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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-149.037 Calculation of Premium Rates

PURPOSE AND EFFECT: Pursuant to Sections 627.410(6)(a) and 627.6699(6), Florida Statutes, and the existing language of paragraph 69O-149.037(4)(b), Florida Administrative Code, small employer group standard and basic product rates must be filed electronically with the Office of Insurance Regulation (Office), on a 2-50 life basis, using the Rate Collection Systems (CARES). The proposed rule will require all small group rates to be filed electronically with the Office, on a 2-50 life bases, using new software referred to as the Small Employer Rate Collection Systems (SERCS).

SUBJECT AREA TO BE ADDRESSED: Small employer group product rates.

SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c), 627.6699(17) FS.

LAW IMPLEMENTED: 627.410, 627.6692, 627.6699(3), (6), (12)(e), (13), (13)(i) 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: October 11, 2006, 1:30 p.m.

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Bradford 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: Diane Bradford, Life & Health Product Review, Office of Insurance Regulation, E-mail: diane.bradford@fldfs.com.

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE CHAPTER NO.: RULE CHAPTER TITLE:
69O-157 Long-term Care Insurance

PURPOSE AND EFFECT: To implement HB 947 enacted into law in 2006. The new section will be titled Part III, Long Term Care Partnership Program.

SUBJECT AREA TO BE ADDRESSED: Implementation of a qualified state long-term care insurance partnership program in Florida. Development of the rule(s) for this section will be discussed at the workshop.

SPECIFIC AUTHORITY: 627.94075 FS.

LAW IMPLEMENTED: 409.9102, 627.9407 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: October 9, 2006, 1:00 p.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation, E-mail: monica.rutkowski@fldfs.com

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

Section II
Proposed Rules

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: RULE TITLE:
6D-7.006 Student Progression Plan and Requirements for Graduation

PURPOSE AND EFFECT: The purpose of this Rule is to indicate that the Florida School for the Deaf and the Blind's Student Progression Plan and Requirements for Graduation has been revised to comply with state and federal mandates.

SUMMARY: This rule establishes guidelines for promotion and graduation of students enrolled in the Florida School for the Deaf and the Blind.

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

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

SPECIFIC AUTHORITY: 1003.49, 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1003.49 FS.

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

DATE AND TIME: Saturday, October 21, 2006, 9:00 a.m.

PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Elmer Dillingham, President Florida School for the Deaf and the Blind If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-7.006 Student ~~Pupil~~ Progression Plan and Requirements for Graduation.

(1) Graduation and promotion requirements adopted by the Board of Trustees for the Florida School for the Deaf and the Blind pursuant to the provisions of Section 1003.49 ~~232.2481~~, Florida Statutes, are contained in the Florida School for the Deaf and the Blind Student ~~Pupil~~ Progression Plan, revised June, 2006 ~~December 20, 1997~~, which is hereby incorporated by this rule and made a part of the rules of the Board of Trustees.

(2) Copies of the Student ~~Pupil~~ Progression Plan may be obtained from the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 at a cost set by state law ~~price to be established by the President but which shall not exceed actual cost of preparation, printing or reproduction and mailing.~~

Specific Authority 1002.36(4)(c)~~, 242.331(3)~~ FS. Law Implemented 1003.49 ~~232.2481~~, 1002.36(4)(c)~~, 242.331(4)~~ FS. History–New 2-17-81. Amended 9-17-85, 8-26-86, 4-12-90, 12-6-92, 3-16-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 29, July 21, 2006

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.:	RULE TITLE:
6D-14.002	Transportation Policies and Procedures

PURPOSE AND EFFECT: The purpose of this Rule is to establish written Policies and Procedures to be followed by the Transportation Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines and directives for the Transportation Department of the Florida School for the Deaf and the Blind.

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

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

SPECIFIC AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(d) FS.

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: Elmer Dillingham, President, Florida School for the Deaf and the Blind If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, St. Augustine, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-14.002 Transportation Policies and Procedures

(1) through (2) No change.

(3) The Florida School for the Deaf and the Blind Transportation Manual revised July 1, 2006, adopted by the Board of Trustees pursuant to the provisions of section 1002.36(4)(c), FS, shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History–New 12-20-92, Amended 5-19-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, President

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 21, 2006

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."

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

RULE NOS.:	RULE TITLES:
29K-1.001	Organization
29K-1.002	Purpose
29K-1.003	Definitions
29K-1.004	Membership, Voting and Term of Office
29K-1.005	Vacancies
29K-1.006	Removal From Office
29K-1.007	Officers, Term of Office and Duties
29K-1.008	Meetings
29K-1.009	Finances
29K-1.010	Powers
29K-1.011	Staff
29K-1.012	Committees
29K-1.013	Plans, Studies, Activities, and Reports
29K-1.014	Procedure
29K-1.015	Withdrawal and Dissolution
29K-1.016	Compensation and Expenses of Members
29K-1.017	Amendments
29K-1.019	Information Request

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal Rules 29K-1.001-29K-1.017, F.A.C., inclusive, and repeal Rule 29K-1.019, F.A.C., relating to the Organization, Purpose and Operation of the Treasure Coast Regional Planning Council because the statutory authority for these rules no longer exists and the effect will be to eliminate these rules.

SUMMARY: Repeal Rules 29K-1.001-1.017, F.A.C., inclusive, and repeal Rule 29K-1.019, F.A.C., relating to the Organization, Purpose and Operation of the Treasure Coast Regional Planning Council. The rule number and title of each of the rules being repealed which describes the subject matter of the repealed text is set forth below under the heading "The Full Text of The Proposed Rule Is".

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

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

SPECIFIC AUTHORITY: 120.53, 120.536 FS.

LAW IMPLEMENTED: 120.53, 120.536 FS.

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

DATE AND TIME: October 20, 2006, 9:30 a.m.

PLACE: Wolf High Technology Center Indian River Community College Chastain Campus 2400 S.E. Salerno Road, Stuart, FL. 34997

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Michael Busha, Executive Director, Treasure Coast Regional Planning Council, 301 E. Ocean Blvd., Suite 300, Stuart, FL 34994, (772)221-4060

THE FULL TEXT OF THE PROPOSED RULES IS:

29K-1.001 Organization.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.01, Repealed _____.

29K-1.002 Purpose.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 23.012, 120.53(1), 160, 163, 163.3184 (3), 380.05, 380.06, 380.07, 403.723 FS History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.02, Repealed _____.

29K-1.003 Definitions.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 8-7-77, 11-11-80, 9-5-82, Formerly 29K-1.03, Repealed _____.

29K-1.004 Membership, Voting and Term of Office.

Specific Authority 186.505 FS Law, Implemented 186.504 FS History–New 1-12-77, Amended 8-7-77, 11-11-80, 9-5-82, Formerly 29K-1.04, Amended 2-9-86, 2-8-96, 11-22-98, Repealed _____.

29K-1.005 Vacancies.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Formerly 29K-1.05, Repealed _____.

29K-1.006 Removal From Office.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 11-11-80, 9-5-82, Formerly 29K-1.06, Repealed _____.

29K-1.007 Officers, Term of Office and Duties.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 11-11-80, 9-5-82, Formerly 29K-1.07, Repealed _____.

29K-1.008 Meetings.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 11-11-80, 9-5-82, Formerly 29K-1.08, Repealed _____.

29K-1.009 Finances.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 6-17-80, 11-11-80, Formerly 29K-1.09, Repealed _____.

29K-1.010 Powers.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163, 163.3184(3), 380.05, 380.06, 380.07, 23.012, 402.723 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.10, Repealed _____.

29K-1.011 Staff.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.11, Repealed _____.

29K-1.012 Committees.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 8-7-77, 11-11-80, Formerly 29K-1.12, Repealed _____.

29K-1.013 Plans, Studies, Activities, and Reports.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.13, Repealed _____.

29K-1.014 Procedure.

Specific Authority 120.53(1), 160.01(1), 163 FS. Law Implemented 120.53(1), 160.01(1), 163 FS. History–New 1-12-77, Amended 6-5-79, 11-11-80, 9-5-82, Formerly 29K-1.14, Repealed _____.

29K-1.015 Withdrawal and Dissolution.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.15, Repealed _____.

29K-1.016 Compensation and Expenses of Members.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 112.061, 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 8-7-77, 11-11-80, Formerly 29K-1.16, Repealed _____.

29K-1.017 Amendments.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 9-5-82, Formerly 29K-1.17, Repealed _____.

29K-1.019 Information Request.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 9-5-82, Formerly 29K-1.19, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Michael Busha, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Treasure Coast Regional Planning Council Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-210.201 ADA Provisions for Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC2-530, Reasonable Modification or Accommodation Request, to clarify that the form is not to be used to request medical devices, medical passes, or to request any type of medical care.

SUMMARY: Amends the rule to amend Form DC2-530, Reasonable Modification or Accommodation Request, to clarify that the form is not to be used to request medical devices, medical passes, or to request any type of medical care.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.201 ADA Provisions for Inmates.

(1) through (2) No change.

(3) Accommodation Request Procedure.

(a) No change.

(b) All department and privately operated facilities shall furnish to any inmate, upon request, a Reasonable Modification or Accommodation Request, Form DC2-530. Form DC2-530 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~8-19-01~~.

(c) through (g) No change.

(4) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History–New 8-19-01, Amended 2-8-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Martie F. Taylor, Government Operations Consultant III and ADA Coordinator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenthia "Tina" Hayes, Acting Deputy Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2006

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.100	Definitions
60BB-8.200	Documenting Child Eligibility for the VPK Program
60BB-8.201	Child Registration Procedures; Application; Parent-Orientation Session
60BB-8.202	Child Eligibility Determination and Enrollment Procedures
60BB-8.204	Uniform Attendance Policy for Funding the VPK Program
60BB-8.300	Provider and Class Registration Procedures; Application; Eligibility Determination
60BB-8.301	Statewide Provider Agreement for the VPK Program
60BB-8.400	VPK Class Sizes; Blended Classes; Multi-Class Groups

PURPOSE AND EFFECT: To amend current rules to clarify procedures for early learning coalitions related to documenting child eligibility for the VPK Program; child registration procedures, application, parent orientation session for the VPK program; child eligibility determination and enrollment procedures; uniform attendance policy for funding the VPK program; provider and class registration procedures, application, eligibility determination; statewide provider agreement for the VPK Program; and VPK class sizes; blended classes; and multi-class groups.

SUMMARY: The proposed amendments are to clarify procedures relating to the VPK program, including documenting child eligibility for the VPK Program; child registration procedures, application, parent orientation session for the VPK program; child eligibility determination and enrollment procedures; uniform attendance policy for funding the VPK program; provider and class registration procedures, application, eligibility determination; statewide provider agreement for the VPK Program; and VPK class sizes; blended classes; and multi-class groups.

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

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

SPECIFIC AUTHORITY: 120, 1002.79 FS.

LAWS IMPLEMENTED: 1002.51, 1002.53, 1002.55, 1002.61, 1002.63, 1002.69, 1002.71, 1002.75, 1003.21(1)(a)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-8.100 Definitions.

As used in this chapter, the term:

(1) "Absent" or "absence" means an ~~each~~ instructional day that a child does ~~student is~~ not attend a VPK ~~in attendance at the Voluntary Prekindergarten~~ program.

(2) "Admit" or "admission" means a private provider's or public school's consent to an early learning coalition enrolling an eligible child in the provider's or school's VPK program.

(3)~~(2)~~ "Attend" or "attendance" means an ~~each~~ instructional day, either in whole or in part, that a child ~~student~~ is present at a VPK ~~the Voluntary Prekindergarten~~ program ~~for all or part of that day's instruction~~.

(4) "Child application" means Form AWI-VPK 01 (Child Application) incorporated by reference in Rule 60BB-8.900, F.A.C. The term includes the online application that may be obtained at the following website: http://www.vpkflorida.org.

(5) "Class application" means Form AWI-VPK 11 (Class Registration Application) incorporated by reference in Rule 60BB-8.900, F.A.C.

(6)~~(3)~~ "Early learning coalition ~~Learning Coalition~~" or "coalition ~~Coalition~~" means an early learning coalition ~~entity~~ created under ~~by~~ Section 411.01~~(5)~~, F.S.~~, whose membership is appointed pursuant to Section 411.01(5)(a)3., F.S., and whose function it is to coordinate the Voluntary Prekindergarten program with private providers and school districts at the local level.~~

~~(4) "Eligibility and enrollment services" means registering children, conducting parent consultations, determining the eligibility of children, and enrolling children with providers or schools in the Voluntary Prekindergarten program.~~

(7)~~(5)~~ "Enroll" or "enrollment" means recording an association in the statewide information system between a child ~~who has been~~ determined eligible for the VPK ~~Voluntary Prekindergarten~~ program and the VPK class assigned by the private provider or public school admitting ~~chosen by~~ the child in the program ~~child's parent or guardian~~.

(8) "Excused absence" means an instructional day from which a child is absent from a VPK program for a reason listed in paragraph 60BB-8.204(3)(b), F.A.C.

(9)~~(6)~~ "Instructional day" means a ~~each~~ calendar day ~~recorded~~ that a private provider or public school is scheduled to instruct ~~deliver instruction to~~ a child's VPK ~~student's Voluntary Prekindergarten~~ class.

(10) "Parent" means a parent by blood, marriage, or adoption. The term includes a stepparent, foster parent, legal guardian or custodian, or other person standing in loco parentis.

(11) "Private provider" means a private prekindergarten provider as defined in Section1002.51, F.S.

(12) "Program year" means the annual period beginning in one calendar year on the first day that a school-year program may begin instruction under subsection 60BB-8.451(1), F.A.C., and ending in the next calendar year on the last day by which a summer program must complete instruction under subsection 60BB-8.451(2), F.A.C. A program year is designated by the corresponding calendar years (e.g., 2006-2007, 2007-2008).

(13) "Provider application" means Form AWI-VPK 10 (Statewide Provider Registration Application) incorporated by reference in Rule 60BB-8.900, F.A.C.

(14)~~(7)~~ "Qualified contractor" means an ~~a legal~~ entity performing the duties of ~~operating under contract with~~ an early learning coalition under contract with the coalition as described in Rule 60BB-8.901, F.A.C. ~~or AWI which is authorized to perform eligibility and enrollment services on behalf of the coalition or AWI. If an early learning coalition contracts for eligibility and enrollment services, the coalition is ultimately responsible for ensuring that the contractor performs those services in accordance with the law.~~

(15)~~(8)~~ "Register" or "registration" means ~~recording~~ a parent's submission of a child application and supporting documentation to an early learning coalition ~~or guardian's request~~ for his or her child to be determined eligible for ~~to participate in~~ the VPK ~~Voluntary Prekindergarten~~ program.

(16) "School-year program" means a school-year prekindergarten program delivered by a private provider under Section 1002.55, F.S., or by a public school under Section 1002.63, F.S.

~~(9) "Startup period" means the first 5 instructional days of a Voluntary Prekindergarten class.~~

(17) "Summer program" means a summer prekindergarten program delivered by a private provider or public school under Section 1002.61, F.S.

(18) "Unexcused absence" means an instructional day from which a child is absent from a VPK program and which is not an excused absence under paragraph 60BB-8.204(3)(b), F.A.C.

(19)~~(10) "Voluntary Prekindergarten" or~~ "VPK program" means the Voluntary Prekindergarten Education Program ~~program~~ created under ~~by~~ Section 1002.53, F.S., ~~and~~ which is organized, designed, and delivered in accordance with Section 1(b) and (c), Article ~~Art.~~ IX of the State Constitution.

(20) "VPK class" means a private provider's or public school's prekindergarten class that includes a child in the VPK program.

(21) "VPK site" means the permanent physical location where a private provider or public school delivers instruction for the VPK program.

Specific Authority 1002.79 FS. Law Implemented 1002.51, 1002.53(2), (4), 1002.55(2), (3)(g), 1002.61(2)(a), (7)(a), 1002.63(2), (8)(a), 1002.71(2), (6)(d), 1002.75(2)(a), (c), (d) FS. History–New 1-19-06, Amended _____.

60BB-8.200 Documenting Child Eligibility for the VPK Program.

~~(1) Child Eligibility.~~ An early learning coalition shall ~~Early Learning Coalitions must~~ determine the ~~child~~ eligibility of a child registering for the VPK program in accordance with Section 1002.53(2), F.S. A coalition shall document a child's eligibility, as follows: ~~by verifying the child's age eligibility, residence eligibility, and participation eligibility.~~

(1)~~(a)~~ Age eligibility ~~Eligibility~~.

(a) A coalition shall document that a child is

~~1. All children who reside in Florida who have attained~~ 4 years of age, but not 5 years of age or older, on or before September 1 of the program ~~school~~ year and ~~in which the child wishes to enroll are eligible for VPK, including those children with a disability as defined by 20 U.S.C. § 1401(3)(a)(2005)~~.

~~2. When a child becomes eligible for kindergarten or is admitted to kindergarten the child is no longer eligible for VPK. A child who is 5 years of age on or before September 1 is eligible for kindergarten and is not eligible for VPK. Likewise, a child who has not attained 4 years of age by September 1 of a school year is not eligible for VPK during the school year or summer program that immediately follows.~~

~~3. During the application process, a coalition or its contracting agency~~ shall ~~collect and~~ keep ~~retain~~ in its records on the child ~~child's file~~ a copy ~~photocopy~~ of at least one of the following types of supporting documentation which show the child's name and date of birth ~~documents for purposes of verifying age~~:

1.~~a.~~ An original or certified copy of the child's birth record filed according to law with a public officer charged with the duty of recording births;

2.~~b.~~ An original or certified copy of the child's certificate of baptism ~~showing the date of birth and place of baptism of the child~~, accompanied by an affidavit sworn to or affirmed by the child's parent that the certificate is true and correct;

3.~~c.~~ An insurance policy on the child's life which is ~~that has been~~ in force for at least 2 years~~, which reflects the child's birth date~~;

4.~~d.~~ A religious record of the child's birth which is accompanied by an affidavit sworn to or affirmed by the child's parent that the record is true and correct;

5.~~e.~~ A passport or certificate of the child's arrival in the United States ~~showing the birth date of the child~~;

~~f. A transcript of record of age shown in the child's school record from at least 4 years prior to application, stating the date of birth;~~

6.~~g.~~ An immunization record ~~indicating the child's date of birth,~~ signed by a public health officer or ~~by a~~ licensed practicing physician; or

7.~~h.~~ A valid military dependent identification card~~, showing the child's date of birth; or~~

(b)~~i.~~ If a child's parent is unable to submit a ~~none of the~~ type of supporting documentation ~~documents~~ listed in paragraph (a) ~~above can be produced~~, the coalition shall document the child's age based on an affidavit ~~of age~~ sworn to or affirmed by the child's parent.~~,~~ The affidavit must be accompanied by a certificate of age ~~reflecting the child's birth date,~~ signed by a public health officer or ~~by a~~ licensed practicing physician which states that the officer or physician ~~has~~ examined the child and believes that the age shown ~~as stated~~ in the affidavit is true and ~~substantially~~ correct.

(2)~~(b)~~ Residential ~~Residence~~ eligibility.

~~(a) A coalition shall document that a child resides.~~

~~1. All 4 year old children must reside~~ in ~~the State of~~ Florida when~~. Coalitions must only establish where~~ the child attends the VPK program and shall keep in its records on the child ~~lives, not test the legal residency of the child. Children who reside in Florida are qualified to receive services.~~

~~2. The following are acceptable documents to establish where a child resides and must contain the name of the parent or guardian of the child and the address of the parent or guardian as submitted on Form AWI-VPK-01 (Parent Application). Post office boxes are not sufficient to determine residency. During the application process, the coalition shall collect and retain~~ a copy of at least one of the following types of supporting documentation which show the name and residential address of a parent with whom the child resides ~~documents for purposes of verifying residency~~:

1.~~a.~~ Utility bill;

2.~~b.~~ Bank statement;

3.~~c.~~ Insurance policy;

4.~~d.~~ Pay stub; or

5.~~e.~~ Government-issued ~~Government~~ document (e.g., ~~prior tax return,~~ Florida driver's ~~Driver's~~ license, Florida identification card).~~; or~~

(b) If a child's parent is a servicemember in the United States Armed Forces and is unable to submit a type of supporting documentation listed in paragraph (a), the coalition shall document the child's residency based on a military order showing that the parent is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

(c)~~f.~~ If a child's parent is unable to submit a ~~none of the~~ type of supporting documentation listed in paragraph (a) or paragraph (b) ~~above documents can be produced~~, the coalition shall document the child's residency based on an affidavit ~~of physical address~~ sworn to or affirmed by the child's parent. The affidavit must be~~,~~ accompanied by a letter from a landlord or property owner which confirms ~~stating~~ that the child resides at the ~~this~~ address shown in the affidavit ~~will be accepted~~.

(d)~~3.~~ A coalition may not determine that a ~~A~~ homeless child~~,~~ as defined in Section 1003.01, F.S., is not eligible for the VPK program because the child's parent is unable to submit a type of supporting documentation listed in paragraphs (a)-(c) ~~must have access to the VPK program~~. A coalition ~~Coalitions~~ shall document a ~~assist~~ homeless child's ~~children and may determine~~ residency based on supporting ~~other~~ documentation showing that the child is homeless and resides in Florida (e.g., ~~as necessary Coalitions may accept documents such as a~~ letter from a homeless shelter or ~~a sworn~~ affidavit sworn to or affirmed by ~~from~~ the child's parent) ~~certifying the child is currently homeless~~.

~~(c) Participation eligibility.~~

~~1. Coalitions are responsible for ensuring that a child receives services and funding for one full-time equivalent as established in Section 1002.71(4), F.S.~~

~~2. A parent may enroll the child in one of the programs as established in Section 1002.53(3), F.S.~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (3), (4)(b), 1002.69(4), ~~1002.71(2), (4)(a),~~ 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History–New 1-19-06, Amended _____.

60BB-8.201 Child Registration Procedures; ~~Parent~~ Application; Parent-Orientation Session ~~and Procedures~~.

