which is cemented with a binding substance commonly derived from within the deposit containing that stratum.~~

~~(4)(7) "Consumptive Use Permit" or "Water Use Permit" means a Water Use Permit issued under Chapter 40E-2 or 40E-20, F.A.C.~~

~~(8) "Department" means the Florida Department of Environmental Protection (FDEP).~~

~~(5)(9) "Dewatering" means the use of wells or other such equipment to temporarily lower a water level as may be necessary during construction activities.~~

~~(6)(10) "Driller" means a person licensed by the water management district or a person working under the direct supervision of a licensed water well contractor who actually constructs the well.~~

~~(11) "Driven Casing" means well casing installed by the percussion drilling method, in which the well casing is advanced into a borehole that is less than the nominal outside diameter of the casing.~~

~~(12) "Drive Shoe" means any device specifically designed, fabricated, and installed to protect the bottom end of a water well casing or liner pipe from collapse or other damage while the casing or liner pipe is being driven into place in a water well.~~

~~(7)(13) "Field Log" means a log with accurate, written documentation of all construction activities needed to fill out well completion reports.~~

~~(8)(14) "Filter Pack" means sand or gravel that is uniform, clean, and siliceous. It is placed in the annulus of the well between the borehole wall and the well screen.~~

~~(15) "Grout" or "Neat Cement Grout" means a mixture consisting of water and Portland cement (American Concrete Institute Types I, II, or III, or other types of cement and acceptable amounts of those additives approved for use in cement grouts by the District), also Bentonite grout as defined by subsection 62-532.200(4), F.A.C.~~

~~(9)(16)~~ “Inspection Port” means any opening not less than three-quarters (3/4) inch in diameter through which unobstructed access to the inside of the casing can be obtained for measuring water levels. Inspection ports shall be threaded openings temporarily sealed with a removable watertight plug.

~~(10)(17)~~ “Jetted Well” or “Sand Point Well” means a pipe with an attached well point or open-ended screen. The well is installed in unconsolidated formations by the washing action of a water jet.

~~(18)~~ “Liner” means a metallic or nonmetallic pipe, which is installed within the permanent water bearing casing to improve, repair, or protect the casing or is installed below and separate from the casing to seal off casing material which may be encountered in the open hole of the well.

~~(11)(19)~~ “Monitoring Well” or “Observation Well” means a well used primarily to monitor hydrologic parameters such as water levels or water quality.

~~(20)~~ “Nominal” means the standard size of the well casing and may be less than or greater than the number indicated. Nominal, when referring to the grouting annulus, means either the available void thickness between the telescoped casings or the average available void thickness between the borehole and the outside wall of the casing at any point.

~~(12)(21)~~ “Packer” means a device placed within a well casing that seals the annulus between two pieces of casing, between the casing and the screen, between one formation or water bearing strata and another, or between the formation and the casing.

~~(13)(22)~~ “Public Water Supply Well” means a well constructed for the purpose of supplying water to a public water system, as permitted under Chapters 62-550, 62-555, 62-560, 62-524, and 64E-8, F.A.C.

~~(23)~~ “Public Water System” means a system for the provision to the public of piped water for human consumption through pipes or other constructed conveyances, if such a system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

~~(24)~~ “Telescoped casing” means an interior well casing extending below an exterior casing.

~~(14)(25)~~ “Test Hole” means any temporarily cased or uncased hole drilled, bored, cored, washed, or jetted, for the intended use of obtaining data for engineering, geophysical or geological exploration, and/or prospecting for minerals or products of mining or quarrying, and not for the purposes of either producing, disposing of, or searching for water.

~~(15)(26)~~ “Upper Terminus” means that portion of a well casing ending at land surface or within an approved depth below land surface. Land surface is considered to be the ground elevation of the finished grade at the well.

~~(16)(27)~~ “Water Test Well” means a temporary water well for the purpose of obtaining data to determine aquifer properties or water quality. Water test wells are typically

drilled prior to applying for a water use permit. Water test wells must either be abandoned or converted to a water well or monitoring well within 30 days of completion of testing.

~~(28)~~ “Water Use Permit” means a permit issued under Chapter 40E-2 or 40E-20, F.A.C.

~~(29)~~ “Water Well” means a well as defined in Section 373.303(7), F.S., which includes any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of ground water. This term does not include any well constructed for the purpose of obtaining or prospecting for oil, natural gas, or products of mining or quarrying, for disposing of oil brine or re-pressuring oil bearing or natural gas bearing formations, for storing petroleum, natural gas or other products, or for temporary dewatering of subsurface formations for mining, quarrying or construction purposes.

~~(30)~~ “Water Well Contractor” means an individual who is responsible for the location, construction, repair, or abandonment of a water well and who is licensed under Chapter 62-531, F.A.C., to engage in the business of construction, repair, or abandonment of water wells.

~~(17)(31)~~ “Well Casing” means a metallic or non-metallic pipe installed in a borehole or driven to prevent caving, provide structural strength, seal off zones of poor water quality, or prevent the interchange of waters between aquifers.

~~(18)(32)~~ “Well Completion Report” means the form, supplied or approved by the District, that is completed and signed by the licensed water well contractor.

(19) All definitions contained in Section 373.303, F.S., and Chapters 62-531 and 62-532, F.A.C., are adopted and incorporated by reference in paragraphs 40E-3.036(1)(a) and (c), F.A.C., respectively.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.106, 373.303, 373.306 FS. History—New 1-1-85, Amended 12-19-89, 3-16-05, _____.

40E-3.036 Rules and Publications Incorporated by Reference.

(1) The following Department rules and publications are incorporated by reference into this rule and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District.

(a)(4) Chapter 62-531, F.A.C., Well Contractor Licensing Requirements (11-25-07), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00573>. (12-25-02)

(b)(2) The Department’s Water Well Contractor Disciplinary Guidelines and Procedures Manual (October 2002), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00581>, and the Department’s Florida Unified Citations Dictionary for Well Construction (October 2002), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00580>.

~~(c)(3)~~ Chapter 62-532, F.A.C., Water Well Permitting and Construction Requirements (10-07-10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00574>. ~~(3-28-03)~~

~~(d)(4)~~ Chapter 62-555, F.A.C., Construction of Public Supply Water Wells (4-10-03), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00575>.

~~(e)(5)~~ Chapter 62-524, F.A.C., Construction of Water Wells in Delineated Areas (6-27-00), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00572>.

(2) The following Department forms are incorporated by reference into this chapter and shall apply to the well contractor licensing program administered by the District and to all wells constructed, repaired, or abandoned in the District:

(a) State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well, DEP Form 62-532.900(1), incorporated by reference in subsection 40E-3.101(1), F.A.C.

(b) State of Florida Well Completion Report, DEP Form 62-532.900(2), incorporated by reference in subsection 40E-3.411(1), F.A.C.

(c) Application for a State of Florida Water Well Contractor's License, Form 0186, incorporated by reference in subsection 40E-3.038(3), F.A.C.

(3) Copies of these publications and forms can be obtained at no cost by contacting the South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities' offices, as identified in Rule 40E-3.035, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.308, 373.309, 373.323, 373.324, 373.326, 373.329, 373.333 FS. History—New 3-16-05, Amended _____.

40E-3.038 Violations of Contractor Licensing and Well Construction Requirements.

(1) Applications for a water well contractor license shall be filed with the District on Form 0186, (_____-2012), "Application for a State of Florida Water Well Contractor License", incorporated by reference herein: <http://www.flrules.org/Gateway/reference.asp?No=Ref-00607>. Form 0186 is available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities' offices, as identified in Rule 40E-3.035, F.A.C.

(2) Each well contractor meeting the licensing requirements set forth in Chapter 62-531, F.A.C., incorporated by reference in paragraph 40E-3.036(1)(a), F.A.C., will be assigned a permanent license number and shall be issued a certificate with that number.

~~(3)(4)~~ Violations of the contractor licensing requirements and well construction requirements are provided by Chapter 373, F.S., and Chapter 62-531, F.A.C.

~~(4)(2)~~ The licensed contractor must submit any change of address to the District within 30 days.

Rulemaking Authority 373.044, 373.113, 373.171, 373.333 FS. Law Implemented 373.323, 373.326, 373.333, 373.336 FS. History—New 12-19-89, Amended 3-16-05, _____.

40E-3.101 Content of Application.

(1) All applications shall be submitted to the permitting authority, as identified in Rule 40E-3.035, F.A.C., by the owner or by the water well contractor on behalf of the owner. All applications shall be submitted on DEP Form 62-532.900(1), (10-07-10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00576>, the form entitled "State of Florida Permit Application to Construct, Repair, Modify, or Abandon a Well," incorporated by reference herein and available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities' offices, as identified in Rule 40E-3.035, F.A.C.

(2) All applications shall be submitted with the required non-refundable fee pursuant to Rule 40E-1.607, F.A.C., or the fee schedule established by the agency to which permitting authority has been delegated, as identified in Rule 40E-3.035, F.A.C., shall be submitted with the permit application.