(1) Child application ~~Application~~. A parent registering ~~wishing to enroll~~ his or her child for ~~in~~ the VPK program ~~Education Program~~ must:

(a) Complete and sign Form ~~fill out form~~ AWI-VPK 01 (Child ~~Parent~~ Application)~~, version date 05/13/2005, which is hereby~~ incorporated by reference in Rule 60BB-8.900, F.A.C.; or

(b) Complete an online application, print the online application, and sign the printed online application. An online ~~This~~ application may be obtained at the following website: http://www.vpkflorida.org. ~~must be completed to determine~~

~~whether a child is eligible for the VPK Program. The application must be completed in full by a parent or guardian with whom the child lives.~~

(2) Submission of child application; supporting documentation ~~Availability of forms and submission~~.

(a) A parent ~~may also complete this application online at www.vpkflorida.org, or obtain a paper application from any early learning coalition. If a paper form is used, the parent~~ must submit a complete and signed Form AWI-VPK 01 or printed online application ~~mail or deliver the completed paper form~~ to the early learning coalition of the county where the VPK site is located for the private provider or public school admitting ~~in which~~ the child in the VPK program, regardless of the county in which the child resides ~~will receive services~~. A parent must submit a child application with the supporting documentation of the child's age and residential address which are required under Rule 60BB-8.200, F.A.C.

(b)1. If a parent registers his or her child for the VPK program in one county, a private provider or public school admits the child in another county, and the provider's or school's VPK site is located in a county outside of the geographic region of the coalition registering the child, the parent must re-register the child with the coalition of the county where the provider's or school's VPK site is located.

2. Re-registration is the responsibility of a child's parent. To assist a parent with re-registration, a coalition may enter into one or more agreements with other coalitions to provide for the transfer of a child application and supporting documentation to the appropriate coalition. If a coalition conducts a parent-orientation session for a child's parent but subsequently transfers the child's registration to another coalition, the parent is not required to repeat the parent-orientation session.

(c) A coalition shall designate various locations throughout the coalition's geographic region where a parent may submit a child application and supporting documentation. ~~This may be the county where the parent lives, where the parent works, or a neighboring county~~. A parent may obtain contact information for a ~~county's early learning~~ coalition from ~~may be obtained by calling~~ the Office of Early Learning of the Agency for Workforce Innovation at (850)921-3180, TTY/Florida Relay 711, ~~1(866)357-3239~~ and ~~is available on the internet~~ at the following website: http://www.vpkflorida.org.

(3) Parent-orientation session. ~~Documentation of Child's Residency and Date of Birth. Within 30 days after receiving an application, the early learning coalition will contact the parent with instructions on how to submit the documentation of the child's residency and date of birth in accordance with Rule 60BB-8.202, F.A.C.~~

(a) A coalition shall conduct a face-to-face parent-orientation session for a parent registering his or her child for the VPK program. During a parent-orientation session, a coalition shall describe substantially the following information:

1. An overview of the VPK program;

2. The parental rights and responsibilities listed in Form AWI-VPK 06 (Voluntary Prekindergarten Parent Handbook) incorporated by reference in Rule 60BB-8.900, F.A.C.;

3. A parent's choice between a school-year program and summer program and the differences between the programs, including the required number of instructional hours, minimum and maximum class sizes, and instructor credentials; and

4. A parent's choices among private providers and public schools.

(b)1. During a parent-orientation session, a coalition shall inform the parent about the coalition's child care resource and referral program, the telephone number of the child care resource and referral program, and the availability of the child care resource and referral program to give the parent a customized referral list of private providers and public schools in the VPK program.

2. A coalition, if the coalition posts profiles of private providers and public schools in the VPK program on the coalition's website, shall inform a parent of the uniform resource locator for the coalition's website. A coalition shall also inform a parent that the profiles may be obtained at the following website: http://www.myflorida.com/childcare/provider.

3. A coalition shall keep current the profile of a private provider or public school in the coalition's geographic region through the VPK web portal of the Child Care Information System administered by the Department of Children and Family Services at the following website: http://199.250.30.131/VPK/Administration/.

(c)1. A coalition is not required to conduct a parent-orientation session for a child's parent if the coalition:

a. Conducts a face-to-face parent-orientation session with the child's parent for another early learning program (e.g., school readiness program, program for prekindergarten children with disabilities, Head Start);

b. Maintains the child's records of the other early learning program for which the coalition conducts the parent-orientation session; and

c. Verifies that the child's date of birth in the records of the other early learning program is the same as the child's date of birth listed in the child application and supporting documentation that the parent submits.

2. A coalition is not required to conduct a parent-orientation session for a child's parent if the parent is a servicemember in the United States Armed Forces, the parent is unable to attend a parent-orientation session because the

parent is assigned to duty outside of Florida, and the parent submits to the coalition a military order showing that the parent is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

(d) A coalition shall give a parent a copy of Form AWI-VPK 06 (Voluntary Prekindergarten Parent Handbook), Form AWI-RR 63 (A Family Guide for Selecting Quality Early Learning Programs), and Form AWI-RR 64 (A Quality Checklist for Evaluating Early Learning Programs), incorporated by reference in Rule 60BB-8.900, F.A.C. If a coalition conducts a parent-orientation session, the coalition shall give Form AWI-VPK 06, Form AWI-RR 63, and Form AWI-VPK 64 to the parent during the parent-orientation session. If, under paragraph (c) or paragraph (d), a coalition does not conduct a parent-orientation session, the coalition shall provide Form AWI-VPK 06, Form AWI-RR 63, and Form AWI-RR 64 to the parent by mail or other means.

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(4), (5), 1002.75(2)(a), (b) FS. History–New 1-19-06, Amended _____.

60BB-8.202 ~~Early Learning Coalition Procedures for~~ Child ~~Registration,~~ Eligibility Determination~~,~~ and Enrollment Procedures.

~~(1) Early learning coalitions shall follow the following procedures for registration, eligibility determination, and enrollment of children in the VPK program:~~

~~(a) Registration. A parent or guardian registering his or her child for the VPK program must either register online at www.vpkflorida.org or complete Form AWI-VPK 01 (Parent Application) and submit the completed form to the early learning coalition or its qualified contractor.~~

(1)~~(b)~~ Eligibility determination.

(a)~~1.~~ An early learning coalition ~~or its qualified contractor shall determine~~, in accordance with Rule 60BB-8.200, F.A.C., shall determine the eligibility of a ~~each~~ child registering for the VPK program under Rule 60BB-8.201, F.A.C., or Rule 60BB-8.2015, F.A.C.

(b) If Rule 60BB-8.201, F.A.C., requires a coalition to conduct a parent-orientation session for a child's parent ~~consultation is required under subparagraph (b)2. below~~, the coalition shall determine the child's eligibility ~~determination shall be performed~~ during the parent-orientation session ~~consultation~~. ~~The parent or guardian must submit to the coalition or its qualified contractor the documentation of the child's age and residence required by Rule 60BB-8.200, F.A.C.~~

(c)1. A coalition, upon ~~Upon~~ determining that a child is eligible for the VPK program, shall issue the ~~coalition or its qualified contractor must give the~~ child's parent ~~or guardian a~~ Form AWI-VPK 02 (Child Eligibility and Enrollment Certificate ~~of Eligibility~~) incorporated by reference in Rule 60BB-8.900, F.A.C.

2. A coalition may issue a certificate of eligibility which is substantially similar to Form AWI-VPK 02 if the certificate:

a. Includes the phrases "State of Florida" and "Voluntary Prekindergarten Education Program;"

b. Includes the name of the early learning coalition issuing the certificate, or on whose behalf the certificate is issued;

c. Identifies the program year and type of program (i.e., school-year or summer program) for which the certificate is issued;

d. Clearly shows the eligible child's name and identifying information; and

e. Does not include the logo of the Agency for Workforce Innovation, logo of the Office of Early Learning, or AWI form number (i.e., Form AWI-VPK 02) ~~version date 05/16/2005, which is hereby incorporated by reference, either completed by the coalition or its qualified contractor as a paper form or as an electronically generated and printed form~~.

~~2. Parent consultation.~~

~~a. Except as provided in sub-subparagraph (b)2.b. below, staff of the early learning coalition or its qualified contractor must perform a face-to-face consultation in person with the parent or guardian of every child that registers for the VPK program. During the consultation, the coalition's or contractor's staff shall determine the child's eligibility for the VPK program. If the child is eligible, the coalition's or contractor's staff shall give the parent or guardian profiles of providers or schools in accordance with Section 1002.53(5), F.S., describe the available program options, and explain the parent's or guardian's rights and responsibilities.~~

~~b. Notwithstanding sub-subparagraph (b)2.a. above, an early learning coalition is not required to perform a face-to-face parent consultation for a child if the coalition's staff or its qualified contractor's staff previously conducted a face-to-face consultation with the child's parent or guardian for another early learning program (e.g., school readiness program or program for prekindergarten children with disabilities), the coalition or its contractor maintains the child's records for the other early learning program, and the coalition or its contractor verifies against those records the completed Form AWI-VPK 01 (Parent Application) and supporting documentation submitted by the parent or guardian.~~

(2)~~(c)~~ Enrollment.

(a) A private provider or public school may not enroll a child in the VPK program before the coalition determines that the child is eligible for the program. To enroll an eligible child ~~complete a child's enrollment~~, the private ~~prekindergarten~~ provider or public school admitting the child must submit to the coalition the child's name and identifying information shown on the child's certificate of eligibility and the VPK class to which the provider or school assigns the child ~~number (from Form AWI-VPK 02 – Certificate of Eligibility) to the coalition or its qualified contractor, associating the child~~.

(b) A coalition may not prohibit a private provider or public school from enrolling a child because the child resides in a Florida county other than the county where the provider's or school's VPK site is located.

(c) A private provider or public school may only enroll a child with the coalition of the county where the provider's or school's VPK site is located, regardless of the county in which the child resides.

(d) A coalition shall complete a child's enrollment by recording an association in the ~~designated~~ statewide information system between the child and ~~with~~ the ~~provider's or school's appropriate~~ VPK class to which the private provider or public school assigns the child. A ~~Each early learning~~ coalition is encouraged, but not required, to notify a parent ~~or guardian~~ by ~~U.S.~~ mail after his or her child's ~~the~~ enrollment ~~of his or her child with the provider's or school class~~ is complete ~~completed in the designated statewide information system~~.

Specific Authority 1002.79 FS. Law Implemented 1002.53~~(2)(4)(a)~~, 1002.75(2)(a) FS. History–New 1-19-06, Amended _____.

60BB-8.204 Uniform Attendance Policy for Funding the VPK Program.

(1) Payment for the VPK program. An early learning coalition~~, or contractor acting on behalf of the coalition,~~ shall pay a private provider or public school for the VPK program in accordance with this rule.

(2) No change.

(3) Payment for absences.

(a) through (b) No change.

(c) An excused absence is not payable unless the reason for the absence is documented in writing and submitted to the private provider or public school. A private provider or public school must keep the documentation for at least 2 years, allow the Agency for Workforce Innovation or the coalition to inspect the documentation during normal hours of operation, and, upon request of the coalition, submit a copy of ~~submits~~ the documentation to the coalition ~~or contractor~~.

1. A child's parent may document (e.g., parent's note) seven or fewer excused absences per calendar month.

2. Beyond seven excused absences, a person other than the child's parent must document the excused absence, the person must be unrelated to the child or the child's parent, and the documentation must show that the person has personal knowledge of the reason for the child's absence (e.g., letter from a physician).

(d) through (e) No change.

(4) Payment for temporary closures.

(a) A temporary closure is payable if a private provider or public school submits written documentation to the coalition ~~or contractor~~ which demonstrates that the closure is temporary and caused by circumstances beyond the provider's or school's control.

(b) through (e) No change.

(f) A temporary closure is not payable if a private provider or public school does not reopen and resume instruction after the closure. A coalition ~~or contractor~~ shall assist a child with reenrollment if the child's VPK program does not resume instruction after a temporary closure.

(g) through (h) No change.

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(6)(d) FS. History–New 8-17-06, Amended _____.

60BB-8.300 Provider and Class Registration Procedures; Application; Eligibility Determination ~~and Procedures~~.

(1) Provider application; supporting documentation ~~Application~~.

(a) A private provider or public school registering for ~~interested in delivering~~ the VPK program ~~Program~~ must complete and sign ~~an application~~ Form AWI-VPK 10 (Statewide Provider Registration Application)~~, version date 04/29/2005, which is hereby~~ incorporated by reference in Rule 60BB-8.900, F.A.C. ~~Completing the application does not guarantee approval to deliver the VPK program.~~

~~(2) Completing the application form. This application is available electronically as an editable form in Adobe® Portable Document Format (PDF) at www.vpkflorida.org. The form is also available from any early learning coalition as a paper form. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. An application may be completed by:~~

~~(a) Using Adobe® Reader® to edit the form fields on a computer and printing a paper copy for submission; or~~

~~(b) Using a blank paper form and completing it by typing or printing clearly in black or blue ink.~~

(b)~~(3) Submitting the application.~~ A private ~~The~~ provider or public school must submit a complete and signed Form AWI-VPK 10 ~~shall mail or deliver the completed application~~ to the early learning coalition of ~~in~~ the county where the provider's or school's ~~in which its~~ VPK site is located. If a private provider or public school has more than one VPK site, the provider or school must submit a separate Form AWI-VPK 10 for each site. ~~Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org.~~ A private provider or public school must submit Form AWI-VPK 10 ~~This form must be submitted~~ with the supporting documentation ~~all~~ required in the instructions accompanying the form ~~attachments~~.

(c) A coalition may not pay a private provider or public school for the VPK program unless the coalition has in its records on the provider or school a current, complete, and signed Form AWI-VPK 10 for the provider or school.

(d) If a private provider or public school submits information on Form AWI-VPK 10 which changes, the provider or school must submit an updated Form AWI-VPK 10 to the coalition within 10 calendar days after the change. After a coalition determines that a private provider or public school is eligible for the VPK program, the provider or school is not required to resubmit Form AWI-VPK 10 for a subsequent program year unless the information submitted on the prior year's application changes.

~~(4) Notification of application completion. The early learning coalition in the county in which the provider is located will notify the provider if the provider or school is provisionally eligible to deliver VPK, or if any additional information is necessary, within 30 days after receipt of the application.~~

(2) Class registration application; supporting documentation.

(a) A private ~~Each provisionally eligible~~ provider or public school must annually ~~also~~ complete and sign Form AWI-VPK 11 (~~2005-2006~~ Class Registration Application) ~~version date 04/29/2005, which is hereby~~ incorporated by reference in Rule 60BB-8.900, F.A.C. ~~Once the provider has submitted all of the required information, the early learning coalition will notify it in writing whether the provider or school is eligible to deliver the VPK program~~.

(b) A private provider or public school must submit a complete and signed Form AWI-VPK 11 to the coalition. If a private provider or public school has more than one VPK class, the provider or school must submit a separate Form AWI-VPK 11 for each class. A private provider or public school must submit Form AWI-VPK 11 with the supporting documentation required in the instructions accompanying the form.

(c) A coalition may not pay a private provider or public school for a child enrolled in a VPK class unless the coalition has in its records on the provider or school a current, complete, and signed Form AWI-VPK 11 for the class.

(d) If a private provider or public school submits information on Form AWI-VPK 11 which changes, the provider or school must submit an updated class application to the coalition within 10 calendar days after the change.

(3) Eligibility determination. A coalition, in accordance with Sections 1002.55, 1002.61, and 1002.63, F.S., shall determine the eligibility of a private provider or public school registering for the VPK program.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3), (4), 1002.61(3), (7)(a), 1002.63(3), (4), (8)(a), 1002.75(2)(c), (d) FS. History–New 1-19-06, Amended _____.

60BB-8.301 Statewide Provider Agreement for the VPK Program.

(1)(a) An early learning coalition~~, or contractor acting on behalf of the coalition,~~ may not pay a private provider or public school for the VPK program, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement. If a coalition allows a qualified contractor to sign a provider agreement on behalf of the coalition, the coalition remains a party to the agreement. A school district may sign a provider agreement on behalf of a public school in the district.

(b) A coalition ~~or contractor~~ shall keep a signed copy of a provider agreement in the coalition's ~~or contractor's~~ records on the private provider or public school.

(2)(a) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20 (Statewide Provider Agreement)~~, dated June 9, 2006, which is hereby~~ incorporated by reference in Rule 60BB-8.900, F.A.C. Except as provided in paragraph (b), a provider agreement may not omit, supplement, or amend the terms and conditions of Form AWI-VPK 20. ~~Form AWI-VPK 20 may be obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (850)921-3180, and at the following website: http://www.floridajobs.org/earlylearning.~~

(b) A coalition may enter into a provider agreement that omits, supplements, or amends the terms and conditions of Form AWI-VPK 20, if:

1. The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation in writing, dated, and signed by the coalition and the private provider or public school; and

2. The Deputy Director for Early Learning approves the agreement.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(g), 1002.61(7)(a),1002.63(8)(a), 1002.75 FS. History–New 8-17-06, Amended _____.

60BB-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.

(1) No change.

(2) Minimum class size. A VPK class must be composed of at least four children enrolled in the VPK program.

(a) An early learning coalition~~, or contractor acting on behalf of the coalition,~~ may not issue the initial prepayment for a VPK class unless at least four children in the class are enrolled in the VPK program.

(b) No change.

(c) If a VPK class is composed of four or fewer children enrolled in the VPK program, the private provider or public school may not dismiss from the class a child enrolled in the program, unless:

1. The private provider or public school documents in writing the child's noncompliance with the conduct or attendance policies of the provider or school district, as applicable; and

2. The private provider or public school submits documentation of the child's noncompliance to the coalition ~~or contractor~~ within 3 business days after the child's dismissal.

(3) No change.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History–New 8-17-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary J. Holland, General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 2399-4128, (850)245-7150

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.2015	VPK Child Registration Pilot Project
60BB-8.305	Documenting and Certifying Child Attendance in the VPK Program
60BB-8.451	VPK Class Schedules
60BB-8.900	VPK Forms
60BB-8.901	Qualified Contractors

PURPOSE AND EFFECT: To adopt rules to establish procedures for early learning coalitions related to the VPK child registration pilot project, documenting and certifying child Attendance in the VPK program, VPK class schedules, VPK forms, and qualified contractors.

SUMMARY: The proposed rules seek to establish procedures for early learning coalitions related to the VPK Program such as the VPK child registration pilot project, documenting and certifying child Attendance in the VPK program, VPK class schedules, VPK forms, and qualified contractors.

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

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

SPECIFIC AUTHORITY: Chapter 120, 1002.79 FS.

LAWS IMPLEMENTED: 411.01, 1002.53, 1002.55, 1002.61, 1002.63, 1002.71, 1002.75 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-8.2015 VPK Child Registration Pilot Project.

(1) Pilot project. There is created a VPK child registration pilot project for the 2006-2007 and 2007-2008 program years in Baker, Bradford, Clay, Collier, Gadsden, Glades, Hendry, Jefferson, Lee, Leon, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Wakulla, Walton, St. Lucie, and Taylor counties.

(2) Initial eligibility. A private provider must meet the following requirements for initial eligibility to participate in the pilot project:

(a) The private provider must apply to participate in the pilot project on forms adopted by the early learning coalition. The forms must be submitted to the coalition and include the name of the private provider, the address and telephone number of the provider's VPK site, the name of the provider's prekindergarten director or designee, the date that the director or designee attends the training session required under paragraph (c), and other information demonstrating that the provider is eligible under this rule to participate in the pilot project.

(b)1. To be eligible for the pilot project for the 2006-2007 program year, the private provider must deliver instruction for the VPK program in the 2005-2006 program year.

2. To be eligible for the pilot project for the 2007-2008 program year, the private provider must deliver instruction for the VPK program in the 2005-2006 and 2006-2007 program years.

(c) The private provider's prekindergarten director or designee must attend a training session conducted by the coalition which instructs the provider on procedures for registering a child for the VPK program, accepting a child application and supporting documentation on behalf of the coalition, and conducting a parent-orientation session.

(3) Continuing eligibility. A private provider must also meet the following requirements for initial eligibility and continue to meet the requirements to participate in the pilot project:

(a) The private provider must comply with this rule.

(b) The private provider's VPK site must be located in one of the pilot counties listed in subsection (1).

(c) The private provider, while participating in the pilot project, must annually sign and submit to the coalition Form AWI-VPK 21 (Addendum to Statewide Provider Agreement) incorporated by reference in Rule 60BB-8.900, F.A.C.

(d) The private provider must record daily child attendance using a paper sign-in or sign-out log or electronic attendance-tracking system described in paragraph 60BB-8.305(2)(a), F.A.C.

(e) The private provider must submit accurate and timely monthly attendance rosters for the VPK program in accordance with subsection 60BB-8.305(3), F.A.C., and, if the provider is a school readiness provider, for the school readiness program. A private provider is not eligible for the pilot project if the coalition determines that, during the previous 24 months, the provider:

1. Submits two or more consecutive, or a combined total of four or more, monthly attendance rosters for payment 10 or more calendar days after the required submission date;

2. Submits two or more consecutive, or a combined total of four or more, monthly attendance rosters for payment which contain inaccurate reporting of a child's attendance;

3. Fails to repay an overpayment to the coalition by the required repayment date after the coalition discovers the overpayment and requests repayment from the private provider;

4. Submits a monthly attendance roster for payment which results in an overpayment that exceeds 20 percent of the payment for a calendar month due to the provider's inaccurate reporting of a child's attendance; or

5. Submits a monthly attendance roster for payment which contains fraudulent or other intentional misreporting of a child's attendance.

(f) If a private provider is licensed by the Department of Children and Family Services or local licensing agency under Sections 402.301-402.319, F.S., the provider is not eligible for the pilot project if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."

(4) Child registration procedures. A coalition shall allow a private provider eligible for the pilot project, on behalf of the coalition, to register a child for the VPK program. A private provider may only register a child under this rule who the provider admits in one of the provider's VPK classes. A private provider registering a child under this rule must comply with the following registration procedures:

(a) Notwithstanding subsection 60BB-8.201(1), F.A.C., a parent registering his or her child for the VPK program under this rule must complete, sign, and submit to the private provider Form AWI-VPK 01P (Child Application and Provider Admission) incorporated by reference in Rule 60BB-8.900, F.A.C., instead of Form AWI-VPK 01 or the online child application. A parent must submit Form AWI-VPK 01P to the private provider with the supporting documentation of the child's age and residential address required under Rule 60BB-8.200, F.A.C.