(3) Applications for permits required by this chapter shall be filed with the District or the entity to which the authority to issue a permit has been delegated, as identified in Rule 40E-3.035, F.A.C. The application for the construction, repair or abandonment of water wells shall contain:

(a) The name, address, telephone number, license number and signature of the licensed contractor who will be constructing the well, except in the case of a state agency or political subdivision that needs an indication of approval from the District in order to obtain financing to construct a well. In this case, the District will take action on the application for a permit not signed by a licensed water well contractor with the following condition: "Prior to well construction, a copy of the original application, signed by the licensed water well contractor chosen to construct the well, will be submitted to the District";

(b) The name, address, telephone number and signature of the property owner or his agent, if applicable, on whose property the well is being drilled,

(c) Written authorization from the owner designating the authorized agent, if any,

(d) The location of the well (to the nearest one-quarter-quarter section, or latitude and longitude to the nearest second, or Florida State Planar Coordinates to the nearest one hundred feet), and property site map of the well location, depicting land marks and providing a scale,

(e) The expected cased depth and total depth of the well,

(f) The proposed use of the well,

(g) The proposed grouting interval,

(h) The specification for well construction including the size(s) of the casing to be used, the proposed construction, repair or abandonment methods, specifications including casing types, casing diameters; open hole or screened intervals, sizes and screen openings; and proposed grouting materials;

(i) The proposed method of construction and completion of the well, or the method of plugging and abandoning of the well,

(j) The anticipated starting date to begin drilling,

(k) The District water use permit number, the water use application number, and the well number from the water use permit Table A, if applicable,

(l) A well completion report and/or lithologic or cuttings log for any test hole or water test well and testing results, which is being requested to be converted to a water well,

(m) Applications for public supply wells shall include: the name and address of the water system; the number of persons the well is intended to serve; and ~~three copies~~ of a scaled map showing the well location, property boundaries, existing buildings or physical features, the location of all known and proposed sources of contamination within a 500 feet radius of the proposed well location, and

(n) Applications for water test wells must be accompanied by a description of the proposed test. The description at a minimum shall include:

1. Purpose of the test, a brief description of the testing method, and a summary of the results to be provided to the District within 30 days of completion of the testing.

2. Name, address, and telephone number of the person or consulting firm performing the test.

3. A site map showing the location of the water test well and any observation wells.

(4) In addition to the information required to be submitted on the District form, the District staff may specifically request such reasonable additional information as may be necessary to evaluate the hydrologic impacts of the withdrawal to ensure that the impacts will not be harmful to the water resource of the District as set forth in Chapter 40E-2, F.A.C., and that the withdrawals are in compliance with statutory and rule requirements. Pursuant to Section 373.314, F.S., the District will cite a specific rule when requesting such additional information. Such requests for additional information will be made in compliance with Section 120.60, F.S., and Chapter 40E-1, F.A.C.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 12-19-89, 11-8-99, 3-16-05_____.

40E-3.411 Well Completion Reports.

(1) The water well contractor shall ~~complete and submit a fully completed well completion report (Form 0124) DEP Form 62-532.900(2), (10-07-10), <http://www.flrules.org/Gateway/reference.asp?No=Ref-00578>, “State of Florida Well Completion Report,” incorporated by reference herein,~~ to the District and delegated agency, as identified in Rule 40E-3.035, F.A.C., for the construction, repair or abandonment of all wells, regardless of whether a permit is required under Rules 40E-3.101 and 40E-3.600, F.A.C. Well completion reports shall be filed with the District and delegated agency, as identified in Rule 40E-3.035, F.A.C. within 30 days of the completion of the work, using DEP Form 62-532.900(2). Copies of DEP Form 62-532.900(2) are available at no cost by contacting the South Florida Water Management District Clerk, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436 or (561)682-6436, and the delegated permitting authorities’ offices, as identified in Rule 40E-3.035, F.A.C.

(a) Well completion reports for sites controlled by Chapter 62-761, F.A.C., Underground Storage Tank Systems, may include all monitoring wells for the same site on a single form.

(b) ~~Computer generated completion reports developed by the contractor may be used in place of District supplied forms.~~

(2) The water well contractor shall keep or cause to be kept by a person in his employ an accurate field log of all well construction, repair or abandonment activities performed under each permit. Such logs shall be available for inspection at the site during all times when work is in progress.

(3) If no work is performed or if the well is not completed, a report shall be filed within ~~30~~ thirty days of the expiration of the permit stating that no well construction was performed under the permit or outlining the status of the incomplete well.

(4) For water test wells, a report on the test results shall be submitted to the District within 30 days of completion of the testing. The report shall also include a request and a proposed schedule to either abandon the water test well or convert the water test well to a production well or monitoring well.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.308, 373.309, 373.313, 373.326, 373.342 FS. History—New 1-1-85, Amended 3-16-05_____.

40E-3.507 Casing and Liner Pipe Standards.

(1)(a) ~~Well casing, liner pipe, and well screen shall be new or in like new condition. Such well casing, liner pipe, and well screen shall not be used unless free of breaks, corrosion, and dents, straight and true, and not out of round. Welded or seamless black or galvanized steel pipe or casing, or stainless steel pipe or casing, or approved types of nonmetallic pipe shall be used for well casing or liner pipe.~~

(1)(b) All well casing shall conform to the standards identified in subsection 62-532.500(1), F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C.

(2) Wells constructed using telescoping casings shall be considered as a continuous casing provided the following conditions are met:

(a) Any annular space including the overlapped section shall be grouted in accordance with subparagraph ~~62-532.500(3)(i), (4) 62-532.500(2)(f)4~~, F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C. The grout shall extend from the bottom of the casing to the top of the innermost casing. The use of lead packers is prohibited.

(b) The bottom end of the casing shall extend to or below the water level of the aquifer intended to supply water to the well.

(c) All casing zones below the uppermost consolidated unit shall be cased.

(d) A minimum of 10 feet overlap is required for non-public supply wells. One casing centralizer shall be used within the overlapped section.

(e) A minimum of 20 feet overlap is required for public supply wells. Two casing centralizers shall be used within the overlapped section.

~~(3) Steel well casing and liner pipe shall be joined in a watertight manner by threaded couplings, electrical welding methods, or other methods approved by the District which provide equivalent protection. PVC pipe shall be joined by solvent bonded couplings, threaded couplings, heat welding, or other methods approved by the District which provide equivalent protection.~~

~~(4) Nonmetallic and stainless steel well casing or liner pipe shall not be installed by driving unless prior approval is obtained from the District based on a demonstration that the integrity of the well casing or liner pipe will be maintained.~~

~~(a) For well casing or liner pipe installed by driving, the casing or pipe shall not butt together inside threaded couplings unless the joint is electrically welded so as to be completely watertight.~~

~~(b) A drive shoe is required for use on casing or pipe installed by driving unless prior approval is obtained from the District based on a demonstration that a drive shoe is not necessary to maintain the integrity of the casing or pipe.~~

Rulemaking Authority 373.044, 373.171, 373.309, ~~373.171~~ FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, _____.

40E-3.512 Well Construction Requirements.

~~(1) In the construction of a well, reasonable caution shall be taken to maintain the work site so as to minimize the entrance of contaminants into the water resource.~~

~~(1)(a) Materials used in construction shall be reasonably free of contamination.~~

(b) Water used during construction shall be supplied from a potable well or potable water supply. If the well or water supply is a known source of contamination or is within a known area of contamination, it shall not be used to provide water for well construction.

~~(2)(a) All water wells which penetrate multiple aquifers or water bearing zones shall be properly designed and constructed to prevent an interchange of water between water bearing zones which may result in deterioration of the quality of water in one or more water bearing zones, or will result in a loss of artesian pressure.~~

~~(b) If a well cannot be properly completed to prevent an unauthorized interchange of water between water bearing zones or to prevent a loss of artesian pressure, the well shall be abandoned and plugged in accordance with subsection 40E-3.531(3), F.A.C., or other instructions from the District, which are appropriate for the geological conditions encountered.~~

~~(3) For wells obtaining water from unconsolidated earth materials, casing shall extend from the upper terminus of the well to the well screen.~~

~~(a) The well screen shall be attached to the casing with a watertight seal;~~

~~(2)(a)(b) The well shall be constructed to prevent caving or pumping of sand. A filter pack shall be installed around the screened portion of the well;~~

~~(b)(e) The well shall be adequately developed until clear of any drilling fluids, particulate material and turbidity.~~

~~(3)(4) For wells obtaining water from consolidated earth materials, a continuous casing shall extend from the upper terminus of the well to the top of the uppermost consolidated unit.~~

~~(4)(5) For artesian wells, the casing shall penetrate the entire thickness of the overlying formation above the aquifer. The District may grant waivers for seating of casing within the confining zone above an artesian aquifer provided that:~~

~~(a) The casing extends a sufficient distance into the confining zone so as to prevent movement of water from the artesian aquifer to overlying aquifers;~~

~~(b) The District determines that such construction will not harm the water resources.~~

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, _____.

40E-3.517 Grouting and Sealing.

Wells shall be grouted and sealed in accordance with paragraph ~~62-532.500(3)(i)(2)(f)~~, F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C., and this section to protect the water resource from degradation caused by movement of waters along the well annulus either from the surface to the aquifer or between aquifers, and to prevent loss of pressure in artesian aquifers.

(1) All wells that are constructed in a manner which creates an annular space between the casing and the naturally occurring geologic formations shall be grouted and sealed in accordance with the methodologies listed in paragraph 62-532.500(3)(i)(2)(f), F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C. and this section.