(b) Notwithstanding paragraph 60BB-8.201(3)(a), F.A.C., instead of the coalition conducting a face-to-face parent-orientation session, a private provider participating in the pilot project shall conduct the parent-orientation session on behalf of the coalition for a parent registering his or her child for the VPK program under paragraph (a). A private provider must conduct a parent-orientation session in accordance with the procedures in subsection 60BB-8.201(3), F.A.C.

(c) A private provider shall review a child's Form AWI-VPK 01P and supporting documentation and, within 5 working days after a child's parent registers the child, shall submit to the coalition or return to the parent, the child's Form AWI-VPK 01P and supporting documentation, as follows:

1. The private provider shall submit a child's Form AWI-VPK 01P and supporting documentation to the coalition if the provider's review confirms that the child's Form AWI-VPK 01P is complete, signed, and submitted with the required supporting documentation; the provider predetermines that the child appears to be eligible for the VPK program; and the provider admits the child in one of the provider's VPK classes.

2. The private provider shall return a child's Form AWI-VPK 01P and supporting documentation to the child's parent for correction and resubmission to the provider if the provider's review finds that the child's Form AWI-VPK 01P is not complete, not signed, or not submitted with the required supporting documentation.

3. If the private provider predetermines that a child does not appear to be eligible, the provider shall return the child's Form AWI-VPK 01P and supporting documentation to the child's parent and, on the blank spaces included on Form AWI-VPK 01P, notify the parent of the reasons that the child does not appear to be eligible and that the provider's predetermination is not the coalition's official determination of the child's eligibility.

(d) A coalition shall, in accordance with Rule 60BB-8.202, F.A.C., determine the eligibility of a child registering for the VPK program under this rule. Notwithstanding paragraph 60BB-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child registering under this rule.

(e) If a coalition determines that a child is not eligible for the VPK program, the coalition shall inform the private provider and the child's parent in writing that the child is not eligible and return the child's Form AWI-VPK 01P and supporting documentation to the parent.

(5) Payment for pilot project prohibited. In accordance with subsection 60BB-8.901(3), F.A.C., a coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a private provider for participating in the pilot project, registering a child for the VPK program under this

rule, accepting a child application or supporting documentation on behalf of the coalition, or conducting a parent-orientation session.

(6) School district or public school. Notwithstanding Rules 60BB-8.201 and 60BB-8.202, F.A.C., a school district or public school, if allowed under a contract with the coalition, may use the child registration procedures in subsection (4) to register a child for the district's or school's VPK program, regardless of whether the district or school is located in one of the pilot counties listed in subsection (1) or meets the eligibility requirements listed in subsections (2) and (3).

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (4), (5), 1002.75(2)(a), (b) FS. History–New .

60BB-8.305 Documenting and Certifying Child Attendance in the VPK Program.

(1) Daily documentation of child attendance.

(a) A private provider or public school in the VPK program shall keep documentation, recorded daily, of the attendance of a child enrolled in the program with the provider or school.

(b) If a private provider or public school in the VPK program is also a school readiness provider, the provider or school may jointly document a child's daily attendance for the VPK program with the child's attendance for the school readiness program which is documented in accordance with Rule 60BB-4.502, F.A.C.

(2) Monthly verification of child attendance. A private provider or public school in the VPK program shall require the parent of a child enrolled in the program with the provider or school to verify monthly the child's attendance for the prior month, as follows:

(a) A child's parent must verify the child's attendance on Form AWI-VPK 03S (Child Attendance and Parental Choice Certificate Short Form) incorporated by reference in Rule 60BB-8.900, F.A.C., if the private provider or public school records the child's daily attendance using one of the following methods:

1. A paper sign-in or sign-out log that records the date, child's name, and signature of the parent or other person dropping off or picking up the child to, or from, the VPK site; or

2. An electronic attendance-tracking system that records the date, child's name, and electronic signature, card swipe, entry of a personal identification number, or similar daily action taken by the parent or other person dropping off or picking up the child to, or from, the VPK site.

(b) A child's parent must verify the child's monthly attendance on Form AWI-VPK 03L (Child Attendance and Parental Choice Certificate Long Form) incorporated by reference in Rule 60BB-8.900, F.A.C., if the private provider or public school records the child's daily attendance using a method (e.g., instructor records daily attendance using a roll book) other than the methods described in paragraph (a). Before a parent signs Form AWI-VPK 03L, the private provider or public school must record the child's monthly attendance on the form or attach documentation to the form which shows the child's monthly attendance.

(3) Monthly certification of child attendance for payment.

(a) An early learning coalition shall give a private provider or public school a monthly roster that lists each child enrolled in the provider's or school's VPK program. A coalition shall prepare a monthly roster using the statewide information system. A monthly roster shall include blank spaces for a private provider or public school to certify a child's attendance for the calendar month.

(b) A private provider or public school must certify the monthly attendance of a child enrolled in the provider's or school's VPK program. Before a coalition may pay a private provider or public school for a month, the provider or school must certify the attendance of each enrolled child from the most recently complete calendar month by completing a monthly roster and submitting the completed roster to the coalition.

(c) If a child arrives at a private provider's or public school's VPK site but the provider or school refuses the child's attendance for disciplinary or other reasons (e.g., due to tardiness or prohibited attire), the provider or school must record the instructional day as an absence.

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(5)(b), (6)(b), (d), 1002.75(2)(f), (g), (h) FS. History–New .

60BB-8.451 VPK Class Schedules.

An early learning coalition may not pay a private provider or public school for a VPK class unless the class schedule complies with the following:

(1) School-year program.

(a) Except as provided in paragraph (b), a school-year program may not begin instruction before August 1.

(b) If the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county before August 1, a school-year program in the county may not begin instruction before the uniform date.

(c) A school-year program must complete instruction by June 30.

(2) Summer program. A summer program may not begin instruction before May 1 and must complete instruction before the uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d) FS. History–New .

60BB-8.900 VPK Forms.

(1) The forms incorporated by reference in this rule may be obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (850)921-3180, TTY/Florida Relay 711, and at the following website: http://www.floridajobs.org/earlylearning.

(2) The following forms are hereby incorporated by reference:

(a) Form AWI-VPK 01 (Child Application) with instructions, dated January 17, 2006.

(b) Form AWI-VPK 01P (Child Application and Provider Admission) with instructions, dated September 13, 2006.

(c) Form AWI-VPK 02 (Child Eligibility and Enrollment Certificate), dated September 13, 2006.

(d) Form AWI-VPK 03L (Student Attendance and Parental Choice Certificate Long Form), dated September 21, 2005.

(e) Form AWI-VPK 03S (Student Attendance and Parental Choice Certificate Short Form), dated September 21, 2005.

(f) Form AWI-VPK 06 (Voluntary Prekindergarten Parent Handbook), dated August 15, 2006.

(g) Form AWI-VPK 10 (Statewide Provider Registration Application) with instructions, dated January 17, 2006.

(h) Form AWI-VPK 11 (Class Registration Application) with instructions, dated January 17, 2006.

(i) Form AWI-VPK 20 (Statewide Provider Agreement), dated June 9, 2006.

(j) Form AWI-VPK 21 (Addendum to Statewide Provider Agreement), dated September 13, 2006.

(k) Form AWI-RR 63 (A Family Guide for Selecting Quality Early Learning Programs), dated June 30, 2006.

(l) Form AWI-RR 64 (A Quality Checklist for Evaluating Early Learning Programs), dated June 30, 2006.

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(4), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(a), (b), 1002.75(2) FS. History–New _____.

60BB-8.901 Qualified Contractors.

(1) An early learning coalition may contract with a qualified entity to perform the coalition's duties under this chapter. A coalition is ultimately responsible for its duties when they are performed by a qualified contractor.

(2)(a) A coalition may not contract, and a qualified contractor may not subcontract, with a private entity that derives more than 5 percent of its income from providing child care as defined in Section 402.302, F.S., for the performance of the following duties:

1. Registering a child for the VPK program, accepting a child application or supporting documentation on behalf of a coalition, or conducting a parent-orientation session, except as provided in Rule 60BB-8.2015, F.A.C., for the VPK child registration pilot project;

2. Determining the eligibility of a child for the VPK program, issuing a certificate of eligibility for a child, or enrolling a child in the statewide information system; or

3. Accepting a provider application, class application, or supporting documentation on behalf of a coalition, or determining the eligibility of a private provider or public school for the VPK program.

(b) This subsection does not apply to a contract between a coalition and a school district or public school.

(3) A coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a public or private entity for registering a child for the VPK program, accepting a child application or supporting documentation from the child's parent on behalf of the coalition, or conducting a parent-orientation session for the child's parent, if the child is registering for the entity's VPK program.

Specific Authority 411.01(4)(e), 1002.79(2) FS. Law Implemented 411.01(5)(d)4.g., 10., 1002.53(4), (5), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(b), (d), 1002.75(2) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary J. Holland, General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-210.100	Purpose and Scope
62-210.200	Definitions
62-210.300	Permits Required
62-210.310	Air General Permits
62-210.920	Registration Forms for Air General Permits

PURPOSE AND EFFECT: The proposed rule amendments clarify differences between individually issued air permits (authorizations by permit) and air general permits (authorizations by rule); provide that all air general permits authorize both construction and operation; place "conditional" exemptions from air permitting together and simplify language; add a new conditional exemption for small printing operations; clarify that categorical, conditional and generic exemptions cannot be used for exemption from Title V permitting; move all non-Title V air general permits to a new rule section and simplify rule language; distinguish between general permit eligibility criteria and compliance requirements; add a new air general permit for printing operations; eliminate public notice requirements for concrete batching plant air general permits; allow concrete batching plants and crushers using separate air general permits to co-locate; and revise air general permit registration forms to clarify eligibility requirements.

SUMMARY: The proposed rule amendments revise and update regulatory requirements for air permitting exemptions and for use of air general permits.

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

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

SPECIFIC AUTHORITY: 403.061, 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061,403.087, 403.814 FS.

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

DATE AND TIME: Thursday, October 26, 2006, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 100 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scearce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahasse, Florida 32399-2400, or lynn.scearce@dep.state.fl.us, phone (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Terri Long, terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-210.100 Purpose and Scope.

The Department of Environmental Protection adopts this chapter to establish general requirements for stationary sources of air pollutant emissions and definitions for use in this chapter as well as Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C. This chapter provides criteria for determining the need for an owner or operator to obtain Department authorization, by individual air permit or by air general permit, to conduct certain activities involving sources of air pollutant emissions ~~to obtain an air construction or air operation permit~~. It provides procedures to apply for an air construction or non-Title V air operation permit, or to register for use of an air general permit. It establishes public notice requirements, reporting requirements, and requirements relating to estimating emissions ~~emission rates~~ and using air quality models. This chapter also sets forth special provisions related to compliance monitoring, stack heights, circumvention of pollution control equipment, and excess emissions.

Specific Authority 403.061 FS. Law Implemented ~~403.021,~~ 403.031, 403.061, 403.087 FS. History–New 2-9-93, Formerly 17-210.100, Amended 11-23-94, _____.

62-210.200 Definitions.

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

(1) through (18) No change.

(19) "Air General Permit" – An authorization by rule to construct or operate an air pollutant emitting facility. Use of such authorization by any individual facility does not require agency action.

(19) through (26) renumbered (20) through (27) No change.

(28)~~(27)~~ "Animal Crematory" – Any combustion apparatus used solely for the cremation of animal remains ~~dead animals with appropriate containers as described in subsection 62-296.401(6), F.A.C~~.

(29)~~(28)~~ "Applicable Requirement" –

(a) For purposes of the permitting requirements of Chapter 62-213, F.A.C., all of the following as they apply to a Title V source or any emissions unit at such source:

1. through 5. No change.

6. Any standard or other requirement under ~~of~~ 42 U.S.C. Section 7411 or 7412;

7. If incorporated into the Specific Operating Agreement with the Department, any standard or other requirement adopted by ~~of~~ a local air pollution control ~~regulatory~~ program having geographical jurisdiction over the emission unit, unless

such standard or requirement conflicts with the provisions of the Federal Acid Rain Program or the Florida Electrical Power Plant Siting Act:

8. through 12. No change.

(b) For purposes of the permitting and exemption requirements of Chapters 62-210 and 62-212, F.A.C., all of the following as they apply ~~applied~~ to any facility or to any emissions unit within such facility:

1. Any standard or other requirement provided for in the State Implementation Plan ~~term or condition of any Department air permit~~;

2. Any term or condition of any preconstruction permit issued pursuant to 40 C.F.R. 52.21; subparagraph 62-204.800(11)(d)2., F.A.C.; (formerly 62-204.800(10)(d)2.); Rule 62-212.300, F.A.C. (formerly 17-212.300, formerly 17-2.520); Rule 62-212.400, F.A.C. (formerly 17-212.400, formerly 17-2.500); Rule 62-212.500, F.A.C. (formerly 17-212.500, formerly 17-2.510); Rule 62-212.720, F.A.C.; Rule 17-2.17, F.A.C. (repealed); or Rule 62-4.210, F.A.C. (formerly 17-4.210, formerly 17-4.21); ~~and~~

3. Any term or condition of any air operation permit;

4.~~3.~~ No change.

5. Any standard or other requirement under 42 U.S.C. Section 7411 or 7412; and

6. If incorporated into the Specific Operating Agreement with the Department, any standard or other requirement adopted by a local air pollution control program having geographical jurisdiction over the emission unit, unless such standard or requirement conflicts with the provisions of the Federal Acid Rain Program or the Florida Electrical Power Plant Siting Act.

(29) through (40) renumbered (30) through (41) No change.

(42)~~(41)~~ "Biological Waste Incinerator ~~Incineration Facility~~" – Any incinerator ~~One (1) or more incinerators located on one (1) or more contiguous or adjacent properties which is/are~~ operated or utilized for the disposal or treatment of biological waste ~~and is/are owned or operated by the same person or by persons under common control~~. The term does not include any air curtain incinerator used or authorized by the Department of Agriculture and ~~or~~ Consumer Services for the emergency destruction of animal carcasses.

(42) through (109) renumbered (43) through (110) No change.

(111) "Digital Printing" – The transfer of electronic files directly from the computer to an electronically driven output device that prints the image directly on the selected media (substrate).

(110) through (115) renumbered (112) through (117) No change.

(118) "Electron Beam-Cured" – An ink and coating drying process by which monomers, oligomers, and other components polymerize to form a film when exposed to an electron beam radiation.

(116) through (139) renumbered (119) through (142) No change.

(143) "Fountain Solution" – A mixture of water and other volatile and non-volatile chemicals and additives that maintains the quality of the printing plate and reduces the surface tension of the water so that it spreads easily across the printing plate surface. The fountain solution wets the non-image area so that the ink is maintained within the image areas. Non-volatile additives include mineral salts and hydrophilic gums.

(144) "Fountain Solution Additives" – Wetting additives that include alcohol and alcohol substitutes, including isopropyl alcohol, glycol ethers and ethylene glycol, which are used to reduce the surface tension of the fountain solution.

(140) through (149) renumbered (145) through (154) No change.

(155) "Heatset" – A lithographic web printing process where heat is used to evaporate ink oils from the printing ink. Heatset dryers (typically hot air) are used to deliver the heat to the printed web.

(150) through (155) renumbered (156) through (161) No change.

(162)~~(156)~~ "Human Crematory" – Any combustion apparatus used solely for the cremation of either human or fetal remains ~~dead human bodies with appropriate containers as described in subsection 62-296.401(5), F.A.C~~.

(157) through (173) renumbered (163) through (179) No change.

(180) "Letterpress Printing" – A printing system in which the image area is raised relative to the non-image area and the ink is transferred to the substrate directly from the image surface.

(174) through (176) renumbered (181) through (183) No change.

(184) "Lithographic Printing" – A planographic printing system where the image and non-image areas are chemically differentiated. The image area is oil receptive and non-image area is water receptive. Ink film from the lithographic plate is transferred to an intermediary surface (blanket), which, in turn, transfers the ink film to the substrate. Fountain solution is applied to maintain the hydrophilic properties of the non-image area. Ink drying is divided into heatset and non-heatset.

(177) through (181) renumbered (185) through (189) No change.

(190)~~(182)~~ "Major Modification" –

(a) through (c) No change.

(d) This definition shall not apply with respect to a particular PSD ~~regulated air~~ pollutant when the major stationary source is complying with the requirements under Rule 62-212.720, F.A.C., for a PAL for that pollutant. Instead, the definition at 40 CFR 52.21(aa)(2)(viii), adopted by reference in Rule 62-204.800, F.A.C., shall apply.

(183) through (199) renumbered (191) through (207) No change.

(208)~~(200)~~ "Net Emissions Increase" –

(a) With respect to any PSD pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero (0):

1. The increase in emissions from a particular physical change or change in the method of operation as calculated pursuant to paragraph 62-212.400(2)(a), F.A.C.; and

2. Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are creditable. Baseline actual emissions for calculating increases and decreases under this subparagraph ~~62-210.200(179)(a)2., F.A.C.,~~ shall be determined as provided by the definition of "baseline actual emissions" ~~in subsection 62-210.200(34), F.A.C.~~, except that subparagraphs (a)3. and (b)4. of such definition ~~62-210.200(34)(a)3. and (b)4., F.A.C.,~~ shall not apply.

(b) through (g) No change.

(h) Paragraph (a) of the definition of "actual emissions" ~~62-210.200(11)(a), F.A.C.,~~ shall not apply for determining creditable increases and decreases.

(201) through (207) renumbered (209) through (215) No change.

(216) "Non-heatset" – A lithographic printing process where the printing inks are set without the use of heat. Traditional non-heatset inks set and dry by absorption and/or oxidation of the ink oils. Ultraviolet-cured, thermography and electron beam-cured inks are considered non-heatset although radiant energy is required to cure these inks.

(208) through (230) renumbered (217) through (239) No change.

(240) "Polyester Resin Material" – Materials used in polyester resin operations which include isophthalic, orthophthalic, halogenated, bisphenol-A, vinyl-ester or furan resins; cross-linking agents; catalysts, gel coats, inhibitors, accelerators, promoters, and any other VOC containing materials.

(231) through (235) renumbered (241) through (245) No change.

(246) "Printing Line" – A printing production assembly composed of one or more units used to produce a printed substrate including any associated coating, spray powder application, or infrared, natural gas, or electric heating units or dryers.

(236) through (248) renumbered (247) through (259) No change.

(260) "Reinforced Polyester Resin Operations" – An operation that entails saturating a reinforcing material such as glass fiber with a polyester resin material. Such operations include the production or rework of product by mixing, pouring, hand laying-up, impregnating, injecting, forming, spraying, and/or curing unsaturated polyester materials with fiberglass, fillers, or any other reinforcement materials and associated cleanup.

(249) through (259) renumbered (261) through (271) No change.

(272) "Screen Printing" – A printing system where the printing ink passes through a web or fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.

(260) through (290) renumbered (273) through (303) No change.

(304) "Thermography" – The process of spreading thermal powders on the wet ink of a print application and heating it in order to melt the powder into a single solid mass which creates a raised printing effect. The heating is accomplished with a natural gas or electric oven.

(291) through (302) renumbered (305) through (316) No change.

(317) "Ultraviolet-Cured" – An ink and coating drying process by which monomers, oligomers, and other components polymerize to form a film when exposed to ultraviolet radiation.

(303) through (315) renumbered (318) through (330) No change.

(331) "Water-based Ink/Coating/Adhesive" – An ink, coating or adhesive with a VOC content less than or equal to 25 percent by weight as applied.

(316) through (317) Renumbered (332) through (333).

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

62-210.300 Permits Required.

Unless exempted from permitting pursuant to this rule ~~paragraph 62-210.300(3)(a) or (b), F.A.C.,~~ or Rule 62-4.040, F.A.C., ~~or unless specifically authorized by provision of subsection 62-210.300(4), F.A.C., or Rule 62-213.300, F.A.C.,~~ the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain ~~an~~ appropriate authorization ~~permit~~ from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required ~~beginning construction, reconstruction pursuant to 40 CFR 60.15 or 63.2, modification, or the addition of pollution control equipment; or to authorize initial or continued operation of the emissions unit or to establish a PAL or Air Emissions Bubble~~.

The Department grants authorization to conduct such activities by individual air permit or by air general permit. Activities requiring authorization by individual air construction permit are addressed at subsection 62-210.300(1), F.A.C., and activities requiring authorization by individual air operation permit are addressed at subsection 62-210.300(2), F.A.C. Authorization by air general permit is addressed at section 62-210.300(4), F.A.C. All emissions limitations, controls, and other requirements imposed by any individual air permit ~~such permits~~ shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by ~~Issuance of a~~ individual air permit or air general permit does not relieve the owner or operator of a facility or ~~an~~ emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) Air Construction Permits.

(a) through (b) No change.

1. Except for those limitations or requirements that are obsolete, all limitations and requirements of an air construction permit shall be included and identified in any air operation permit for the facility or emissions unit. The limitations and requirements included in the air operation permit can be changed, and thereby superseded, through the issuance of an air construction permit, federally enforceable state air operation permit, federally enforceable air general permit, or Title V air operation permit; provided, however, that:

a. through b. No change.

c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, subparagraph 62-204.800(11)~~(10)~~(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under subparagraph 62-204.800(11) ~~(10)~~(d)2., F.A.C., Rule 62-212.400 or 62-212.500, F.A.C., as appropriate.

2. through 3. No change.

(c) Notwithstanding the provisions of paragraph 62-210.200(1)(a), F.A.C., the owner or operator of any eligible facility who registers to use an air general permit under Rule 62-210.310, F.A.C., or Rule 62-213.300, F.A.C., who is not denied use of the air general permit, and who constructs the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to this subsection, provided, however, that any proposed new major stationary source, major modification, or modification that would be a major modification but for the provisions of paragraph 62-212.400(2)(a), F.A.C., shall require authorization by air construction permit.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit~~;~~, subsequent to any construction, reconstruction or modification of a facility or emissions unit authorized by an air construction permit, ~~or subsequent to the creation of or change to a bubble,~~ and demonstration of compliance with the conditions of such air ~~the~~ construction permit ~~for any new or modified facility or emissions unit;~~ subsequent to the establishment of a PAL or ~~any~~ air emissions bubble by air construction permit~~;~~ or as otherwise provided in this chapter or Chapter 62-213, F.A.C.~~;~~ the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit ~~or air general permit~~, or an administrative correction or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of this chapter, Chapter 62-213 (if the facility is a Title V source), and Chapter 62-4, F.A.C.

(a) Minimum Requirements for All Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. through 3. No change.