(2) For any part of a well casing with an outside diameter of four inches or larger intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, ~~the annular space shall be filled from bottom to top with not less than a nominal two-inch thickness of neat cement grout.~~

(3) For any part of a well casing with an outside diameter of less than four inches intended to be installed in a bore hole which is larger in diameter than the outside diameter of the casing, ~~the annular space shall be filled from bottom to top with not less than a nominal one-inch thickness of neat cement grout minimum.~~

(2)(4) Wells obtaining water from unconsolidated formations, using a method other than jetting or driving a casing, and creating an annular space, shall be grouted from no more than ten (10) feet above the top of the screen to the upper terminus. Borehole cuttings shall not be reintroduced into the annular space.

(3)(5) For jetted wells or sand point wells obtaining water from an unconsolidated formation of a naturally caving nature in which the annular space is completely filled with formation material, only the upper three (3) feet shall be grouted to provide protection from possible contaminated surface water.

(4)(6) For jetted wells or sand point wells circulating drilling fluids to the surface, and obtaining water from a consolidated formation, shall be grouted bottom to top prior to being seated into water bearing formation.

(5)(7) For wells constructed by driven casing, dry bentonite, with an average mesh size of between 4 and 20 U.S. standard sieve size or grain size between 5mm and .85mm, must be added to the continuous casing string at land surface at the beginning and during construction of the well.

(6)(8) All other wells shall be grouted from the bottom of the casing to land surface.

(7)(9) Unless a variance has been granted by the District, grouting and sealing of water wells shall be accomplished in the following manner:

(a) The grout mixture shall consist of either Portland Cement or a natural bentonite slurry for wells and boreholes meeting the requirements in subsection 40E-3.512(7), F.A.C. The mixture shall consist of 5.2 to 5.5 gallons of water per sack of Portland Cement or a mixture of 6.0 gallons of water per sack of Portland Cement with 3 to 7.5 pounds of Bentonite, not to exceed 8% by weight.

(b) The minimum set time for grouting of casing using either Portland Cement or Bentonite before drilling operations may continue is 12 hours.

~~(c) The casing shall be centered in the borehole prior to grouting and sealing.~~

~~(c)(d) Grouting of the annular space shall be completed using the tremie pipe, forced pressure, or other equivalent method approved by the District. In all cases, grout will be introduced into the annular space from bottom to top.~~

~~(e) In those cases where, during grouting operation, circulation of the grout is lost so that the annular space being grouted cannot be filled in one continuous operation, a tremie pipe shall be installed in the annular space to a point immediately above the zone of lost circulation. The annulus shall be bridged at that point by sand or other approved material introduced through the pipe. Grouting or sealing of the annular space shall be completed using the tremie pipe or other approved methods.~~

~~(8)(10) Water wells constructed using Bentonite grouts shall meet all the following requirements:~~

(a) The slurry grout mixture shall be introduced into the annular space from bottom to top. The casing seat must be clean, allowing the casing to set at the total depth bored in a hole reasonably free of drill cuttings;

(b) A formation packer or a 5-foot neat cement plug must be installed at the casing seat;

(c) Neat cement must be placed in the upper ten (10) feet of the annular space to prevent deterioration of, or damage to, the bentonite seal; and

(d) Bentonite grout may be used only on monitor, domestic, irrigation, water source, or ground source heat pump installations with a nominal casing diameter of five (5) inches or less. Use of bentonite grout is not allowed on public supply wells, wells in delineated areas, wells where artesian flow occurs, in any identified contamination sites where the contaminants will prevent an adequate seal, or in wells with the water quality concentrations exceeding 10,000 milligrams per liter total dissolved solids.

(e) Bentonite grout may be used for abandonment purposes for any well. However, it cannot be used to abandon a dry well, or a well which flows to surface and cannot be placed any higher in the well than the height of the static water level. Any unsealed remainder above the height of the static water level must be filled with neat cement.

(f) Bentonite chips or pellets used for abandonment purposes may not be placed in any well casing or hole less than three inches in diameter or for sealing the annular space of any well.

~~(g) In all circumstances, the manufacturer's mixing instructions shall be followed.~~

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 1-1-85, Amended 3-16-05, _____.

40E-3.521 Well Seals.

Wells shall be covered and sealed in accordance with paragraph 62-532.500(4)(a), F.A.C., incorporated by reference in paragraph 40E-3.036(1)(c), F.A.C.

(1) Temporary Well Seals.

(a) Whenever there is a temporary interruption in work on the well during construction, repair or abandonment, the well opening shall be sealed with a tamper resistant cover.

(b) Except in areas designated by the Department with the concurrence of the District, any well in which pumping equipment is installed seasonally or periodically shall, whenever pumping equipment is not installed, be capped with steel or reinforced concrete cover, or valve.

(1)(2) Permanent Well Seals.