4. In the case of an emissions unit permitted pursuant to sub-subparagraphs 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute any modification or reconstruction pursuant to this chapter or any federal regulation adopted by reference at Rule ~~subsection~~ 62-204.800~~(7)~~, F.A.C.

(b) No change.

(c) Notwithstanding the provisions of subsection 62-210.300(2), F.A.C., the owner or operator of any eligible facility who registers to use an air general permit under Rule 62-210.310, F.A.C., or Rule 62-213.300, F.A.C., who is not denied use of the air general permit, and who operates the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air operation permit pursuant to this subsection or Rule 62-213.400, F.A.C.

(3) Exemptions. Except as otherwise provided herein, an owner or operator shall not be required to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., for any ~~A~~ facility, emissions unit or pollutant-emitting activity that ~~shall be exempt from the permitting requirements of this chapter, Chapter 62-212 F.A.C., and 62-4, F.A.C., if it~~ satisfies the applicable criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or ~~if it~~ has been exempted from permitting pursuant to Rule 62-4.040, F.A.C. Failure of a facility, emissions unit or activity to satisfy the exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., does not preclude such facility,

emissions unit or activity from being considered for exemption pursuant to Rule 62-4.040, F.A.C. Notwithstanding the above, no emissions unit or activity shall be exempt from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., if it would be subject to any unit-specific applicable requirement, including a PAL. Furthermore, no new, reconstructed, or modified emissions unit or activity shall be exempt from the requirement to obtain an air construction permit if its emissions would contribute to a major modification or to any modification that would be a major modification but for the provisions of paragraph 62-212.400(2)(a), F.A.C. An emissions unit ~~Emissions units~~ or ~~and~~ pollutant-emitting activity ~~activities~~ exempt from the requirement to obtain an air construction permit ~~permitting under this rule~~ shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if it is ~~they are~~ contained within a Title V source or if its emissions, in combination with the emissions of other emission units and activities at the facility, would cause the facility to be classified as a Title V source.~~; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of subparagraph 62-213.300(2)(a)1. or paragraph 62-213.430(6)(b), F.A.C. Any proposed new emissions unit or activity that would be exempt from permitting under this rule shall not be required to obtain an air construction permit pursuant to this chapter, Chapter 62-212, or 62-4, F.A.C., even if such unit or activity would be contained within a Title V source. No emissions unit shall be entitled to an exemption from permitting under this rule if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source. Neither shall any emissions unit be entitled to an exemption from permitting under this rule if it would be subject to any unit-specific applicable requirement including a PAL.~~ Exemption from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., does not relieve any emissions unit or activity from complying with any requirement under 40 CFR Part 60, 61, or 63, adopted and incorporated by reference at Rule 62-204.800, F.A.C., to which it is subject, even if such requirement is not a unit-specific applicable requirement. Furthermore ~~Notwithstanding its exemption from air permitting~~, an exempt emissions unit or activity shall be subject to any general, facility-level applicable requirements, and its emissions shall be considered in determining the applicability of permitting requirements to other emissions units at the facility or to the facility as a whole.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and pollutant-emitting activities shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C. The exemptions listed at subparagraphs 62-210.300(3)(a)23. through 36., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

~~1. One (1) or more fossil fuel steam generators and hot water generating units located within a single facility; collectively having a total rated heat input equaling 100 million BTU per hour or less; and collectively burning annually no more than 145,000 gallons of fuel oil containing no more than 1.0 percent sulfur, or no more than 290,000 gallons of fuel oil containing no more than 0.5 percent sulfur, or an equivalent prorated amount of fuel oil if multiple fuels are used, provided none of the generators or hot water generating units is subject to the Federal Acid Rain Program or any standard or requirement under 42 U.S.C. section 7411 or 7412.~~

~~2. Any individual fossil fuel steam generator and hot water generating unit with a rated heat input equaling 100 million BTU per hour or less and burning annually no more than 150 million standard cubic feet of natural gas or no more than one million gallons of propane or no more than one million gallons of fuel oil containing no more than 0.05 percent sulfur, or an equivalent prorated amount if multiple fuels are used, provided:~~

~~a. The total annual fuel consumption for all units exempted by subparagraphs 62-210.300(3)(a)2. and 3., F.A.C., at a facility does not exceed 375 million standard cubic feet of natural gas or 2.5 million gallons of propane or 2.5 million gallons of fuel oil containing no more than 0.05 percent sulfur, or an equivalent prorated amount if multiple fuels are used and;~~

~~b. The unit is not subject to the Federal Acid Rain Program or any standard or requirement under 42 U.S.C. 7411 or 7412.~~

~~3. One (1) or more fossil fuel steam generators and hot water generating units located within a single facility, collectively having a total rated heat input equaling 10 million BTU per hour or less, and fired exclusively by natural gas or propane, provided:~~

~~a. During periods of natural gas curtailment, only propane or fuel oil containing no more than 1.0 percent sulfur is fired; and,~~

~~b. None of the generators or hot water heating units is subject to the Federal Acid Rain Program or any standard or requirement under 42 U.S.C. section 7411 or 7412.~~

4. through 17. renumbered 1. through 14. No change.

15. Fire and safety equipment.

16. Petroleum lubrication systems.

17. Application of fungicide, herbicide, or pesticide.

18. Asbestos renovation and demolition activities.

19. Vehicle refueling operations and associated fuel storage.

20. Restaurants.

21. Burning of drugs seized by law enforcement agencies in boilers with a heat input of 250 million Btu per hour or more.

22. Phosphogypsum cooling ponds and inactive phosphogypsum stacks which have demonstrated compliance with the requirements of 40 CFR Part 61, Subpart R, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

23. Degreasing units using heavier-than-air vapors exclusively, provided that such units shall not use any substance containing any hazardous air pollutant.

24. Non-halogenated solvent storage and cleaning operations, provided that such operations shall not use any solvent containing any hazardous air pollutant.

25.~~18.~~ Petroleum dry cleaning facilities, provided the ~~with a~~ solvent consumption shall be ~~of~~ less than 3,250 gallons per year.

26.~~19.~~ Portable a~~A~~ir c~~C~~urtain i~~I~~ncinerators, provided the following conditions are met. ~~An air curtain incinerator shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit provided it is constructed and operated in compliance with all of the following conditions.~~

a. Except as provided at sub-subparagraph c. ~~62-210.300(3)(a)19.c., F.A.C.~~, only land clearing debris and appropriate starting fuel shall be burned in the air curtain incinerator. The air curtain incinerator shall not be used to burn any material prohibited to be open-burned as set forth at subsection 62-256.300(3), F.A.C. Only kerosene, diesel fuel, drip torch fuel (as used to ignite prescribed fires), untreated wood, virgin oil, natural gas or liquefied petroleum gas shall be used to start the fire in the air curtain incinerator. The use of used oil, chemicals, gasoline, or tires to start the fire is prohibited.

b. The air curtain incinerator, alone or in combination with any other air curtain incinerator(s) claiming this exemption from air permitting, shall not be deployed at a single site for more than six (6) months in any consecutive twelve (12) months ~~month period~~ and, except as provided at sub-subparagraph c. ~~62-210.300(3)(a)19.c., F.A.C.~~, shall not burn any material other than land clearing debris generated at the site or at any other site under control of the same person (or persons under common control). For purposes of this provision ~~rule~~, a site is any and all locations on one (1) or more contiguous or adjacent properties which are under the control of the same person (or persons under common control), except that, in the case of a linear right-of-way, a site is any and all locations within any one-mile span of right-of-way. Any deployment of one (1) or more air curtain incinerators at a single site for more than six (6) months in any consecutive twelve (12) months ~~12 month period~~, and, except as provided at sub-subparagraph c. ~~62-210.300(3)(a)19.c., F.A.C.~~, any use of an air curtain incinerator at a site to burn material other than land clearing debris generated at the site or any other site under control of the same person (or persons under common control), shall require an appropriate air permit.

c. Notwithstanding the provisions of sub-subparagraphs a. and b. ~~62-210.300(3)(a)19.a. and b., F.A.C.~~, the air curtain incinerator may be used for up to six (6) months in any consecutive twelve (12) months ~~12 month period~~ at any location for the destruction of animal carcasses in accordance with the provisions of subsection 62-256.700(6), F.A.C., the burning of storm-generated debris in accordance with the provisions of subsection 62-256.700(8), F.A.C., or the destruction of insect or disease-infested vegetation in accordance with the provisions of subsection 62-256.700(9), F.A.C. When using an air curtain incinerator to burn animal carcasses, untreated wood may also be burned to maintain good combustion.

d. through f. No change.

g. ~~In accordance with the provisions of 40 CFR Part 60, Subparts AAAA, BBBB, CCCC, and DDDD, adopted and incorporated by reference at Rule 62-204.800, F.A.C.,~~ V~~v~~isible emissions from the air curtain incinerator shall not exceed ten percent (10%) opacity, six (6) minute average, except for up to thirty (30) minutes during periods of startup when visible emissions up to thirty-five percent (35%) opacity, six (6) minute average, shall be allowed. For purposes of this exemption, these visible emissions limitations shall not be considered unit-specific applicable requirements.

h. through l. No change.

m. If the air curtain incinerator is operated in compliance with all conditions of this exemption, it shall not be subject to ~~any testing, reporting, or recordkeeping requirement for air curtain incinerators under 40 CFR Part 60, Subpart AAAA, BBBB, CCCC, or DDDD, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; nor shall it be subject to~~ the requirements of subsection 62-296.401(7), F.A.C.

~~20. One (1) or more emergency generators located within a single facility provided:~~

~~a. None of the emergency generators is subject to the Federal Acid Rain Program; and~~

~~b. Total fuel consumption by all such emergency generators within the facility is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.~~

~~21. One (1) or more heating units, general purpose internal combustion engines, or other combustion devices, all of which are located within a single facility, are not listed elsewhere in paragraph 62-210.300(3)(a), F.A.C., and are not pollution control devices, provided:~~

~~a. None of the heating units, general purpose internal combustion engines, or other combustion devices that would be exempted is subject to the Federal Acid Rain Program;~~

~~b. Total fuel consumption by all such heating units, general purpose internal combustion engines, and other combustion devices that would be exempted is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used; and~~

~~c. Fuel for the heating units, general purpose internal combustion engines, and other combustion devices that would be exempted is limited to natural gas, diesel fuel, gasoline and propane.~~

~~22. Fire and safety equipment.~~

27.~~23.~~ Surface coating operations within a single facility ~~if the total quantity of coatings containing greater than 5.0 percent VOCs, by volume, used is 6.0 gallons per day or less, averaged monthly~~, provided:~~-~~

a. The surface coating operation shall use only coatings containing 5.0 percent or less VOC, by volume, or the total quantity of coatings containing greater than 5.0 percent VOC, by volume, used at the facility shall not exceed 6.0 gallons per day, averaged monthly, where the quantity of coatings used includes all solvents and thinners used in the process or for cleanup; and

b.~~a.~~ Such operations are not subject to any unit-specific applicable requirement. ~~a volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.; and~~

~~b. The amount of coatings used shall include any solvents and thinners used in the process including those used for cleanup.~~

~~24. Surface coating operations utilizing only coatings containing 5.0 percent or less VOCs, by volume.~~

~~25. Phosphogypsum cooling ponds and inactive phosphogypsum stacks which have demonstrated compliance with the requirements of 40 C.F.R. Part 61, Subpart R, hereby adopted and incorporated by reference.~~

~~26. Degreasing units using heavier-than-air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.~~

28.~~27.~~ Volume reduction processes as defined in Rule 62-296.417, F.A.C., provided ~~wherein~~ the owner or operator shall manage ~~manages~~ only spent mercury-containing lamps removed from the facility where the volume reduction process is located.

29.~~28.~~ Mercury recovery processes as defined in Rule 62-296.417, F.A.C., provided ~~wherein~~ the owner or operator shall manage ~~manages~~ only spent mercury-containing devices temporarily or permanently removed from service from the owner or operator's own facilities or installations.

30.~~29.~~ Bulk gasoline plants, provided:

~~a. Such operations are not conducted at a facility that is subject to the permitting requirements of Chapter 62-213, F.A.C., and the emissions from such operations would not contribute to total emissions that would make the facility subject to those requirements;~~

b. through c. renumbered a. through b. No change.

c.~~d.~~ The facility shall ~~does~~ not exceed a throughput rate (receive and distribute) of 1.3 million gallons of gasoline in any consecutive twelve (12) months ~~period~~;

d.~~e.~~ The facility is not subject to any unit-specific applicable requirement ~~Standard of Performance for New Stationary Sources (NSPS) requirement adopted by reference in Rule 62-204.800, F.A.C.; and~~

e.~~f.~~ No change.

~~30. Petroleum lubrication systems.~~

~~31. Application of fungicide, herbicide, or pesticide.~~

~~32. Asbestos renovation and demolition activities.~~

~~33. Non-halogenated solvent storage and cleaning operations, provided the solvents contain none of the hazardous air pollutants listed at Rule 62-210.200, F.A.C.~~

~~34. Vehicle refueling operations and associated fuel storage.~~

~~35. Restaurants.~~

~~36. Burning of drugs seized by law enforcement agencies in boilers with a heat input of 250 million BTU per hour or more.~~

31.~~37.~~ Relocatable wet screening-only operations, provided:

a. The screening operation is not connected to a nonmetallic mineral processing plant subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

~~b. No dry material is processed; and~~

b.~~c.~~ No hazardous waste ~~or toxic waste~~ as defined in Section 403.703, F.S., shall be ~~Department rules, is~~ processed; and~~.~~

c. The operation shall not operate at a single site for more than six (6) months in any consecutive twelve (12) months. For purposes of this provision, a site is any and all locations on one or more contiguous or adjacent properties which are under the control of the same person (or persons under common control).

32.~~38.~~ Brownfield site remediation, as described at Rule 62-785.700, F.A.C., provided that the total volatile organic compounds in the air emissions from all onsite remediation equipment shall ~~does~~ not exceed 13.7 pounds per day.

33. Fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity equal to or less than 10 million Btu per hour, provided the following conditions are met with respect to each such unit.

a. The unit is not subject to the Acid Rain Program, CAIR Program, or any unit-specific applicable requirement.

b. The rated heat input capacity of the unit is equal to or less than 10 million Btu per hour and, collectively, the total rated heat input capacity of all units claiming this exemption at the same facility is less than 10 million Btu per hour.

c. The unit shall not burn used oil or any fuels other than natural gas or propane, except that fuel oil with a sulfur content not exceeding 1.0 percent by weight may be burned during periods of natural gas curtailment.

34. Fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million Btu per hour, provided the following conditions are met with respect to each such unit.

a. The unit is not subject to the Acid Rain Program, CAIR Program, or any unit-specific applicable requirement.

b. The rated heat input capacity of the unit is less than 100 million Btu per hour and, collectively, the total rated heat input capacity of all units claiming this exemption at the same facility is less than 250 million Btu per hour.

c. The unit shall not burn more than the maximum annual amount of a single fuel, as given in sub-subparagraph e., or equivalent maximum annual amounts of multiple fuels, as addressed in sub-subparagraph f.

d. Collectively, all units claiming this exemption at the same facility shall not burn more than the collective maximum annual amount of a single fuel, as given in sub-subparagraph g., or equivalent collective maximum annual amounts of multiple fuels, as addressed in sub-subparagraph h.

e. If burning only one (1) type of fuel, the annual amount of fuel burned by the unit shall not exceed 150 million standard cubic feet of natural gas, one million gallons of propane, one million gallons of fuel oil with a sulfur content not exceeding 0.05 percent, by weight, 290,000 gallons of fuel oil with a sulfur content not exceeding 0.5 percent, by weight, or 145,000 gallons of fuel oil with a sulfur content not exceeding 1.0 percent, by weight.

f. If burning more than one (1) type of fuel, the equivalent annual amount of each fuel burned by the unit shall not exceed the maximum annual amount of such fuel, as given in sub-subparagraph e., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the total annual amount of the fuel burned by the unit to the total annual amount of such fuel allowed to be burned by the unit pursuant to sub-subparagraph e. The sum of the fuel percentages for all fuels burned by the unit must be less than or equal to 100 percent.

g. If burning only one (1) type of fuel, the collective annual amount of fuel burned by all units claiming this exemption at the same facility shall not exceed 375 million standard cubic feet of natural gas, 2.5 million gallons of propane, 2.5 million gallons of fuel oil with a sulfur content not exceeding 0.05 percent, by weight, 290,000 gallons of fuel oil with a sulfur content not exceeding 0.5 percent, by weight, or 145,000 gallons of fuel oil with a sulfur content not exceeding 1.0 percent, by weight.

h. If burning more than one (1) type of fuel, the equivalent collective annual amount of each fuel burned by the units claiming this exemption at the same facility shall not exceed the collective maximum annual amount of such fuel, as given in subparagraph g., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the total annual amount of the fuel burned by all units claiming this exemption at the same facility to the total annual amount of such fuel allowed to be burned by all units claiming this exemption at the same facility pursuant to sub-subparagraph g. The sum of the fuel percentages for all fuels burned by the units claiming this exemption at the same facility must be less than or equal to 100 percent.

35. Emergency generators, general purpose internal combustion engines, and other reciprocating internal combustion devices, provided the following conditions are met with respect to each such unit.

a. The unit is not subject to the Acid Rain Program, CAIR Program, or any unit-specific applicable requirement.

b. The unit shall not burn used oil or any fuels other than natural gas, propane, gasoline, and diesel fuel.

c. Collectively, all units claiming this exemption at the same facility shall not burn more than the collective maximum annual amount of a single fuel, as given in sub-subparagraph d., or equivalent collective maximum annual amounts of multiple fuels, as addressed in sub-subparagraph e.

d. If burning only one (1) type of fuel, the collective annual amount of fuel burned by all units claiming this exemption at the same facility shall not exceed 2,700 gallons of gasoline, 32,000 gallons of diesel fuel, 144,000 gallons of propane, or 4.4 million standard cubic feet of natural gas.

e. If burning more than one (1) type of fuel, the equivalent collective annual amount of each fuel burned by the units claiming this exemption at the same facility shall not exceed the collective maximum annual amount of such fuel, as given in sub-subparagraph d., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the total amount of the fuel burned by all units claiming this exemption at the same facility to the total amount of such fuel allowed to be burned by all units claiming this exemption at the same facility pursuant to sub-subparagraph d. The sum of the fuel percentages for all fuels burned by the units claiming this exemption at the same facility must be less than or equal to 100 percent.

36. Printing operations, provided:

a. The facility is not subject to any unit-specific applicable requirement;

b. The facility shall use less than 667 gallons of materials containing any hazardous air pollutants in any consecutive twelve (12) months; and

c. The facility shall:

(I) Operate only heatset offset lithographic printing lines and use less than 20,000 pounds, combined, of ink, cleaning solvent, and fountain solution additives in any consecutive twelve (12) months;

(II) Operate only non-heatset offset lithographic printing lines and use less than 2,850 gallons, combined, of cleaning solvent and fountain solution additives in any consecutive twelve (12) months;

(III) Operate only digital printing lines and use less than 2,425 gallons, combined, of solvent based inks, clean-up solutions, and other solvent-containing materials in any consecutive twelve (12) months;

(IV) Operate only screen or letterpress printing lines and use less than 2,850 gallons, combined, of solvent based inks, clean-up solutions, and other solvent-containing materials in any consecutive twelve (12) months;

(V) Operate only water-based or ultraviolet-cured-material flexographic or rotogravure printing lines and use less than 80,000 pounds, combined, of water-based inks, coatings, and adhesives in any consecutive twelve (12) months; or

(VI) Operate only solvent-based material flexographic or rotogravure printing lines and use less than 20,000 pounds, combined, of inks, dilution solvents, coatings, cleaning solutions, and adhesives in any consecutive twelve (12) months.

(b) Generic and Temporary Exemptions.

1. Generic Emissions Unit or Activity Exemption. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, an ~~An~~ emissions unit or pollutant-emitting activity that is not entitled to a categorical or conditional exemption pursuant to paragraph 62-210.300(3)(a), F.A.C., shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., ~~permitting requirements of this chapter, Chapters 62-212 and 62-4, F.A.C.~~, if it meets all of the following criteria:

a. through c. No change.

d. In the case of a proposed new emissions unit at an existing facility, the emissions of such unit, in combination with the emissions of any other proposed new or modified units and activities at the facility, would not result in a modification subject to the preconstruction review requirements of subparagraph 62-204.800(11)~~(10)~~(d)2., Rule 62-212.400 or 62-212.500, F.A.C.

e. No change.

2. Generic Facility Exemption. Except as otherwise provided at subsection 62-210.300(3), F.A.C., a ~~A~~ facility that is not entitled to a categorical or conditional exemption pursuant to paragraph 62-210.300(3)(a), F.A.C., shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., ~~the permitting requirements of this chapter, Chapters 62-212 and 62-213, F.A.C, and Chapter 62-4, F.A.C.~~, if all of the emissions units and activities within the facility, including any proposed new emissions units and activities, individually meet the exemption criteria of paragraph 62-210.300(3)(a), F.A.C., or subparagraph 62-210.300(3)(b)1., F.A.C., or if the facility meets all of the following criteria:

a. through c. No change.

3. through 4. No change.

(c) Conditional Exemptions from ~~From~~ Title V Air Permitting. Except as otherwise provided herein, the ~~The~~ following facilities shall be ~~are~~ exempt from the requirement ~~requirements~~ to obtain a Title V air operation permit under the provisions of Chapter 62-213, F.A.C., provided the conditions of exemption for each such facility are met. Facilities exempt from Title V air permitting pursuant to subparagraph 62-210.300(3)(c)2., F.A.C., ~~but~~ are not exempt from the requirement to obtain an air construction permit or non-Title V air operation permit ~~any other air permits as may be required under this rule unless also exempt from permitting under paragraph 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C~~. A facility shall ~~is~~ not be entitled to an exemption from Title V air permitting under this rule if it is a Title V source pursuant to paragraph (f), (g), or (h) of the definition of "major source of air pollution" or the facility would be classified as a Title V source as a result of the combined potential to emit regulated pollutants of all emissions units at the facility.

1. Facilities authorized to operate under any of the air general permits provided at subsection 62-210.310(4), F.A.C.

2.~~1.~~ Facilities comprising asphalt ~~Asphalt~~ concrete plants, provided the following conditions are met.~~:~~

a. through h. No change.

i. The owner or operator shall submit a stack test using EPA Reference Method 5 or 5A and a visible emission (VE) test using EPA Reference Method 9, incorporated and adopted by reference in Rule 62-204.800, F.A.C. ~~Chapter 62-297, F.A.C.~~, that demonstrate compliance with the applicable PM and VE standards, respectively, to the Department by March 15, 1996, and annually thereafter during each federal fiscal year (October 1-September 30). ~~The initial tests shall have been conducted between March 16, 1995 and March 15, 1996.~~

j. An asphalt plant claiming this exemption from Title V air permitting shall not collocate with, or relocate to, any Title V source; nor shall it create a Title V source in combination with any other collocated facilities, emissions units, or pollutant-emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from permitting. ~~The owner or operator of any asphalt plant in operation as of January 1, 1996, shall notify the appropriate permitting authority, with a copy to the Division of Air Resources Management, in writing, not later than March 15, 1996. Such notification shall include a statement that the facility is operating in compliance with the provisions of subparagraph 62-210.300(3)(c)1., F.A.C., and that the facility~~

~~agrees to continue to operate in compliance with these provisions. If such facility has a valid air operation permit, the permit will be updated by the Department to incorporate the requirements of sub-subparagraphs 62-210.300(3)(c)1.a. through i., F.A.C. If such facility does not have a valid air operation permit, the facility shall apply to the Department for an air operation permit not later than March 15, 1996.~~

k. The owner or operator of any facility claiming this exemption must have authorization to operate by a non-Title V air operation permit ~~asphalt plant which commences operation after January 1, 1996, must request~~ that implements the requirements of sub-subparagraphs 62-210.300(3)(c)2.~~1.~~a. through j.~~i.~~, F.A.C.~~, be incorporated into the facility's air operation permit~~.

~~2. Bulk gasoline plants, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the bulk gasoline plant and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.;~~

~~b. The facility shall receive and distribute only petroleum based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.~~

~~c. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.~~

~~d. The facility shall not exceed a throughput rate (receive and distribute) of 6.0 million gallons of gasoline in any consecutive twelve (12)-month period.~~

~~e. The owner or operator of the facility maintains records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~f. The owner or operator submits a completed Bulk Gasoline Plant Air General Permit Notification Form (DEP Form No. 62-210.920(2)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~g. The owner or operator of any bulk gasoline plant in operation as of January 1, 1996, which is not entitled to an air general permit shall notify the appropriate permitting authority, with a copy to the Division of Air Resources Management, in writing, not later than March 15, 1996. Such notification shall include a statement that the facility is operating in compliance with the provisions of subparagraph 62-210.300(3)(c)2., F.A.C., and that the facility agrees to continue to operate in compliance with these provisions. If such facility has a valid air operation permit, the permit will be updated by the Department to incorporate the requirements of sub-subparagraphs 62-210.300(3)(c)2.a. through c., F.A.C. If such facility does not have a valid air operation permit, the facility shall apply to the Department for an air operation permit not later than March 15, 1996. The owner or operator of any such bulk gasoline plant which commences operation after January 1, 1996, must request that the requirements of sub-subparagraphss 62-210.300(3)(c)2.a. through c., F.A.C., be incorporated into the facility's air operation permit.~~

~~3. Facilities comprising heating units and general purpose internal combustion engines, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the heating units and general purpose internal combustion engines and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.~~

~~b. None of the heating units or general purpose internal combustion engines is subject to the Federal Acid Rain Program as defined at Rule 62-210.200, F.A.C.~~

~~c. Each of the heating units or general purpose internal combustion engines meets the general visible emissions standard of paragraph 62-296.320(4)(b), F.A.C.~~

~~d. Total fuel consumption by all heating units and general purpose internal combustion engines within the facility is limited to 250,000 gallons per year of diesel fuel, 22,000 gallons per year of gasoline, 35 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.~~

~~e. The owner or operator of the facility maintains records to document the fuel consumption, by type, for each emissions unit. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~f. The owner or operator submits a completed Heating Units and General Purpose Internal Combustion Engines Air General Permit Notification Form (DEP Form No. 62-210.920(3)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~4. Facilities comprising surface coating operations, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the surface coating operations and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.~~

~~b. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) emission limiting standard of Chapter 62-296, F.A.C.~~

~~c. The amount of coatings used shall include any solvents and thinners used in the process including those used for cleanup.~~

~~d. The total quantity of VOCs in such coatings is forty-four (44) pounds per day or less, averaged monthly.~~

~~c. The owner or operator of the facility maintains records to document the VOC content and the quantity of the coatings used. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~f. The owner or operator submits a completed Surface Coating Operations Air General Permit Notification Form (DEP Form No. 62-210.920(4)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~5. Facilities comprising polyester resin plastic products fabrication activities, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the polyester resin plastic products fabrication units and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.~~

~~b. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) emission limiting standard of Chapter 62-296, F.A.C.~~

~~c. The combined quantity of styrene-containing resin and gelcoat used shall not exceed 76,000 pounds (thirty-eight (38) tons) in any consecutive twelve (12)month period.~~

~~d. The owner or operator of the facility maintains records to document the quantity of resin and gelcoat used on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~e. The owner or operator submits a completed Polyester Resin Plastic Products Fabrication Air General Permit Notification Form (DEP Form No. 62-210.920(5)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~6. Facilities comprising cast polymer operations, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the cast polymer operations and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.~~

~~b. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) emission limiting standard of Chapter 62-296, F.A.C.~~

~~c. The combined quantity of styrene-containing resin and gel coat used shall not exceed 284,000 pounds (142 tons) in any consecutive twelve (12)-month period.~~

~~d. The owner or operator of the facility maintains records to document the quantity of resin and gel coat used on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~e. The owner or operator submits a completed Cast Polymer Operations Air General Permit Notification Form (DEP Form No. 62-210.920(6)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

(4) Authorization by Air General Permits~~.~~

~~(a) Title V Sources.~~ Certain facilities may use ~~are eligible to operate under the terms of~~ an air general permit pursuant to the procedures and ~~general~~ conditions of Rule 62-210.310, F.A.C., Air General Permits, or Rule 62-213.300, F.A.C., Title V Air General Permits. These facilities are specified in Rules 62-210.310 and 62-213.300, F.A.C. The owner or operator of any eligible facility who registers to use an air general permit under either of these rules, who is not denied use of the air general permit, ~~Unless otherwise specified in Rule 62-213.300, F.A.C., the responsible official of any facility that is eligible and has submitted notification to use an air general permit pursuant to Rule 62-213.300, F.A.C.,~~ and who operates the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to subsection 62-210.300(1), F.A.C., or an ~~In addition, such responsible official shall not be required to obtain a regular~~ air operation permit pursuant to subsection 62-210.300(2), F.A.C., or Rule 62-213.400, F.A.C. ~~a regular Title V air operation permit pursuant to Chapter 62-213, F.A.C.~~

~~(b) Facilities with Conditional Exemptions from Title V Air Permitting. No facility which contains an emissions unit, other than a unit described in an air general permit under this paragraph or a unit exempted from permitting pursuant to paragraph 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., shall be eligible to use any air general permit in this paragraph. No facility is eligible to use more than one (1) air general permit under this paragraph. The following facilities are eligible to operate under the terms of an air general permit issued pursuant to the procedures and general conditions of paragraphs 62-210.300(4)(d) through (e), F.A.C., provided all existing air permits authorizing operation of the facility are surrendered, all requirements of this paragraph are met, and the facility complies with the terms and conditions of the particular air general permit throughout the term of the air general permit:~~

~~a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(e)2., F.A.C.;1. Bulk gasoline plants, provided the owner or operator timely submits a completed Bulk Gasoline Plant Air General Permit Notification Form (DEP Form No. 62-210.920(2)) to the Department and, throughout the term of the general permit:~~

~~b. The facility is not subject to any Standard of Performance for New Stationary Sources (NSPS) requirement adopted by reference in subsection 62-204.800(7), F.A.C.; and~~

c. The facility is not subject to any volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.

2. Facilities comprising heating units and general purpose internal combustion engines, provided the owner or operator timely submits a completed Heating Units and General Purpose Internal Combustion Engines Air General Permit Notification Form (DEP Form No. 62-210.920(3)) to the Department and, throughout the term of the general permit:

a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(c)3., F.A.C.; and

b. The owner or operator voluntarily encourages pollution prevention through such measures as employing energy conservation measures to reduce the demand for heat from any heating units, maintaining heating units to ensure efficient heat recovery, considering the use of economizers to recycle waste heat back into the combustion air stream, developing operating procedures to reduce the load on any internal combustion engines, and considering the use of alternative fuels.

3. Facilities comprising surface coating operations, provided the owner or operator timely submits a completed Surface Coating Operations Air General Permit Notification Form (DEP Form No. 62-210.920(4)) to the Department and, throughout the term of the general permit:

a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(c)4., F.A.C.; and

b. The owner or operator voluntarily encourages pollution prevention through such measures as training employees involved in surface coating operations on methods of reducing VOC emissions by maintaining spray coating equipment to ensure effective application with a minimum of overspray, monitoring the coating thickness to avoid excessive coating, considering the use of low-VOC coatings (e.g., waterborne, ultraviolet cured, or powder coatings), implementing inventory control practices to prevent spillage, and implementing management practices to reduce VOC emissions during cleanup (e.g., spraying light colored coatings before dark colored coatings to reduce the number of cleaning cycles, recycling cleaning solvents or using water-based cleaners).

4. Facilities comprising polyester resin plastic products fabrication activities, provided the owner or operator timely submits a completed Polyester Resin Plastic Products Fabrication Air General Permit Notification Form (DEP Form No. 62-210.920(5)) to the Department and, throughout the term of the general permit:

a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(c)5., F.A.C.;

b. The facility complies with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.; and

c. The owner or operator voluntarily encourages pollution prevention through such measures as training employees involved in product fabrication on methods of reducing evaporative losses by lessening the exposure of fresh resin surfaces to the air, maintaining spray lay-up equipment to ensure effective application with a minimum of overspray, monitoring the coating thickness of avoid excessive resin/gelcoat application, implementing inventory control practices to prevent spillage, and managing cleanup solvents.

5. Facilities comprising cast polymer operations, provided the owner or operator timely submits a completed Cast Polymer Operations Air General Permit Notification Form (DEP Form No. 62-210.920(6)) to the Department and, throughout the term of the general permit:

a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(c)6., F.A.C.;

b. The facility complies with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.; and

c. The owner or operator voluntarily encourages pollution prevention through such measures as training employees involved in product fabrication on methods of reducing evaporative losses by lessening the exposure of fresh resin surfaces to the air, maintaining spray lay-up equipment to ensure effective application with a minimum of overspray, monitoring the coating thickness to avoid excessive resin/gel coat application, implementing inventory control practices to prevent spillage, and managing cleanup solvents.

(c) Other Non-Title V Air General Permits. No facility which contains an emissions unit, other than a unit described in an air general permit under this paragraph or a unit exempted from permitting pursuant to paragraph 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., shall be eligible to use any air general permit in this paragraph. Unless specifically authorized by the particular air general permit, no facility is eligible to use more than one (1)air general permit under this paragraph. In no event, however, shall any emissions unit be eligible to use any air general permit in this paragraph if the unit would be a Title V source as defined at Rule 62-210.200, F.A.C., be located at or relocated to a Title V source, or create a Title V source with other facilities or emissions units. The following facilities are eligible to operate under the terms of an air general permit pursuant to the procedures and general conditions of paragraphs 62-210.300(4)(d) through (e), F.A.C., provided all existing air permits authorizing operation of the facility are surrendered, all requirements of this paragraph are met, and the facility complies with the terms and conditions of the particular air general permit throughout the term of the air general permit:

1. Volume reduction, mercury recovery, and mercury reclamation processes as defined in and subject to the requirements of Rule 62-296.417, F.A.C., provided the owner or operator submits a completed Volume Reduction, Mercury

~~Recovery or Mercury Reclamation Air General Permit Notification Form (DEP Form No. 62-210.920(1)) to the Department at least thirty (30) days prior to beginning operations under the general permit and, throughout the term of the general permit, the facility does not emit or have the potential to emit ten (10) tons per year or more of mercury.~~

~~2. Concrete batching plants as subject to the requirements of Rule 62-296.414, F.A.C., provided:~~

~~a. The owner or operator timely submits a completed Concrete Batching Plant Air General Permit Notification Form (DEP Form No. 62-210.920(7)) to the Department. The owner or operator of any proposed new concrete batching plant shall publish a notice of intent to use the general permit in a newspaper of general circulation in the area affected by the proposed project no more than twenty-one (21) days prior to submitting a completed notification form to the Department, shall submit a completed notification form with proof of notice publication to the Department at least thirty (30) days prior to beginning construction, and shall demonstrate compliance no more than thirty (30) days after beginning operation. The Department shall provide the format for the notice of intent;~~

~~b. Throughout the term of the air general permit, the owner or operator complies with the requirements of Rule 62-296.414, F.A.C.;~~

~~c. The owner or operator of any relocatable concrete batching plant proposing to change location shall submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department at least thirty (30) days prior to relocation;~~

~~d. The owner or operator of a stationary concrete batching plant using an air general permit may operate a stationary nonmetallic mineral processing plant using an air general permit at the same location provided all concrete batching plant units operate under a single concrete batching plant air general permit, all nonmetallic mineral processing plant units operate under a single nonmetallic mineral processing plant air general permit, and the resultant facility contains no additional nonexempt units and would not be a Title V source;~~

~~e. The owner or operator of a stationary concrete batching plant using an air general permit may operate, or allow the operation of, one or more relocatable nonmetallic mineral processing plants using individual air general permits at the same location as the concrete batching plant provided the resultant facility contains no additional nonexempt units, the total combined annual facility-wide fuel oil usage of all plants is less than 240,000 gallons per calendar year, the material processed is less than 10 million tons per calendar year, and the fuel oil sulfur content does not exceed 0.5%, by weight. The owner or operator of the concrete batching plant shall maintain a log book to account for fuel consumption and material processed on a monthly basis. Fuel supplier certifications shall be maintained to account for the sulfur content of the fuel being burned; and~~

~~f. The owner or operator of multiple relocatable concrete batching plants using individual concrete batching plant air general permits may operate more than one such plant at the same location provided the resultant facility contains no additional nonexempt units and would not be a Title V source.~~

~~3. Human crematories as subject to the requirements of subsection 62-296.401(5), F.A.C., provided:~~

~~a. The owner or operator obtains an air construction permit pursuant to subsection 62-210.300(1), F.A.C., and at least thirty (30) days prior to the expiration date of any air construction or existing air operation permit the owner or operator submits a completed Human Crematory Air General Permit Notification Form (DEP Form No. 62-210.920(8)) to the Department;~~

~~b. Throughout the term of the air general permit, the owner or operator complies with the requirements of subsection 62-296.401(5), F.A.C.; and~~

~~c. The owner or operator may use a human crematory air general permit and an animal crematory air general permit at the same facility provided all human crematory units operate under a single human crematory air general permit and all animal crematory units operate under a single animal crematory air general permit.~~

~~4. Animal crematories with aggregate facility design capacity to cremate 500 pounds per hour or less, as subject to the requirements of subsection 62-296.401(6), F.A.C., provided:~~

~~a. The owner or operator obtains an air construction permit pursuant to subsection 62-210.300(1), F.A.C., and at least thirty (30) days prior to the expiration date of any air construction or existing air operation permit the owner or operator submits a completed Animal Crematory Air General Permit Notification Form (DEP Form No. 62-210.920(9)) to the Department;~~

~~b. Throughout the term of the air general permit, the owner or operator complies with the requirements of subsection 62-296.401(6), F.A.C.; and~~

~~c. The owner or operator may use a human crematory air general permit and an animal crematory air general permit at the same facility provided all human crematory units operate under a single human crematory air general permit and all animal crematory units operate under a single animal crematory air general permit.~~

~~5. Nonmetallic mineral processing plants, provided the owner or operator timely submits a completed Nonmetallic Mineral Processing Plant Air General Permit Notification Form (DEP Form No. 62-210.920(10)) to the Department, and, throughout the term of the general permit complies with the following terms and conditions:~~

~~a. For purposes of this rule, the definitions of 40 CFR 60.671, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply;~~

b. The owner or operator of any relocatable nonmetallic mineral processing plant proposing to change location shall notify the Department by phone prior to changing location and submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department no later than one (1) business day following relocation;

c. For all relocatable nonmetallic mineral processing plants, except those located at mines or quarries and processing only material from onsite natural deposits, and for all stationary nonmetallic mineral processing plants processing dry material, the owner or operator shall have a water suppression system with spray bars located at the feeder(s), the entrance and exit of the crusher(s), the classifier screens, and the conveyor drop points;

d. The owner or operator shall comply with paragraph 62-296.320(4)(c), F.A.C., using the following reasonable precautions:

(i) Unconfined emissions that might be generated from various activities throughout a nonmetallic mineral processing plant processing dry material shall be controlled by using a water suppression system with spray bars located at the feeder(s), the entrance and exit of the crusher(s), the classifier screens, and the conveyor drop points.

(ii) Unconfined emissions that might be generated by vehicular traffic or wind shall be controlled by applying water (by water trucks equipped with spray bars) or effective dust suppressant(s) on a regular basis to all stockpiles, roadways and work yards where this nonmetallic mineral processing plant is located;

e. The owner or operator shall comply with the following emissions standards, as applicable:

(i) Stack emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other affected emission point subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not contain particulate matter in excess of 0.05 grams per dry standard cubic meter (g/dscm) nor exceed seven percent (7%) opacity, unless the stack emissions are discharged from a wet scrubbing control device.

(ii) Stack emissions from any baghouse that controls emissions from only an individual, enclosed storage bin subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not exceed seven percent (7%) opacity.

(iii) Visible emissions from any grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other affected emission point subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not exceed ten percent (10%) opacity; and visible emissions from any crusher without a capture system subject to 40 CFR Part 60, Subpart OOO, shall not exceed fifteen percent (15%) opacity.

(iv) If any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other emission point subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., is enclosed in a building, then each enclosed emission point must comply with the emission limits in sub-subparagraphs 62-210.300(4)(c)5.e.(i) through (iii), F.A.C., or the building enclosing the emission point(s) shall not discharge any visible fugitive emissions, except emissions from a vent, and the vent emissions shall not exceed the stack emissions limits of sub-sub-subparagraph 62-210.300(4)(c) 5.e.(i), F.A.C.

(v) Visible emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other emission point not subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be less than twenty (20%) opacity, pursuant to subparagraph 62-296.320(4)(b)1., F.A.C.

(vi) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., is exempt from the emissions standards of sub-subparagraph 62-210.300(4)(c)5.e., F.A.C.;

f. The owner or operator shall ensure that wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin and are subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., do not discharge any visible emissions. The owner or operator shall also ensure that screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line and are subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., do not discharge any visible emissions;

g. The owner or operator of a nonmetallic mineral processing plant subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., and using a wet scrubber to control emissions shall comply with the monitoring requirements of 40 CFR 60.674, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

h. The owner or operator shall provide a compliance demonstration with the emission standards of sub-subparagraph 62-210.300(4)(c)5.c., F.A.C., along with a request for renewal of authorization for use of the air general permit. The owner or operator of any new facility shall demonstrate initial compliance with the emission standards of sub-subparagraph 62-210.300(4)(c)5.c., F.A.C., prior to beginning commercial operation and shall demonstrate renewal compliance with the emission standards of sub-subparagraph 62-210.300(4)(c)5.c., F.A.C., within sixty (60) days prior to the anniversary of the initial air general permit notification form submittal date. The owner or operator of any existing facility shall demonstrate compliance with the emission standards of sub-subparagraph 62-210.300(4)(c)5.c., F.A.C., within sixty (60) days prior to submitting an air general permit notification form and shall demonstrate renewal compliance within sixty (60) days prior to the anniversary of the initial air general permit notification form submittal date. For purposes of the testing requirements of this rule, the visible emission reference test method shall be EPA Method 9, the visible fugitive emission reference test method shall be EPA Method 22, the particulate matter reference test method shall be either EPA Method 5 or 17, and the test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C., 40 CFR 60.675, and 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

i. The owner or operator shall meet all applicable reporting and recordkeeping requirements of Chapter 62-297, F.A.C. and 40 CFR 60.676, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

j. The owner or operator of a stationary nonmetallic mineral processing plant using an air general permit may operate a stationary concrete batching plant using an air general permit at the same location provided all nonmetallic mineral processing plant units operate under a single nonmetallic mineral processing plant air general permit, all concrete batching plant units operate under a single concrete batching plant air general permit, and the resultant facility contains no additional nonexempt units and would not be a Title V source;

k. The owner or operator of a stationary nonmetallic mineral processing plant using an air general permit may operate, or allow the operation of, one (1) or more relocatable concrete batching plants using individual air general permits at the same location as the nonmetallic mineral processing plant provided the resultant facility contains no additional nonexempt units and would not be a Title V source;

l. The owner or operator of multiple relocatable nonmetallic mineral processing plants using individual nonmetallic mineral processing plant air general permits may operate more than one such plant at the same location provided the resultant facility contains no additional nonexempt units, the total combined annual facility wide fuel oil usage of all plants is less than 240,000 gallons per calendar year, the material processed is less than 10 million tons per calendar year, and the fuel oil sulfur content does not exceed 0.5%, by weight. The owner or operator of the nonmetallic mineral processing plants shall maintain a log book to account for fuel consumption and material processed on a monthly basis. Fuel supplier certifications shall be maintained to account for the sulfur content of the fuel being burned; and

m. If a relocatable nonmetallic mineral processing plant is used to perform a routine function of a facility subject to regular air permitting, such as crushing recycled asphalt (rap) at an asphalt plant, it shall not operate under the authority of an air general permit. In such case, the regularly permitted facility air construction or air operation permit(s) must provide for operation of the nonmetallic mineral processing plant as an emission unit. If a relocatable nonmetallic mineral processing plant is used at a regularly permitted facility for a non routine activity, such as destruction of a building, it may do so under the authority of its air general permit. In either case, the resultant facility shall not be a Title V source.

(d) General Procedures.