(a) Wells shall be properly sealed to prevent the movement of contaminants and surface water into the well.

(b) The top of the well casing shall at a minimum extend 12 inches above land surface and if practical, 12 inches above the 100-year flood elevation.

(c) Any cased well equipped with permanently installed pumping equipment shall have that pumping equipment and any necessary piping installed through a well seal.

(d) Any unused well shall be capped in a watertight manner with a threaded, welded, or bolted cover or valve. The top of the well casing shall at a minimum extend 12 inches above land surface.

Rulemaking Authority 373.044, 373.171, 373.309 FS. Law Implemented 373.113, 373.306, 373.308, 373.309 FS. History—New 3-16-05, Amended _____.

40E-3.600 Scope of Part VI.

(1) Part VI of Chapter 40E-3, F.A.C., grants a general permit for certain specified well construction, repair or abandonment activities which have been determined by the District to exist in unique geographic areas.

(2) The construction, repair or abandonment of wells in accordance with Rule 40E-3.601, F.A.C., are authorized subject to the requirements of Part VI of this chapter.

Rulemaking Authority 373.044, 373.113, 373.171, 373.309 FS. Law Implemented 373.113, 373.118, 373.306, 373.308, 373.309, 373.342 FS. History—New _____.

40E-3.601 General Permit for Water Wells within a Portion of Southern Miami-Dade County.

(1) It is determined that compliance with Rules 40E-3.101, 40E-3.301, 40E-3.321, 40E-3.411, 40E-3.507, 40E-3.512, 40E-3.517 and 40E-3.531, F.A.C., will create an undue hardship to those persons proposing to construct, repair or abandon wells used for agricultural water use within south Miami-Dade County. It is further determined that the continued existence of these wells and method of well construction has not been shown to impair the ground water resources.

(2) A general permit is granted to those wells intended for agricultural use which do not exceed 25 feet in depth and which are located within the area depicted on Figure 3-1 and described as follows:

BEGINNING at the intersection of the centerline of South Florida Water Management District's Levee 31 West and the south line of Section 7, Township 58 South, Range 38 East; Thence, Easterly along the south line of said Section 7 to the centerline of South Florida Water Management District's Canal 111; Thence, Southeasterly, Southerly and Southeasterly along said centerline of Canal 111 to the centerline of State Road 5 (U.S. Highway 1); Thence, Southerly along said centerline of State Road 5 (U.S. Highway 1) to the Dade-Monroe County line and Florida Bay; Thence, Northeasterly along the Dade-Monroe County line to the Western shore of Little Card Sound; Thence, Northeasterly and Northerly along the Western shore of Little Card Sound and Biscayne Bay to the south line of Section 14, Township 56 South, Range 40 East; Thence, Westerly along the section lines to the centerline of State Road 821; Thence, Northerly along said centerline of State Road 821 to the South line of the North one-half of Section 17, Township 56 South, Range 40 East; Thence, Westerly along the one-quarter section lines to the Southwest corner of the Northwest one-quarter of said Section 18; Thence, Northerly to the Southeast corner of Section 12, Township 56 South, Range 39 East; Thence, Westerly along the south line of said Section 12 to the Southwest corner of said Section 12; Thence, Northerly along the West line of said Section 12 to the centerline of South Florida Water Management District's Canal 1 West; Thence, Northwesterly and Westerly along said centerline of Canal 1 West and its Westerly Extension to the centerline of South Florida Water Management District's Levee 31 North; Thence, Southerly along the centerline of said Levee 31 North and the centerline of South Florida Water Management District's Levee 31 West to the POINT OF BEGINNING.

No change to Fig. 3-1 (Map).

Rulemaking Authority 373.044, 373.113 FS. Law Implemented 373.118, 373.309, 373.313, 373.326, 373.342 FS. History—New _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-20.091	Publications Incorporated by Reference
40E-20.301	Conditions for Issuance of General Water Use Permits

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 23, June 8, 2012 issue of the Florida Administrative Weekly. The Notice as published is supplemented by the following: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Costs.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NOS.:	RULE TITLES:
40E-30.011	General Permit for Wells
40E-30.031	Implementation
40E-30.042	General Permit for Construction, Repair or Abandonment of Wells
40E-30.112	Notice of Intent
40E-30.141	Request for Additional Information
40E-30.302	Thresholds for South Dade County

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly. The Notice as published is supplemented by the following: A Statement of Estimated Regulatory Costs (“SERC”) has not been prepared because the District is proposing the repeal of Chapter 40E-30, F.A.C. In addition, the Agency has determined that the proposed rule is not expected to require legislative ratification because Chapter 40E-30, F.A.C., is being repealed.

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.:	RULE TITLE:
60FF1-5.003	E911 State Grant Programs

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 26, June 29, 2012 issue of the Florida Administrative Weekly.