1. Eligibility Determination. The owner or operator of the facility or emissions unit shall determine its eligibility for an air general permit pursuant to the applicability criteria of paragraph 62-210.300(4)(b) or (c), F.A.C.

a. Unless otherwise specified in paragraph 62-210.300(4)(b) or (c), F.A.C., the owner or operator of any facility or emissions unit that is eligible and has submitted notification to use an air general permit pursuant to paragraph 62-210.300(4)(b) or (c), F.A.C., and who operates the facility or emissions unit in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to subsection 62-210.300(1), F.A.C. In addition, such owner or operator shall not be required to obtain a regular air operation permit pursuant to subsection 62-210.300(2), F.A.C.

b. If a facility or emissions unit permitted by an air general permit under this rule at any time becomes ineligible for the use of the air general permit, or if any facility or emissions unit utilizing an air general permit is determined to have been initially ineligible for use of the air general permit, it shall be subject to enforcement action for constructing or operating without an air permit under subsection 62-210.300(1) or (2), F.A.C.

c. For each facility or emissions unit intending to operate under the provisions of an air general permit, the owner or operator must complete and submit the correct notification form for the specific general permit to be utilized, as set forth in paragraph 62-210.300(4)(b) through (c), F.A.C., to give notice to the Department of intent to use one of the air general permits listed in this rule.

2. Processing Fee. The notification must be accompanied by the appropriate general permit processing fee pursuant to Rule 62-4.050, F.A.C.

3. Administrative Corrections. Within thirty (30) days of any changes requiring corrections to information contained in the notification form, the owner or operator shall notify the Department in writing. Such changes shall include:

a. Any change in the name of the authorized representative or facility address or phone number; or

b. Any other similar minor administrative change at the facility or emissions unit.

4. Equipment Changes. In case of the installation of new process equipment, alteration of existing process equipment without replacement, or the replacement of existing process equipment with equipment substantially different than that noted on the most recent notification form, the owner or operator shall submit a new and complete general permit notification form with the appropriate fee pursuant to Rule 62-4.050, F.A.C., to the Department.

5. Violation of Permit. The air general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity is a violation of the permit. The owner or operator is placed on notice that violation of the permit constitutes grounds for revocation and suspension pursuant to Rule 62-4.100 and subsection 62-4.530(4), F.A.C., and initiation of enforcement action pursuant to Sections 403.141 through 403.161, F.S. No revocation shall become effective except after notice is served by personal service, certified mail, or newspaper notice pursuant to Section 120.60(5), F.S., upon the person or persons named therein and a hearing held, if requested within the time specified in the notice. The notice shall specify the provision of the law or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.

6. Nullification of Eligibility. Eligibility for use of an air general permit under subsection 62-210.300(4), F.A.C. is nullified by submission of false or inaccurate information in the notification form for use of the air general permit or in the required reports.

7. Use of Permit. Any facility or emissions unit eligible to operate under the terms of an air general permit may use the permit thirty (30) days after giving notice to the Department without any agency action.

(e) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this rule are "general permit conditions" and are binding upon the owner or operator of any facility or emissions unit utilizing an air general permit pursuant to this rule.

1. A permittee's use of a general permit is limited to five (5) years. No later than thirty (30) days prior to the fifth anniversary of the filing of intent to use the general permit, the owner or operator shall submit a new notice of intent which shall contain all current information regarding the facility or emissions unit. Eligibility to use the general permit is not transferable and does not follow a change in ownership of the facility or emissions unit. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the owner or operator is encouraged to notify the Department of the pending action. The owner shall remain liable for corrective actions that may be required as a result of any violations occurring in the time after the sale or legal transfer of the facility or emissions unit, but before a new owner is entitled to use an air general permit.

2. The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit.

3. The general permit does not convey any vested rights or any exclusive privileges, nor does it authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state, or local laws or regulations.

4. The general permit does not relieve the owner or operator of the facility or emissions unit from liability and penalties when the construction or operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the owner or operator to cause pollution in contravention of Florida law.

5. The general permit conveys no title to land or water, nor does it constitute state recognition or acknowledgment of title.

6. The owner or operator shall make every reasonable effort to conduct the specific activity authorized by the general permit in a manner that will minimize any adverse effects on adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources, water quality, or air quality.

7. The owner or operator shall allow a duly authorized representative of the Department access to the permitted facility, emissions unit, or activity at reasonable times to inspect and test, upon presentation of credentials or other documents as may be required by law, to determine compliance with the general permit and Department rules.

8. The owner or operator shall maintain any permitted facility, emissions unit, or activity in good condition. Throughout the term of the air general permit, the owner or operator shall ensure that the facility or emissions unit maintains its eligibility to use the air general permit and complies with all terms and conditions of the air general permit.

9. The air general permit shall be effective until suspended, revoked, surrendered, expired, or nullified pursuant to this rule. The general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., if the Secretary

~~determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or state air quality standards, or the permittee has submitted false, incomplete or inaccurate data or information.~~

~~10. The air general permit does not authorize any demolition or renovation of the facility or emissions unit or its parts or components which involves asbestos removal. The air general permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~11. The general permit does not authorize any open burning.~~

~~12. No person shall circumvent any air pollution control device or allow the emission of air pollutants without the proper operation of all applicable air pollution control devices.~~

~~13. If, for any reason, the owner or operator of any facility or emissions unit operating under an air general permit pursuant to paragraph 62-210.300(4)(a), F.A.C., does not comply with or will be unable to comply with any condition or limitation of the permit, the permittee shall immediately provide the Department with the following information:~~

~~a. A description of and cause of noncompliance; and~~

~~b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result.~~

~~14. The general permit does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the permittee to violate any more stringent standards established by federal or local law.~~

~~15. Each facility located within the borders of any of the following counties shall also comply with the requirements of that county:~~

~~a. Broward County.~~

~~b. Dade County.~~

~~c. Duval County.~~

~~d. Hillsborough County.~~

~~e. Orange County.~~

~~f. Palm Beach County.~~

~~g. Pinellas County.~~

~~h. Sarasota County.~~

(5) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History–Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, _____.

62-210.310 Air General Permits.

(1) Air General Permits Established.

(a) The Department has established air general permits for various types of facilities at subsections 62-210.310(4) and (5), F.A.C.

1. The air general permits provided at subsection 62-210.310(4), F.A.C., are available to specific types of facilities that elect to comply with process limitations to escape being classified as Title V sources. A facility using one (1) of the air general permits at subsection 62-210.310(4), F.A.C., shall not be entitled to use more than one (1) such air general permit for any single facility.

2. The air general permits provided at subsection 62-210.310(5), F.A.C., are available to specific types of facilities that are subject to applicable requirements under other state or federal rules. A facility must comply with such applicable requirements, whether it elects to use an air general permit under this subsection, or obtain an air construction or air operation permit. A facility using one (1) of the air general permits at subsection 62-210.310(5), F.A.C., shall not be entitled to use more than one (1) such air general permit for any single facility, except where all air general permits used at the facility specifically allow the use of one another at the same facility.

(b) The owner or operator of a proposed new or existing facility who registers to use an air general permit in accordance with the procedures of this rule, and who is not denied use of the air general permit by the Department, is authorized to construct or operate the facility in accordance with the terms and conditions of the specific rule subsection which constitutes the air general permit for the type of facility involved.

(2) General Procedures. This subsection sets forth general procedures for use of any of the air general permits provided at subsections 62-210.310(4) and (5), F.A.C.

(a) Determination of Eligibility. The owner or operator of a proposed new or existing facility shall determine the facility's eligibility to use an air general permit under this rule. A facility is eligible to use an air general permit under this rule if it meets any specific eligibility criteria given in the applicable air general permit at subsection 62-210.310(4) or (5), F.A.C., and the following general criteria.

1. The facility shall not emit nor have the potential to emit ten (10) tons per year or more of any hazardous air pollutant, twenty-five (25) tons per year or more of any combination of hazardous air pollutants, or one hundred (100) tons per year or more of any other regulated air pollutant; be collocated with, or relocated to, such a facility; or create such a facility in combination with any other collocated facilities, emissions units, or pollutant-emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from air permitting.

2. The facility shall not contain any emissions units or activities not covered by the applicable air general permit, except:

a. Units and activities that are exempt from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.; and

b. Units and activities that are authorized by another air general permit where such other air general permit and the air general permit of interest specifically allow the use of one another at the same facility.

(b) Registration. The owner or operator who intends to construct or operate an eligible facility under the authority of an air general permit shall complete and submit the proper registration form to the Department for the specific air general permit to be used, as provided in subsection 62-210.310(4) or (5), F.A.C. The registration form shall be accompanied by the appropriate air general permit processing fee pursuant to Rule 62-4.050, F.A.C.

1. Initial Registration. Registration of a facility which is not currently authorized to construct or operate under the terms and conditions of an air general permit is classified as an initial registration. Any existing, individual air operation permit(s) authorizing operation of the facility must be surrendered by the owner or operator, effective upon the first day of use of the air general permit.

2. Re-registration. Registration of a facility which is currently authorized to operate under the terms and conditions of an air general permit is classified as a re-registration. An owner or operator shall re-register the facility in the following cases:

a. Impending expiration of the term for air general permit use;

b. Change of ownership of all or part of the facility;

c. Proposed new construction, modification, or other equipment change that requires registration pursuant to paragraph 62-210.310(2)(e), F.A.C.; and

d. Any other change not considered an administrative correction under paragraph 62-210.310(2)(d), F.A.C.

(c) Use of Air General Permit.

1. Unless the Department denies use of the air general permit, the owner or operator of an eligible facility may use the air general permit for such facility thirty (30) days after giving notice to the Department. The first day of the thirty (30) day time frame, day one, is the date the Department receives the proper registration form and processing fee. The last day of the thirty (30) day time frame, day thirty (30), is the date the owner or operator may use the air general permit, provided there is no agency action to deny use of the air general permit.

2. To avoid lapse of authority to operate, an owner or operator intending to use, or continue to use, an air general permit must submit the proper registration form and processing fee at least thirty (30) days prior to expiration of the facility's existing air operation permit or air general permit.

(d) Administrative Corrections. Within thirty (30) days of any minor changes requiring corrections to information contained in the registration form, the owner or operator shall notify the Department in writing. Such changes shall include:

1. Any change in the name, address, or phone number of the facility or authorized representative not associated with a change in ownership or with a physical relocation of the facility or any emissions units or operations comprising the facility; or

2. Any other similar minor administrative change at the facility.

(e) Equipment Changes. The owner or operator shall maintain records of all equipment changes. In the case of installation of new process or air pollution control equipment, alteration of existing process or control equipment without replacement, or replacement of existing process or control equipment with equipment substantially different in terms of capacity, method of operation, material processed, or intended use than that noted on the most recent registration form, the owner or operator shall submit a new and complete air general permit registration form for the facility with the appropriate fee pursuant to Rule 62-4.050, F.A.C. to the Department, provided, however, that any change that would constitute a new major stationary source, major modification, or modification that would be a major modification but for the provisions of paragraph 62-212.400(2)(a), F.A.C., shall require authorization by air construction permit.

(f) Enforcement of Ineligibility. If a facility using an air general permit at any time becomes ineligible for the use of the air general permit, or if any facility using an air general permit is determined to have been initially ineligible for use of the air general permit, it shall be subject to enforcement action for constructing or operating without an air permit under subsection 62-210.300(1) or (2), F.A.C., or Chapter 62-213, F.A.C., as appropriate.

(3) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this subsection are "general permit conditions" and are binding upon the owner or operator of any facility using an air general permit provided at subsection 62-210.310(4) or (5), F.A.C.

(a) The owner or operator's use of an air general permit is limited to five (5) years. Prior to the end of the five (5) year term, the owner or operator who intends to continue using the air general permit for the facility shall re-register with the Department pursuant to subparagraph 62-210.310(2)(b)2., F.A.C. To avoid lapse of authority to operate, the owner or operator must submit the proper registration form and processing fee at least thirty (30) days prior to expiration of the facility's existing air general permit. The air general permit re-registration form shall contain all current information regarding the facility.

(b) Use of an air general permit is not transferable and does not follow a change in ownership of the facility. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the owner or operator is encouraged to notify the Department of the pending action. The new owner or operator who intends to continue using the air general permit for the facility shall re-register with the Department pursuant to subparagraph 62-210.310(2)(b)2., F.A.C.

(c) The air general permit is valid only for the specific type of facility and associated emissions units and pollutant-emitting activities indicated.

(d) The air general permit does not authorize any demolition or renovation of the facility which involves asbestos removal. The air general permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., or 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(e) The general permit does not authorize any open burning.

(f) The owner or operator shall not circumvent any air pollution control device or allow the emission of air pollutants without the proper operation of all applicable air pollution control devices.

(g) The owner or operator shall maintain the authorized facility in good condition. Throughout the term of air general permit use, the owner or operator shall ensure that the facility maintains its eligibility to use the air general permit and complies with all terms and conditions of the air general permit.

(h) The owner or operator shall allow a duly authorized representative of the Department access to the facility at reasonable times to inspect and test, upon presentation of credentials or other documents as may be required by law, to determine compliance with the air general permit and Department rules.

(i) If, for any reason, the owner or operator of any facility operating under an air general permit does not comply with or will be unable to comply with any condition or limitation of the air general permit, the owner or operator shall immediately provide the Department with the following information:

1. A description of and cause of noncompliance; and

2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

(j) Use of an air general permit does not relieve the owner or operator of the facility from liability and penalties when the construction or operation of the authorized facility causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the owner or operator to cause pollution in contravention of Florida law.

(k) The air general permit conveys no title to land or water, nor does it constitute state recognition or acknowledgment of title.

(l) The air general permit does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights. It does not authorize any infringement of federal, state, or local laws or regulations.

(m) Use of the air general permit shall be effective until suspended, revoked, surrendered, expired, or nullified pursuant to this rule and Chapter 120, F.S.

(n) Use of the air general permit does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the owner or operator to violate any more stringent standards established by federal or local law.

(o) The owner or operator of each facility located within the borders of any of the following counties shall also comply with the applicable requirements of that county:

1. Broward County.

2. Duval County.

3. Hillsborough County.

4. Miami-Dade County

5. Orange County.

6. Palm Beach County.

7. Pinellas County.

8. Sarasota County.

(4) Air General Permits for Facilities Claiming Conditional Exemption from Title V Air Permitting.

(a) Air General Permit for Facilities Comprising Bulk Gasoline Plants.

1. A facility comprising one (1) or more bulk gasoline plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

c. The facility shall not exceed a throughput rate (receive and distribute) of 6.0 million gallons of gasoline in any consecutive twelve (12) months.

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(b) Air General Permit for Facilities Comprising Reciprocating Internal Combustion Engines.

1. A facility comprising one (1) or more reciprocating internal combustion engines shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. Total fuel consumption by all reciprocating internal combustion engines at the facility shall not exceed 20,000 gallons per year of gasoline, 250,000 gallons per year of diesel fuel, 1.15 million gallons per year of propane, 40 million standard cubic feet per year of natural gas, or an equivalent prorated amount if multiple fuels are used.

b. If multiple fuels are used, the equivalent prorated amount of each fuel burned shall not exceed the total amount of such fuel allowed to be burned, as given in sub-subparagraph a., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the amount of the fuel burned at the facility to the total amount of such fuel allowed to be burned at the facility pursuant to sub-subparagraph a. The sum of the fuel percentages for all fuels burned by the facility shall not exceed 100 percent.

c. The owner or operator shall maintain records to document the fuel consumption, by type, on an annual basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(c) Air General Permit for Facilities Comprising Surface Coating Operations.

1. A facility comprising one (1) or more surface coating operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The total quantity of volatile organic compounds in all coatings used shall not exceed forty-four (44) pounds per day, averaged monthly, where coatings used shall include all solvents and thinners used in the process or for cleanup.

b. The owner or operator shall maintain records to document the VOC content and the quantity of coatings used. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(d) Air General Permit for Facilities Comprising Reinforced Polyester Resin Operations.

1. A facility comprising one or more reinforced polyester resin operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The combined quantity of styrene-containing resin and gelcoat used shall not exceed 76,000 pounds (thirty-eight (38) tons) in any consecutive twelve (12) months.

b. The facility shall comply with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.

c. The owner or operator shall maintain records to document the quantity of resin and gelcoat used on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(e) Air General Permit for Facilities Comprising Cast Polymer Operations.

1. A facility comprising one (1) or more cast polymer operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The combined quantity of styrene-containing resin and gel coat used shall not exceed 284,000 pounds (142 tons) in any consecutive twelve (12) months.

b. The facility shall comply with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.

c. The owner or operator shall maintain records to document the quantity of resin and gel coat used on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(f) Air General Permit for Facilities Comprising Printing Operations.

1. A facility comprising one (1) or more printing operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions, provided, however, that the facility shall comply with the limitations of either sub-subparagraphs 62-210.310(4)(f)2.a or b., F.A.C. The facility may change method of compliance between sub-subparagraphs 62-210.310(4)(f)2.a. and b., F.A.C., provided the owner or operator maintains records to demonstrate compliance with the appropriate requirement at the time of change and thereafter.

a. The facility shall not emit eighty (80) tons or more of volatile organic compounds, eight (8) tons or more of any individual hazardous air pollutant, or twenty (20) tons or more of any combination of hazardous air pollutants in any consecutive twelve (12) months. The facility shall not rely upon add-on controls to meet these limitations. The owner or operator shall keep records of material usage and calculate, using a mass balance approach, for each calendar month and each consecutive twelve (12) months, the emissions of volatile organic compounds, individual hazardous air pollutants and total combined hazardous air pollutants. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years; or

b. The facility shall use less than 1,333 gallons of materials containing any hazardous air pollutants and not exceed the following material usage limitations in any consecutive twelve (12) months. The owner or operator shall keep records of material usage for each calendar month and each consecutive twelve (12) months to demonstrate compliance with such limitations. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years. Specifically, the facility shall:

(I) Operate only heatset offset lithographic printing lines and use less than 100,000 pounds of ink, cleaning solvent and fountain solution additives combined;

(II) Operate only non-heatset offset lithographic printing lines and use less than 14,250 gallons of cleaning solvent and fountain solution additives combined;

(III) Operate only digital printing lines and use less than 12,100 gallons of solvent based inks, clean-up solutions and other solvent-containing materials combined;

(IV) Operate only screen or letterpress printing lines and use less than 14,250 gallons of solvent based inks, clean-up solutions and other solvent-containing materials combined;

(V) Operate only water-based or ultraviolet-cured-material flexographic or rotogravure printing lines and use less than 400,000 pounds of water-based inks, coatings and adhesives, combined;

(VI) Operate only solvent-based material flexographic or rotogravure printing lines and use less than 100,000 pounds of inks, dilution solvents, coatings, cleaning solutions and adhesives, combined; or

(VII) Operate any combination of heatset lithographic, non-heatset lithographic, digital, screen or letterpress, rotogravure or flexographic printing lines and use no more than the most stringent of the material usage limitations contained in sub-sub-subparagraphs 62-210.310(4)(f)2.b.(I) through (VI), F.A.C., for the type of printing lines at the facility. For purposes of determining which limit is the most stringent, the pounds of materials used for heatset offset lithographic lines and flexographic lines shall be converted to the equivalent gallons by dividing by 8.5 pounds per gallon and shall be compared with the limits for non-heatset offset lithographic, digital, screen and letterpress lines, as applicable, for the type of printing lines at the facility. The most stringent limit shall apply to the total of all solvent-containing material used.

c. The facility shall comply with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.

(5) Air General Permits for Miscellaneous Facilities.

(a) Air General Permit for Facilities Comprising Volume Reduction, Mercury Recovery, and Mercury Reclamation Processes.

1. For purposes of this air general permit, the terms “volume reduction process,” “mercury recovery process,” and “mercury reclamation process” have the meanings given at Rule 62-296.417, F.A.C.

2. A facility comprising one (1) or more volume reduction, mercury recovery, and mercury reclamation processes shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and all applicable provisions of Rule 62-296.417, F.A.C.

(b) Air General Permit for Facilities Comprising Concrete Batching Plants.

1. For purposes of this air general permit, the term “concrete batching plant” shall have the meaning given at Rule 62-296.414, F.A.C., and the term “site” shall mean one or more contiguous or adjacent properties under control of the same person (or persons under common control).

2. A facility comprising one (1) or more stationary or relocatable concrete batching plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall comply with all applicable provisions of Rule 62-296.414, F.A.C.

b. The owner or operator of any equipment used to mix cement and soil for onsite soil augmentation or stabilization shall notify the Department by telephone, e-mail, fax, or written communication at least one (1) business day prior to changing location and transmit (by e-mail, fax, post, or courier) a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department no later than five (5) business days following relocation. The owner or operator of any other relocatable concrete batching plant proposing to change location shall transmit a Facility Relocation Notification Form to the Department at least five (5) business days prior to relocation.

4. A facility using this air general permit may collocate with other facilities that separately registered for, and are also using, the concrete batching plant air general permit, and with facilities using the nonmetallic mineral processing plant air general permit at paragraph 62-210.310(5)(e), F.A.C., even if under the control of different persons, provided the following conditions are met.

a. The collocation site does not contain any emissions units and pollutant-emitting activities other than concrete batching plants using air general permits, nonmetallic mineral processing plants using air general permits, and nonmetallic mineral processing plants or other emissions units and pollutant-emitting activities exempted from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.

b. The total fuel consumption by all emissions units at the collocation site shall not exceed 275,000 gallons of diesel fuel, 23,000 gallons per year of gasoline, 44 million standard cubic feet per year of natural gas, or 1.3 million gallons per year of propane, or an equivalent prorated amount if multiple fuels are used.

c. If multiple fuels are used, the equivalent prorated amount of each fuel burned shall not exceed the total amount of such fuel allowed to be burned, as given in sub-subparagraph b., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the amount of the fuel burned at the facility to the total amount of such fuel allowed to be burned at the facility pursuant to sub-subparagraph b. The sum of the fuel percentages for all fuels burned by the facility shall not exceed one hundred percent (100%).

d. The owners or operators of all collocated concrete batching plants and nonmetallic mineral processing plants shall maintain records to account for site-wide fuel consumption for each calendar month and each consecutive twelve (12) months. The owners or operators shall retain these records, available for Department inspection, for a period of at least five (5) years.

5. Under the authority of this air general permit, a relocatable concrete batching plant may perform a non-routine task, such as making concrete for a construction project, at a facility with authorization by individual air construction or non-Title V air operation permit, without revision to the facility's individual air permit. Any such concrete batching plant shall remain at the individually permitted facility for no more than six (6) months from the day it relocates to such facility. The owner or operator of such concrete batching plant shall keep records to indicate how long the plant has been at the permitted facility.

(c) Air General Permit for Facilities Comprising Human Crematories.

1. A facility comprising one (1)or more human crematories shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall comply with all applicable provisions of subsection 62-296.401(5), F.A.C.

b. The owner or operator may use a human crematory air general permit and an animal crematory air general permit at the same facility, provided all human crematory units operate under a single human crematory air general permit and all animal crematory units operate under a single animal crematory air general permit.

(d) Air General Permit for Facilities Comprising Animal Crematories.

1. A facility comprising one (1) or more animal crematories shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and no animal crematory unit at the facility exceeds a design capacity of 500 pounds per hour cremated.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall comply with all applicable provisions of subsection 62-296.401(6), F.A.C.

b. The owner or operator may use an animal crematory air general permit and a human crematory air general permit at the same facility, provided all animal crematory units operate under a single animal crematory air general permit and all human crematory units operate under a single human crematory air general permit.

(e) Air General Permit for Facilities Comprising Nonmetallic Mineral Processing Plants (Crushing Operations).

1. For purposes of this air general permit, the definitions at 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply, and the term "site" shall mean one or more contiguous or adjacent

properties under control of the same person (or persons under common control). A facility need not be subject to 40 CFR Part 60, Subpart OOO, to be eligible for use of this air general permit. If a facility using this air general permit later becomes subject to 40 CFR Part 60, Subpart OOO, the owner or operator shall re-register with the Department.

2. A stationary or relocatable facility comprising one (1) or more nonmetallic mineral processing plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The total fuel consumption by the facility shall not exceed 23,000 gallons per year of gasoline, 275,000 gallons per year of diesel fuel, 1.3 million gallons per year of propane, 44 million standard cubic feet per year of natural gas, or an equivalent prorated amount if multiple fuels are used.

b. If multiple fuels are used, the equivalent prorated amount of each fuel burned shall not exceed the total amount of such fuel allowed to be burned, as given in sub-subparagraph b., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the amount of the fuel burned at the facility to the total amount of such fuel allowed to be burned at the facility pursuant to sub-subparagraph b. The sum of the fuel percentages for all fuels burned by the facility shall not exceed 100 percent.

c. Pursuant to Rule 62-296.320, F.A.C., the following reasonable precautions shall be employed to control unconfined emissions of particulate matter.

(I) Unconfined emissions from all relocatable nonmetallic mineral processing plants, except those located at mines or quarries and processing only material from onsite natural deposits, and all stationary nonmetallic mineral processing plants that process dry material shall be controlled by using a water suppression system with spray bars located wherever unconfined emissions occur at the feeder(s), the entrance and exit of the crusher(s), the classifier screens, and the conveyor drop points.

(II) Unconfined emissions generated by vehicular traffic or wind shall be controlled by applying water (by water trucks equipped with spray bars) or effective dust suppressant(s) on a regular basis to all stockpiles, roadways and work yards where the nonmetallic mineral processing plant is located.

d. Visible emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other affected emission point at a nonmetallic mineral processing plant not subject to 40 CFR Part 60, Subpart OOO, shall be less than twenty percent (20%) opacity, pursuant to Rule 62-296.320, F.A.C.

e. Nonmetallic mineral processing plants subject to 40 CFR Part 60, Subpart OOO, shall comply with all applicable standards, limitations, and requirements of Subpart OOO. Such facilities shall conduct initial performance tests for particulate matter and visible emissions in accordance with all requirements of Subpart OOO and 40 CFR Part 60, Subpart A, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Thereafter, such facilities shall conduct performance tests for visible emissions annually pursuant to Rule 62-297.310, F.A.C. The annual visible emissions performance tests shall be conducted in accordance with the test methods and procedures set forth at Subpart OOO. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

f. The owner or operator of any relocatable nonmetallic mineral processing plant proposing to change location shall notify the Department by telephone, e-mail, fax, or written communication at least one (1) business day prior to changing location and transmit (by e-mail, fax, post, or courier) a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department no later than five (5) business days following relocation.

4. A facility using this air general permit may collocate with other facilities that separately registered for, and are also using, the nonmetallic mineral processing plant air general permit, and with facilities using the concrete batching plant air general permit at paragraph 62-210.310(5)(b), F.A.C., even if under the control of different persons, provided the following conditions are met.

a. The collocation site shall not contain any emissions units and pollutant-emitting activities other than concrete batching plants using air general permits, nonmetallic mineral processing plants using air general permits, and nonmetallic mineral processing plants or other emissions units and pollutant-emitting activities exempted from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.

b. The fuel usage limitations of sub-subparagraphs 62-210.310(5)(e)3.b. and c., F.A.C., shall apply to the collocation site. The owners or operators of all collocated concrete batching plants and nonmetallic mineral processing plants shall maintain records to account for site-wide fuel consumption for each calendar month and each consecutive twelve (12) months. The owners or operators shall retain these records, available for Department inspection, for a period of at least five (5) years.

5. Under the authority of this air general permit, a relocatable nonmetallic mineral processing plant may perform a non-routine task, such as crushing concrete for a demolition project, at a facility with authorization by individual air construction or non-Title V air operation permit, without revision to the facility's individual air permit. Any such nonmetallic mineral processing plant shall not be deployed at a

single site for more than six (6) months in any consecutive twelve (12) months. The owner or operator of such nonmetallic mineral processing plant shall keep records to indicate how long the plant has been at the permitted facility. No nonmetallic mineral processing plant using this air general permit shall perform a task routinely done at the individually permitted facility, such as crushing recycled asphalt pavement (rap) at an asphalt plant, unless operation of the nonmetallic mineral processing plant is authorized by the air construction permit or non-Title V air operation permit, as applicable, for the permitted facility.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History–New _____.

62-210.920 Registration ~~Notification~~ Forms for Air General Permits.

The registration ~~notification~~ forms ~~used by the Department~~ for use of air general permits provided at Rule 62-210.310, F.A.C., ~~issued pursuant to the procedures of subsection 62-210.300(4), F.A.C.,~~ are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of the forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Air General Permit Registration Forms for Facilities Claiming Conditional Exemption from Title V Air Permitting ~~Volume Reduction, Mercury Recovery or Mercury Reclamation Air General Permit Notification Form (Effective 6-21-01)~~.

(a)~~(2)~~ Bulk Gasoline Plant Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

(b)~~(3)~~ Reciprocating ~~Heating Units and General Purpose~~ Internal Combustion Engines Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

(c)~~(4)~~ Surface Coating Operations Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

(d)~~(5)~~ Reinforced Polyester Resin Operations ~~Plastic Products Fabrication~~ Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

(e)~~(6)~~ Cast Polymer Operations Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

(f) Printing Operations Air General Permit Registration Form (Effective _____).

(2) Air General Permit Registration Forms for Miscellaneous Facilities.

(a) Volume Reduction, Mercury Recovery or Mercury Reclamation Air General Permit Registration Form (Effective _____).

(b)~~(7)~~ Concrete Batching Plant Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

(c)~~(8)~~ Human Crematory Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

(d)~~(9)~~ Animal Crematory Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

(e)~~(10)~~ Nonmetallic Mineral Processing Plant Air General Permit Registration ~~Notification~~ Form (Effective _____ ~~6-21-01~~).

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History–New 10-16-95, Amended 1-2-96, 3-21-96, 5-13-96, 8-15-96, 11-13-97, 5-25-98, 2-11-99, 6-21-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-296.401	Incinerators
62-296.414	Concrete Batching Plants

PURPOSE AND EFFECT: The proposed rule amendments allow the use of EPA testing procedures to determine opacity for small incinerators, crematories, and air curtain incinerators; revise operator training requirements for biowaste incinerators and crematories; eliminate “identical source testing” requirement for all crematories; add equipment maintenance provisions and requirement for opacity feedback control on new crematories; and clarify applicability of concrete batching plant rule to soil cement operations.

SUMMARY: The proposed rule amendments revise and update air regulatory requirements for biological waste incineration operations, crematories, air curtain incinerators, and concrete batching plants.

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

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

DATE AND TIME: Thursday, October 26, 2006, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 100 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scearce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or lynn.scearce@dep.state.fl.us, phone (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Glunn, john.glunn@dep.state.fl.us, phone (850)921-9548

THE FULL TEXT OF THE PROPOSED RULES IS:

62-296.401 Incinerators.

(1) Small Incinerators. Any incinerator, other than a biological waste incinerator, human or animal crematory, or air curtain incinerator, with a charging rate of less than fifty (50) tons per day shall comply with the following requirements.

(a) Emission Limiting Standards. ~~No~~ V~~v~~isible emissions shall not exceed five percent (5%) opacity except that visible emissions not exceeding fifteen (15%) ~~twenty (20%)~~ percent opacity are allowed for up to six (6) ~~three (3)~~ minutes in any one (1) hour period.

~~(b) No objectionable odor allowed.~~

(b)~~(c)~~ Test Methods and Procedures. All emission tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements.

1. The reference test method for visible emissions shall be EPA ~~DEP~~ Method 9, as described at 40 CFR, Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800 ~~in Chapter 62-297, F.A.C~~.

2. Test procedures shall conform to the procedures specified in Rule ~~meet all applicable requirements of Chapter~~ 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

(c) Frequency of Testing. The owner or operator of an incinerator subject to this subsection shall have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and annually thereafter.

(2) through (3) No change.

(4) Biological Waste Incinerators ~~Incineration Facilities~~.

(a) Applicability. The ~~following~~ requirements of this subsection apply to all biological waste incinerator units ~~incineration facilities~~.

1. Any biological waste incinerator unit that is also regulated as a hospital/medical/infectious waste incinerator under 40 CFR Part 60, Subpart Ec or Ce, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be constructed and operated so as to comply with all standards, limitations, and requirements of the applicable Subpart, and with the requirements of paragraphs 62-296.401(4)(b)-(f), F.A.C., to the extent that such requirements are stricter than, or supplemental to, the requirements of the applicable Subpart.

2. Any biological waste incinerator unit that is not regulated as a hospital/medical/infectious waste incinerator under 40 CFR Part 60, Subpart Ec or Ce, shall be constructed and operated so as to comply with all requirements of paragraphs 62-296.401(4)(b)-(f), F.A.C.

3. This subsection ~~rule~~ does not apply to human or animal crematories ~~facilities licensed under the provisions of Chapter 470, F.S., which cremate human remains for which a Department of Health death certificate has been issued or fetal remains in circumstances when a fetal death certificate is not issued under Chapter 382, F.S~~. ~~This rule also does not apply to animal crematories as defined in Rule 62-210.200, F.A.C.~~

(b) Emission Limiting Standards.

1. For any biological waste incinerator unit with a capacity less than fifty (50) tons per day, visible emissions shall not exceed five percent (5%) opacity, six (6) minute average, except that visible emissions not exceeding fifteen percent (15%) opacity shall be allowed for up to six (6) minutes in any one (1) hour period.

2.~~(a)~~ For any unit ~~Facilities~~ with a capacity equal to or less than 500 pounds per hour:~~.~~

1. through 2. renumbered a. through b. No change.

3.~~(b)~~ For any unit ~~Facilities~~ with a capacity greater than 500 pounds per hour, but less than or equal to 2,000 pounds per hour:~~.~~

1. through 2. renumbered a. through b. No change.

4.~~(c)~~ For any unit ~~Facilities~~ with a capacity greater than 2000 pounds per hour:~~.~~

a.~~1.~~ No change.

b.~~2.~~ Hydrochloric acid (HCl) emissions shall not exceed fifty (50) parts per million by volume, dry basis, corrected to seven percent (7%) O_2 on a three (3) hour average basis.~~; or~~ As an alternative to this HCl limit, the HCl emissions produced by the unit shall be reduced, by its air pollution control equipment, by at least ninety (90%) by weight on an hourly average basis.

5. For any unit, carbon monoxide emissions (CO) shall not exceed 100 parts per million by volume, dry basis, corrected to 7% O_2 on an hourly average basis.

(c)~~(d)~~ Design and Operating Requirements. All biological waste incineration units, shall be constructed and operated so as to comply with ~~facilities unless otherwise noted are subject to~~ the following design, operating, monitoring and operator training requirements.

1. The unit ~~Any incinerator subject to subsection 62-296.401(4), F.A.C.,~~ shall operate with a combustion zone design temperature of no less than 1800 degrees Fahrenheit for at least a 1.0 second gas residence time in the secondary (or last) combustion chamber. The p~~P~~rimary chamber and stack volumes shall not be utilized in calculating this residence time.

2. Mechanically fed units ~~facilities~~ shall incorporate an air lock system to prevent opening the incinerator to the room environment. The volume of the loading system shall be designed to prevent overcharging, thereby assuring complete combustion of the waste.

~~3. Carbon monoxide (CO) emissions shall not exceed 100 parts per million by volume, dry basis, corrected to seven percent (7%) O_2 on an hourly average basis.~~

3.~~4.~~ No change.

4.~~5.~~ The owner or operator is advised to contact the Department of Health regarding requirements that may apply to any proposed burning of r~~R~~adioactive waste ~~may not be burned in an incinerator subject to this rule unless the incinerator has been issued a Department of Health and Rehabilitative Services (DHRS) license to incinerate radioactive waste or the waste is of such quantity to be exempt in accordance with DHRS Rule 10D-91 or 10D-104.003, F.A.C.~~

5.~~6.~~ The owner or operator is advised to contact the Department's Division of Waste Management regarding requirements that may apply to any proposed burning of h~~H~~azardous waste ~~may not be burned in an incinerator subject to this rule unless the incinerator has been issued a hazardous waste permit by the Department or the waste is of such quantity to be exempt in accordance with Chapter 62-730, F.A.C~~.

6.~~7.~~ Each ~~Any~~ operator of the unit shall successfully complete a training program meeting the requirements of 40 CFR 60.53c(c) and the annual refresher training course requirements of 40 CFR 60.53c(f), adopted and incorporated by reference at Rule 62-204.800, F.A.C. ~~an incinerator subject to subsection 62-296.401(4), F.A.C., shall be trained by the equipment manufacturer's representative or an equivalent organization using a state-approved training program~~

~~a. The content of the training program shall be submitted to the Department for approval. Construction permit applicants shall submit a training program, or reference a previously submitted training program, with the construction permit application. The training shall provide a basic understanding of the principles of the combustion process, provide instruction on proper operating practices and procedures, and increase awareness of regulation requirements and safety concerns. Training programs shall be minimum of sixteen (16) hours of instruction. The Department shall approve training programs which meet, at a minimum, the criteria set forth in the EPA Medical Waste Incinerator Operator Training Program Course Handbook EPA 453/B-93-018 and Instructor's Guide EPA 453/B-93-019.~~

~~b. A copy of the training certificate for each operator having satisfactorily completed the Department approved training program must be submitted to the Department within fifteen (15) days of training. If the incinerator is modified to the extent that a Department construction permit is required, the operators shall be retrained to operate the modified incinerator. Owners of new and modified incinerators shall submit copies of the operator training certificates within fifteen (15) days after completion of the initial compliance test.~~

~~c.~~ An operator's training certificate must be kept on file at the facility for the duration of the operator's employment and for an additional two (2) years after termination of employment. The owner shall not allow the incinerator to be operated unless it is operated by an operator who has satisfactorily completed the required training program.

(d)~~(e)~~ Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. The reference test method for visible emissions shall be EPA ~~DEP~~ Method 9~~, incorporated in Chapter 62-297, F.A.C~~.

2. The reference test method for carbon monoxide shall be EPA Method 10~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~.

3. The reference test method for oxygen shall be EPA Method 3 or 3A~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~.

4. The reference test method for particulate emissions shall be EPA Method 5 or 26A~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~. The minimum sample volume shall be thirty (30) dry standard cubic feet.

5. The reference test method for hydrochloric acid shall be EPA Method 26 or 26A~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~.

6. Test procedures shall conform to the procedures specified in ~~meet all applicable requirements of~~ Rule ~~Chapter~~ 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

(e)~~(f)~~ Frequency of Testing.

1. The owner or operator of any biological waste incineration unit ~~Facilities~~ with a capacity equal to or less than 500 pounds per hour shall: ~~demonstrate compliance as follows.~~

a. Have a performance test conducted for ~~New and existing facilities shall demonstrate individual emissions unit compliance with the~~ visible emissions prior to submitting the application for an initial air operation permit, ~~standard upon initial compliance~~ and annually thereafter.

b. Have performance tests conducted for particulate matter and hydrochloric acid prior to submitting the application for an initial or renewal air ~~New and existing facilities shall demonstrate individual emissions unit compliance with the remaining applicable standards upon initial compliance and prior to renewing the~~ operation permit.

2. The owner or operator of any biological waste incineration unit ~~New and existing facilities~~ with a capacity greater than 500 pounds per hour shall:

a. Have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and annually thereafter.

b. Have performance tests conducted for particulate matter and hydrochloric acid prior to submitting the application for an initial air operation permit, ~~demonstrate individual source compliance with the applicable standards upon initial compliance~~ and annually thereafter.

(f)~~(g)~~ Continuous Emissions Monitoring Requirements. Each owner or operator of a biological waste incinerator unit ~~incineration facility~~ shall install, operate, and maintain, in accordance with the manufacturer's instructions, continuous emission monitoring equipment.

1. The monitors shall record the following operating parameters:~~.~~

a. through b. No change.

2. The owner or operator shall maintain a~~A~~ complete file of all measurements, including continuous emissions monitoring system, monitoring device, and performance testing measurements; all continuous emissions monitoring system performance evaluations; all continuous emissions monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required, ~~shall be~~ recorded in a permanent legible form available for inspection. The file shall be retained for at least two (2) years following the date of such measurements, maintenance, reports and records.

(5) Human Crematories.

(a) Applicability. The ~~following~~ requirements of this subsection apply to all human crematory units ~~facilities~~.

(b) Emission Limiting Standards.

1. Visible emissions shall not exceed 5% opacity, six-minute average, except that visible emissions not exceeding 15% opacity shall be allowed for up to six minutes in any one-hour period.

(a) through (b) renumbered 2. through 3. No change.

(c) Operating Temperatures.

1. The owner or operator of any proposed new c~~C~~rematory unit~~s for~~ which submits either a complete application for a permit to construct the ~~a~~ new unit or an initial air general permit registration for the new unit to ~~was received by~~ the Department on or after August 30, 1989, shall provide design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1800 degrees Fahrenheit. This information shall be provided to the Department with the air construction permit application or air general permit registration form for the proposed new unit. The actual operating temperature of the secondary chamber combustion zone shall be no less than 1600 degrees Fahrenheit throughout the combustion process in the primary chamber. The p~~P~~rimary chamber and stack volumes shall not be used in calculating this residence time. Except as provided in subparagraph 62-296.401(5)(c)2., F.A.C., c~~C~~remation in the primary chamber shall not begin unless the secondary chamber combustion zone temperature is equal to or greater than 1600 degrees Fahrenheit.

2.~~(d)~~ The owner or operator of any c~~C~~rematory unit~~s~~ for which construction began or for which a complete application for a permit to construct ~~a new unit~~ was received by the Department prior to August 30, 1989, shall ~~provide design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1600 degrees Fahrenheit. The~~ maintain the actual operating temperature of the secondary chamber combustion zone at ~~shall be~~ no less than 1400 degrees Fahrenheit throughout the combustion process in the primary chamber. ~~Primary chamber and stack shall not be used in calculating this residence time.~~ Cremation in the primary chamber shall not begin unless the secondary chamber combustion zone temperature is equal to or greater than 1400 degrees Fahrenheit.

(d)~~(c)~~ Allowed Materials. Human crematory~~ies~~ units shall cremate only ~~dead~~ human or fetal remains ~~bodies~~ with appropriate containers. The remains ~~bodies~~ may be clothed. The containers shall ~~may~~ contain no more than 0.5 percent by weight chlorinated plastics as demonstrated by the manufacturer's data sheet. If containers are incinerated, documentation from the manufacturer~~s~~ certifying that they are composed of 0.5 percent or less by weight chlorinated plastics shall ~~must~~ be kept on-file at the site for the duration of their use and for at least two (2) years after their use. ~~This documentation must also be submitted with any application for an initial or renewal air operation permit or air general permit notification form.~~ No other material, including biomedical waste as defined in Rule 62-210.200, F.A.C., shall be incinerated.

(e)~~(f)~~ Operator Training. All crematory unit operators shall successfully complete a training program administered ~~be trained~~ by the equipment manufacturer's representatives or a

professional training ~~another qualified~~ organization. Only trained operators ~~trained by a Department-approved training program~~ shall be allowed to operate a human crematory unit.

1. The content of the training program shall ~~be submitted to the Department for approval through the permitting process. Construction permit applicants shall submit a training program or reference a previously approved training program with the construction permit application. The training shall~~ provide a basic understanding of the principles of the combustion process, ~~provide~~ instruction on the operation and maintenance of the specific make and model of crematory unit to be operated, and ~~increase~~ awareness of the regulatory requirements of this subsection ~~and safety concerns~~. Training programs shall be a minimum of eight (8) hours of instruction. Training programs shall at a minimum include hands-on experience involving start-up, operation of at least one (1) cremation, shut-down of the equipment, and one (1) full cycle of preventive maintenance actions. ~~The Department shall approve training programs which meet, at a minimum the criteria applicable to cremation set forth in the EPA Medical Waste Incinerator Operator Training Program Course Handbook, EPA 453/B-93-018, and Instructor's Guide, EPA 453/B-93-019.~~

2. A copy of the training certificate for each operator having satisfactorily completed the ~~Department-approved~~ training program shall be kept on file at the facility for the duration of the operator's employment and for an additional two years after termination of employment ~~must be submitted to the Department within fifteen (15) days of training~~. ~~The owner of any new or modified crematory unit shall submit copies of the operator training certificates within fifteen (15) days after completion of the initial compliance test pursuant to the unit's air construction permit. If a crematory unit is modified to the extent that a Department air construction permit is required, the operators shall be retrained to operate the modified unit.~~

~~3. An operator's certificate must be kept on file at the facility for the duration of the operator's employment and for an additional two years after termination of employment.~~

(f) Equipment Maintenance. All human crematory units shall be maintained in proper working order in accordance with the manufacturer's specifications to ensure the integrity and efficiency of the equipment. If a crematory unit contains a defect that affects the integrity or efficiency of the unit, the unit shall be taken out of service. No person shall use or permit the use of that unit until it has been repaired or adjusted. Repair records on all crematory units shall be maintained onsite for at least two years. A written plan with operating procedures for startup, shutdown and malfunction of each crematory unit shall be maintained and followed during those events. Each unit's burners shall be operated with a proper air-to-fuel ratio, and the burners' flame characteristics shall be visually checked at least once during each operating shift. Each unit's burners shall be adjusted when warranted by the visual checks.