The correction is in response to a clerical error. The correction is as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the

Board, based upon the expertise and experience of its members, determined that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The following is a summary of the SERC:

- The E911 State Grant Program should not have an impact on business competitiveness.
- The cost to associated with the rule are minimal and limited to the grant application submission costs for printing and shipping and grant reporting costs.
- The estimated number of small businesses that would be subject to the rule is 1 through 99.
- The costs for grant application submission and reporting have been minimized by using an electronic reporting process and with minimal application paperwork requirements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christopher Campbell, Director, Division of Telecommunications, Designee of Secretary for the Department of Management Services, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-51.001	Manner of Application

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. 37, No. 49, December 9, 2011 issue of the Florida Administrative Weekly.

These changes are being made pursuant to comments received from the Joint Administrative

Procedures Committee: The changes are as follows:

The PURPOSE and EFFECT: The purpose and effect of the amendments is to update and clarify, and to change the amended date of, the licensure application.

The SUMMARY: The rule amendments update the date of form DOH-MQA 1164, the form’s contact and application information, statutory references; deletes the requirement for a photograph; and amends questions to be answered by the applicant A notice of change was published January 20, 2012, setting forth the procedure for requesting a public hearing on the rule.

This amendments provides the new revised date of the application, and corrects the coding of the rule text which includes no changes to subsections (2) and (3), and will read as follows:

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form

DH-MQA 1164, ~~02/12~~ ~~8/09~~, Electrologist Application, which can be accessed through www.doh.state.fl.us/mqa. The initial application must be accompanied by the application fee, as set forth in Rule 64B8-51.007, F.A.C.

(2) through (3) No change.

Section ~~478.46, 478.47, 478.53~~ and ~~478.055~~, Florida Statutes, will be added to the Law Implemented.

With respect to Form DH-MQA 1164, Electrologist Application, Revised 01/11:

On the first page of the application, under “Temporary Permits”, the instructions incorrectly refers applicants requesting a temporary permit to Section 3. The text has been amended, to read as follows:

Temporary permits may be requested if you wish to practice electrolysis prior to examination and/or licensure. See section ~~4~~ ~~3~~ of the application form.

The section “Special Testing Accommodations” has been amended to provide the appropriate contact information, and will read as follows:

Candidates requiring special testing accommodations will need to apply directly with the testing vendor. Current contact information for the testing vendor is maintained on the Council’s website at the following address: http://www.doh.state.fl.us/mqa/electrolysis/eo_deadlines.html.

In Section 15 “Statement of Applicant”, the first (1st) paragraph, are amended to read as follows:

I declare these statements are true and correct and recognize that providing false information may result in disciplinary action against my license or criminal penalties pursuant to Sections 456.067, ~~775.083~~ ~~775.0083~~ and 775.084, Florida Statutes. The Application will be amended to reflect the “Statement of Applicant” will now be listed in what is now section 14 of the application.

Also, Section 775.082, Florida Statutes, is added to what is now section 14 of the application.

The language under “penalty of perjury” listed in section 15, the third (3rd) paragraph of the Application is amended and will be listed in what is now section 14 of the application, and will read:

I have carefully read the questions in the foregoing application and have answered them completely, without reservations of any kind, ~~and I declare under penalty of perjury that my answers and all statements made by me herein are true and correct.~~ Should I furnish any false information in this application, I hereby agree that such act shall constitute cause for denial, suspension, or revocation of my license to practice as an Electrologist in the State of Florida.

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-52.003
 RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.601
 RULE TITLE: Standards for Approval of Continuing Education Courses and Providers

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. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

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

(1) Providers seeking board approval for General Continuing Education courses shall:

(a) Complete the approved application form DOH/MQA/PH109, (Rev. 02/09), entitled Board of Pharmacy Provider Approval application, which is incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, or from the website located at <http://www.doh.state.fl.us/mqa/pharmacy> and submit a fee of \$150.00.

(b) Maintain 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 experience.

(c) 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 Section 456.025(7), F.S.

(2) Providers seeking approval of a single course or program shall:

(a) Complete the application DOH/MQA/PH111 (Rev. 02/09), entitled Individual Request for Approval of Continuing Education, which is incorporated by reference, and which may

be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254 or from the website located at <http://www.doh.state.fl.us/mqa/pharmacy>.

(b) Submit a fee of \$50.

(c) Maintain 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 experience.

(d) Meet the standards outlined in subsection (3).

(e) Submit all continuing education offerings to the Tripartite Committee for review and approval at least 45 days in advance of the program of course.

(f) Submit licensee continuing education course completion credits in the electronic continuing education tracking system in accordance with Section 456.025(7), F.S.

(g) All approved continuing education offerings under this section are valid for one biennium.

~~(3)(4) Each continuing education offering shall proposal for program or course approval submitted by a qualified provider must contain a detailed outline of the content of said program or course on forms which will be provided by the Board of Pharmacy upon request, and shall must 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.~~

~~(2) All offerings shall must meet the following standards:~~

~~(a) Education Content Development.~~

~~1. No change.~~

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

~~3. Continuing education offerings for registered pharmacy technicians shall be designed to reflect the educational needs of the pharmacy technician and build on the standards for practice and courses in the curricula of Board-approved training programs for registered pharmacy technicians.~~

~~4.3. No change.~~

~~(b) Methods of Delivery.~~

~~1. No change.~~

~~2. The method of delivery must encourage active participation and involvement on the part of the participant pharmacist.~~

~~(c) Program Faculty Qualifications.~~

~~1. through 3. No change.~~

~~(d) Facilities.~~

~~1. No change.~~

(e) Evaluation. The provider must 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).

~~1.2-~~ The provider must develop and employ an evaluation mechanism for the purpose of allowing the participant to assess his/her achievement of personal objectives.

~~2.3-~~ The provider shall develop and employ an evaluation mechanism that will 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 Tripartite 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. The CEU 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 individual 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. No change.~~

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

~~(3) Providers seeking board approval shall meet each of the standards outlined herein:~~

~~(a) All continuing education offerings conducted by the provider shall meet the standards for continuing education offerings as outlined in these rules:~~

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

~~(4) All programs approved by the Accreditation Council on Pharmacy Education (ACPE) are for continuing education for pharmacists may be deemed approved by this Board for general continuing education hours. for pharmacists .~~

~~(5) Entities or individuals who wish to become approved providers of continuing education must submit an initial approval fee of \$150 and provide information to demonstrate compliance with the requirements of this rule. A provider~~

~~seeking to renew approved provider status shall pay a renewal fee of \$150, which shall run concurrent with the pharmacist licensure renewal period. Approved providers will be subject to the audit provided for in Rule 64B16-26.600, F.A.C.~~

~~(6) Entities or individuals applying for approval of an individual program shall submit a fee of \$50, and provide information to demonstrate compliance with this rule.~~

Rulemaking 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, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-21.003
 RULE TITLE: Filing an Appeal

NOTICE OF PUBLIC HEARING

The Reemployment Assistance Appeals Commission announces a corrected hearing regarding the above rule, as noticed in Vol. 38, No. 29, July 20, 2012 Florida Administrative Weekly.

DATE AND TIME: A hearing will be held July 31, 2012 at 10:00 a.m. as noticed in Vol. 38, No. 29, July 20, 2012, FAW. An additional hearing will be held on this proposed rule, if requested within 21 days of the date of the Notice of Proposed Rule for Rule 73B-21.003, F.A.C., published in Vol. 38, No. 29, July 20, 2012.

PLACE: For July 31, 2012 hearing: Office of the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed rule amendments to Rule 73B-21.003, F.A.C., published in Vol. 38, No. 29, July 20, 2012 Florida Administrative Weekly.

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 24 hours before the workshop/meeting by contacting: Dorothy Johnson, Deputy General Counsel, Office of the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. 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).

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Community Development

RULE NO.: 73C-49.002
 RULE TITLE: Schedule

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. 38, No. 22, June 1, 2012 issue of the Florida Administrative Weekly.

73C-49.002 Schedule.

Local governing bodies shall submit their evaluation and appraisal notification letter to the Department of Economic Opportunity, Bureau of Community Planning, Caldwell Building, 107 East Madison Street, MSC #160, Tallahassee, FL 32399-6545, Attention Plan Processing Unit, in accordance with the schedule set forth below, and on the same day and month every seven years thereafter (for those local governments with a due date prior to the effective date of this rule, the evaluation and appraisal notification letter shall be due no later than October 1, 2012):

LOCAL	NOTIFICATION
GOVERNMENT	DUE DATE

No change.

Rulemaking Authority 163.3191(1), 163.3191(5) FS. Law Implemented 163.3191 FS. History—New _____.

**Section IV
 Emergency Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12AER12-04
 RULE TITLE: Sales of Clothing and School Supplies During the Period August 3 through August 5, 2012

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 25, Chapter 2012-32, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of certain clothing, and school supplies are exempt from sales and use tax. The law provides that conditions necessary for an emergency rule have been met. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means regarding the exemption during the period from 12:01 a.m., August 3, 2012, through 11:59 p.m., August 5, 2012, for sales of clothing, wallets, or bags having a selling price of \$75 or less per item and for sales of school supplies having a selling price of \$15 per item or less. The exemption does not apply to sales within a theme park or entertainment complex as defined