(g) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. The reference test method for visible emissions shall be EPA ~~DEP~~ Method 9~~, incorporated in Chapter 62-297, F.A.C~~.

2. The reference test method for carbon monoxide shall be EPA Method 10~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~.

3. The reference test method for oxygen shall be EPA Method 3~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~.

4. The reference test method for particulate matter emissions shall be EPA Method 5~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~. The minimum sample volume shall be thirty (30) dry standard cubic feet.

5. Test procedures shall conform to the procedures specified in ~~meet all applicable requirements of~~ Rule ~~Chapter~~ 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

(h) Operation During Emissions ~~Compliance~~ Test. Testing of emissions shall be conducted with the unit ~~source~~ operating at a ~~the manufacturer's recommended~~ capacity of one (1) adult-sized cadaver.

(i) Frequency of Testing.

1. The owner or operator of any human crematory unit using an air general permit shall have a performance test conducted for visible emissions no later than thirty (30) days after the unit commences operation, and annually thereafter. ~~New and existing facilities shall demonstrate individual source compliance with the visible emissions standard upon initial compliance and annually thereafter. Facilities permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, shall demonstrate compliance within sixty (60) days prior to the submittal date of the air general permit notification form and within sixty (60) days prior to each anniversary of such date~~.

2. The owner or operator of any human crematory unit operating under the authority of an air construction permit or air operation permit shall have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and annually thereafter.

3.~~2.~~ The owner or operator of any human crematory unit shall not be required to have performance tests conducted for carbon monoxide and particulate matter, except as provided at paragraph 62-297.310(7)(b), F.A.C. ~~New and existing facilities shall demonstrate individual source compliance with the~~

~~remaining applicable standards upon initial compliance and prior to renewing the operation permit or, if the facility is permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, within sixty (60) days prior to the submittal date of the air general permit notification form.~~

~~(j) Compliance Demonstration. Facilities may demonstrate compliance with the carbon monoxide and particulate emissions standards by submission of a test report for an identical (same make, model, and capacity) crematory unit operating in compliance with a valid Department air permit and tested pursuant to that permit. The test data in the test report must be less than five (5) years old and may or may not be obtained from the unit that is being permitted.~~

(j)~~(k)~~ Continuous ~~Emissions~~ Monitoring Requirements. Each crematory unit ~~facility~~ shall be equipped and operated with a ~~install, operate, and maintain~~ continuous monitor~~s~~ to record temperature at the point or beyond where 1.0 second gas residence time is obtained in the secondary chamber combustion zone in accordance with the manufacturer's instructions. In addition, each crematory unit installed after January 1, 2007, shall be equipped and operated with a pollutant monitoring system to automatically control combustion based on continuous in-stack opacity measurement. Such system shall be calibrated to restrict combustion in the primary chamber whenever any opacity exceeding 15% opacity is occurring. A complete file of all temperature measurements~~;~~, all ~~including~~ continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; and all adjustments, preventive maintenance, and corrective maintenance performed on these systems or devices, shall be recorded in a permanent legible form available for inspection. Continuous temperature monitoring documentation shall include operator name, operator indication of when cremation in the primary chamber was begun ~~begins~~, date, time, and temperature markings. Pollutant monitoring system documentation shall include indication of when the opacity measurement system was cleaned and checked for proper operation in accordance with the manufacturer's recommended maintenance schedule. The file shall be retained for at least two (2) years following the recording of such measurements, maintenance, reports, and records.

(6) Animal Crematories.

(a) Applicability. The ~~following~~ requirements of this subsection apply to all animal crematory units ~~facilities~~.

(b) Emission Limiting Standards.

1. Visible emissions shall not exceed five percent (5%) opacity, six (6) minute average, except that visible emissions not exceeding fifteen percent (15%) opacity shall be allowed for up to six (6) minutes in any one (1) hour period.

(a) through (b) renumbered 2. through 3. No change.

(c) Operating Temperatures.

1. The owner or operator of any proposed new c~~C~~rematory unit~~s for~~ which submits either a complete application for a permit to construct the ~~a~~ new unit or an initial air general permit registration for the new unit to ~~was received by~~ the Department on or after August 30, 1989, shall provide design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1800 degrees Fahrenheit. This information shall be provided to the Department with the air construction permit application or air general permit registration form for the proposed new unit. The actual operating temperature of the secondary chamber combustion zone shall be no less than 1600 degrees Fahrenheit throughout the combustion process in the primary chamber. The p~~P~~rimary chamber and stack volumes shall not be used in calculating this residence time. Except as provided in subparagraph 62-296.401(6)(c)2., F.A.C., c~~C~~remation in the primary chamber shall not begin unless the secondary chamber combustion zone temperature is equal to or greater than 1600 degrees Fahrenheit.

2.~~(d)~~ The owner or operator of any c~~C~~rematory unit~~s~~ for which construction began or for which a complete application for a permit to construct ~~a new unit~~ was received by the Department prior to August 30, 1989, shall ~~provide design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1600 degrees Fahrenheit. The~~ maintain the actual operating temperature of the secondary chamber combustion zone at ~~shall be~~ no less than 1400 degrees Fahrenheit throughout the combustion process in the primary chamber. ~~Primary chamber and stack shall not be used in calculating this residence time.~~ Cremation in the primary chamber shall not begin unless the secondary chamber combustion zone temperature is equal to or greater than 1400 degrees Fahrenheit.

(d)~~(c)~~ Allowed Materials. Animal crematory~~ies~~ units shall cremate only ~~dead~~ animal~~s~~ remains and, if applicable, the bedding ~~and the remains~~ associated with the animals and appropriate ~~placed in leak-proof~~ containers. Containers shall ~~may~~ contain no more than 0.5 percent by weight chlorinated plastics as demonstrated by the manufacturer's data sheet. ~~Plastic bags used for the cremation of animals shall be nonchlorinated and no less than three (3) mils thick~~. If containers are incinerated, documentation from the manufacturer~~s~~ certifying that they are composed of 0.5 percent or less by weight chlorinated plastics shall ~~must~~ be kept on-file at the site for the duration of their use and for at least two (2) years after their use. ~~This documentation must also be submitted with any application for an initial or renewal air operation permit or air general permit notification form.~~

~~(f)~~ Animal crematory~~ies~~ units shall not cremate dead animals which were used for medical or commercial experimentation. No other material, including biomedical waste as defined in Rule 62-210.200, F.A.C., shall be incinerated.

(e)~~(g)~~ Operator Training. All crematory unit operators shall successfully complete a training program administered ~~be trained~~ by the equipment manufacturer's representatives or a professional training ~~another qualified~~ organization. Only trained operators ~~trained by a Department approved training program~~ shall be allowed to operate an animal crematory unit.

1. The content of the training program shall ~~be submitted to the Department for approval through the permitting process. Construction permit applicants shall submit a training program or reference a previously approved training program with the construction permit application. The training shall~~ provide a basic understanding of the principles of the combustion process, ~~provide~~ instruction on the operation and maintenance of the specific make and model of crematory unit to be operated, and ~~increase~~ awareness of the regulatory requirements of this subsection ~~and safety concerns~~. Training programs shall be a minimum of eight (8) hours of instruction. Training programs shall at a minimum include hands-on experience involving start-up, operation of at least one (1) cremation, shut-down of the equipment, and one (1) full cycle of preventive maintenance actions. ~~The Department shall approve training programs which meet, at a minimum the criteria applicable to cremation set forth in the EPA Medical Waste Incinerator Operator Training Program Course Handbook, EPA 453/B-93-018, and Instructor's Guide, EPA 453/B-93-019.~~

2. A copy of the training certificate for each operator having satisfactorily completed the ~~Department approved~~ training program shall be kept on file at the facility for the duration of the operator's employment and for an additional two (2) years after termination of employment ~~must be submitted to the Department within fifteen (15) days of training~~. ~~The owner of any new or modified crematory unit shall submit copies of the operator training certificates within fifteen (15) days after completion of the initial compliance test pursuant to the unit's air construction permit. If a crematory unit is modified to the extent that a Department air construction permit is required, the operators shall be retrained to operate the modified unit.~~

~~3. An operator's certificate must be kept on file at the facility for the duration of the operator' employment and for an additional two (2) years after termination of employment.~~

(f) Equipment Maintenance. All animal crematory units shall be maintained in proper working order in accordance with the manufacturer's specifications to ensure the integrity and efficiency of the equipment. If a crematory unit contains a significant defect, the unit shall be taken out of service. No person shall use or permit the use of that unit until it has been repaired or adjusted. Repair records on all crematory units shall be maintained onsite for at least two (2) years. A written plan with operating procedures for startup, shutdown and malfunction of each crematory unit shall be maintained and followed during those events. Each unit's burners shall be operated with a proper air-to-fuel ratio, and the burners' flame characteristics shall be visually checked at least once during each operating shift. Each unit's burners shall be adjusted when warranted by the visual checks.

(g)~~(h)~~ Test Methods and Procedures. All emission~~s~~ tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. The reference test method for visible emissions shall be EPA ~~DEP~~ Method 9~~, incorporated in Chapter 62-297, F.A.C~~.

2. The reference test method for carbon monoxide shall be EPA Method 10~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~.

3. The reference test method for oxygen shall be EPA Method 3~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~.

4. The reference test method for particulate matter emissions shall be EPA Method 5~~, incorporated and adopted by reference in Chapter 62-297, F.A.C~~. The minimum sample volume shall be thirty (30) dry standard cubic feet.

5. Test procedures shall conform to the procedures specified in ~~meet all applicable requirements of~~ Rule ~~Chapter~~ 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

(h)~~(i)~~ Operation During Emissions ~~Compliance~~ Test. Testing of emissions shall be conducted with the unit ~~source~~ operating at a capacity that is representative of normal operations and is not greater than the manufacturer's recommended capacity. The operating capacity shall be a batch load, in pounds, for a batch animal crematory unit and a charging rate, in pounds per hour, for a ram-charged animal crematory unit.

(i)~~(j)~~ Frequency of Testing.

1. The owner or operator of any animal crematory unit using an air general permit shall have a performance test conducted for visible emissions no later than thirty (30) days after the unit commences operation, and annually thereafter. ~~New and existing facilities shall demonstrate individual source compliance with the visible emissions standard upon initial compliance and annually thereafter. Facilities permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, shall demonstrate compliance within sixty (60) days prior to the submittal date of the air general permit notification form and within sixty (60) days prior to each anniversary of such date~~.

2. The owner or operator of any animal crematory unit with a capacity of less than 500 pounds per hour and operating under the authority of an air construction permit or air operation permit shall have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and annually thereafter.

3.~~2.~~ The owner or operator of any animal crematory unit with a capacity of less than 500 pounds per hour shall not be required to have performance tests conducted for carbon monoxide and particulate matter, except as provided at paragraph 62-297.310(7)(b), F.A.C. ~~New and existing facilities shall demonstrate individual source compliance with the remaining applicable standards upon initial compliance and prior to renewing the operation permit or, if the facility is permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, within sixty (60) days prior to the submittal date of the air general permit notification form.~~

4. The owner or operator of any animal crematory unit with a capacity of 500 pounds per hour or more shall have performance tests conducted for visible emissions, carbon monoxide, and particulate matter prior to submitting the application for an initial air operation permit, and annually thereafter.

~~(k) Compliance Demonstration. Animal Crematories may demonstrate compliance with the carbon monoxide and particulate emissions standards by submission of a test report for an identical (same make, model, and capacity) crematory air permit and tested pursuant to that permit. The test data in the test report must be less than five (5) years old and may or may not be obtained from the unit that is being permitted.~~

(j)~~(l)~~ Continuous ~~Emissions~~ Monitoring Requirements. Each animal crematory unit shall be equipped and operated with a ~~install, operate, and maintain~~ continuous monitor~~s~~ to record temperature at the point or beyond where 1.0 second gas residence time is obtained in the secondary chamber combustion zone in accordance with the manufacturer's instructions. In addition, each crematory unit installed after January 1, 2007, shall be equipped and operated with a pollutant monitoring system to automatically control combustion based on continuous in-stack opacity measurement. Such system shall be calibrated to restrict combustion in the primary chamber whenever any opacity exceeding fifteen percent (15%) opacity is occurring. A complete file of all temperature measurements~~;~~, all ~~including~~ continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; and all adjustments, preventive maintenance, and corrective maintenance performed on these systems or devices, shall be recorded in a permanent legible form available for inspection. Continuous temperature monitoring documentation shall include operator name, operator indication of when cremation in the primary chamber was begun ~~begins~~, date, time, and temperature markings. Pollutant monitoring system documentation shall include indication of when the opacity measurement system was cleaned and checked for proper operation in accordance with the manufacturer's recommended maintenance schedule. The file shall be retained for at least two (2) years following the recording of such measurements, maintenance, reports, and records.

(7) Air Curtain Incinerators.

(a) Applicability.

1. Any air curtain incinerator subject to 40 CFR Part 60, Subpart AAAA, BBBB, CCCC, DDDD or EEEE, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be constructed and operated so as to comply with all standards, limitations, and requirements of the applicable subpart, and with the requirements of paragraph 62-296.401(7)(b), F.A.C., to the extent that those requirements are stricter than, or supplemental to, the requirements of the applicable subpart.

2. Any air curtain incinerator not subject to any subpart of 40 CFR Part 60 and not claiming the exemption from air permitting at subsection 62-210.300(3), F.A.C., shall be constructed and operated so as to comply with the requirements of paragraph 62-296.401(7)(b), F.A.C. ~~Any air curtain incinerator, new or existing, located at a landfill for any time period or at any other site for more than six (6) months.~~

(b) Operating Requirements.

1.~~(a)~~ Outside of startup periods, ~~no~~ visible emissions shall not exceed ten percent (10%) opacity, six (6) minute average ~~five percent (5% opacity or less) shall be allowed, except that an opacity of up to twenty percent (20%) shall be permitted for not more than three (3) minutes in any one (1) hour~~.

~~(b)~~ During startup periods, which shall not exceed the first thirty (30) minutes of operation, an opacity of up to thirty-five (35%), averaged over a six (6) minute period, shall be allowed.

~~(c)~~ The general excess emissions rule, Rule 62-210.700, F.A.C., ~~to handle startups, shutdowns, and malfunctions,~~ shall not apply ~~to air curtain incinerators~~.

2.~~(d)~~ If the air curtain incinerator employs an earthen trench, the pit walls (width and length) shall be vertical, and maintained as such, so that combustion of the waste within the pit is maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time and mixing for proper combustion and control of emissions. The following dimensions for the pit must be strictly adhered to: no more than twelve feet (12') wide, between eight feet (8') and fifteen (15') feet deep, and no longer than the length of the manifold. The pit shall not be dug within a previously active portion of a ~~the~~ landfill.

3.~~(c)~~ Except as provided herein and at subsection 4., t~~T~~he only materials that shall ~~can~~ be burned in the ~~an~~ air curtain incinerator are vegetative material and untreated wood, excluding sawdust. The air curtain incinerator shall not be used to burn any biological waste, hazardous waste,

asbestos-containing materials, mercury-containing devices, pharmaceuticals, tires, rubber material, residual oil, used oil, asphalt, roofing material, tar, treated wood, plastics, garbage, trash or other material prohibited to be open burned as set forth at subsection 62-256.300(2), F.A.C. ~~wood wastes consisting of trees, logs, large brush, stumps relatively free of soil, unbagged leaves and yard trash, tree surgeon debris, and clean dry lumber such as pallets.~~

~~(f) The burning of sawdust, paper, trash, tires, garbage, plastics, liquid wastes, chemically treated or painted wood, and other similar materials is expressly prohibited.~~

~~(g)~~ Only kerosene, diesel fuel, drip-torch fuel (as used to ignite prescribed fires), untreated wood, virgin oil, natural gas, or liquefied petroleum gas shall ~~may~~ be used to start the fire in the air curtain incinerator. The use of used ~~waste~~ oil, chemicals, gasoline, or tires to start the fire is ~~expressly~~ prohibited.

4. Notwithstanding the provisions of subparagraph 3., the air curtain incinerator may be used for the destruction of animal carcasses in accordance with the provisions of subsection 62-256.700(6), F.A.C. When using an air curtain incinerator to burn animal carcasses, untreated wood may also be burned to maintain good combustion.

5.~~(h)~~ In no case shall the ~~an~~ air curtain incinerator be started before sunrise. All ~~For refractory lined air curtain incinerators,~~ charging shall end no later than one (1) hour after ~~must have completely stopped before~~ sunset. After charging ceases, air flow shall be maintained until all material within the air curtain incinerator has been reduced to coals, and flames are no longer visible. A log shall be maintained onsite that documents daily beginning and ending times of charging. ~~For all other air curtain incinerators, charging must have completely stopped two (2) hours before sunset.~~

6. The air curtain incinerator shall be attended at all times while materials are being burned or flames are visible within the incinerator.

~~(i) In no case shall the permitted burning rate, in tons per day, exceed the value obtained by dividing the number 100,000 by the permitted number of days that burning will be authorized to take place.~~

7.~~(j)~~ The ~~New~~ air curtain incinerator~~s~~ shall ~~must~~ be located at least fifty (50) feet from any wildlands, brush, combustible structure, or paved public roadway ~~three hundred (300) feet from any pre-existing occupied building located off site~~. ~~Air curtain incinerators existing as of October 1, 1986, must be located at least two hundred (200) feet from any occupied building located off site. The Department may issue a permit for an air curtain incinerator which does not meet this setback if the applicant submits with the application a signed affidavit from the owner(s) of all occupied buildings within the setback area that waives the setback requirement.~~

~~(k) Air curtain incinerators used at landfills may not be operated within one thousand (1000) feet of any active portion of the landfill unless the air curtain incinerator is separated from the active portion of the landfill by a controlled gate or check-in station.~~

8.~~(l)~~ The material shall not be loaded into the air curtain incinerator such that it ~~will~~ protrudes above the air curtain.

9.~~(m)~~ Ash shall not be allowed to build up in the pit of the air curtain incinerator to higher than one third (1/3) the pit depth or to the point where the ash begins to impede combustion, whichever occurs first.

10.~~(n)~~ An ~~detailed~~ operation and maintenance guide shall ~~must~~ be available to the operators of the air curtain incinerator at all times, and the owner shall ~~permittee must~~ provide ~~the proper~~ training to all operators before they work at the incinerator. This guide shall be made available to the Department or for an inspector's onsite review upon request ~~The Department may request a copy of this guide~~.

(c)~~(o)~~ Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements.

1. The reference test method for visible emissions shall be EPA ~~DEP~~ Method 9, as described at 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800 ~~in Chapter 62-297~~, F.A.C.

2. Test procedures shall conform to the procedures specified in ~~meet all applicable requirements of~~ Rule ~~Chapter~~ 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

3. Records of the results of all initial and annual visible emissions tests shall be kept by the owner or operator in either paper copy or electronic format for at least five (5) years. These records shall be made available to the Department or for an inspector's onsite review upon request.

(d) Frequency of Testing.

1. The owner or operator of any air curtain incinerator subject to this subsection shall have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and, except as provided at Rule 62-296.401(7)(d)2., F.A.C., annually thereafter.

2. The owner or operator of any air curtain incinerator subject to this subsection and using an earthen trench shall have a performance test conducted for visible emissions no later than thirty (30) days after it commences operation at any new trench location, and annually thereafter. However, if the air curtain incinerator will be operated for less than thirty (30) days at the new trench location, and the owner or operator has demonstrated compliance with the emissions limiting standards of paragraph 62-296.401(7)(b), F.A.C., through a visible emissions test conducted and submitted to the

Department within the previous twelve (12) months, the requirement for testing within thirty (30) days of commencing operation at the new trench location shall not apply.

Specific Authority 403.061, 403.716 FS. Law Implemented ~~403.021,~~ 403.031, 403.061, 403.087, 403.716, 470.025 FS. History–Formerly 17-2.600(1), Amended, 12-02-92, Formerly 17-296.401, Amended 11-23-94, 1-1-96, 3-13-96, 11-13-97, _____.

62-296.414 Concrete Batching Plants.

The following requirements apply to new and existing emissions units producing concrete and concrete products by batching or mixing cement and other materials. This rule also applies to facilities processing cement and other materials for the purposes of producing concrete, and to equipment used to mix cement and soil for onsite soil augmentation or stabilization.

(1) through (2) No change.

(3) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements.

(a) The reference test method for visible emissions shall be EPA ~~DEP~~ Method 9, as described at 40 CFR, Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800 ~~in Chapter 62-297~~, F.A.C.

(b) Test procedures shall conform to the procedures specified in ~~meet all applicable requirements of~~ Rule ~~Chapter~~ 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

(c) through (d) No change.

(4) Frequency of Testing ~~Compliance Demonstration~~.

(a) The owner or operator of any concrete batching plant using an air general permit shall have a performance test conducted for visible emissions for ~~Per the conditions of paragraph 62-297.310(7)(a), F.A.C.,~~ each dust collector exhaust point ~~shall be~~ no later than thirty (30) days after commencing operation, and annually thereafter ~~tested annually for compliance with the visible emission limiting standard of subsection 62-296.414(1), F.A.C~~. ~~New facilities permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, shall demonstrate initial compliance no later than thirty (30) days after beginning operation, and annual compliance within sixty (60) days prior to each anniversary of the air general permit notification form submittal date. Existing facilities permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, shall demonstrate compliance within sixty (60) days prior to submitting an air general permit notification form and within sixty (60) days prior to each anniversary of the air general permit notification form submittal date.~~

(b) The owner or operator of any concrete batching plant operating under the authority of an air construction permit or air operation permit shall have a performance test conducted for visible emissions for each dust collector exhaust point prior to submitting the application for an initial air operation permit, and annually thereafter.

Specific Authority 403.061 FS. Law Implemented ~~403.021,~~ 403.031, 403.061, 403.087 FS. History–Formerly 17-2.600(14), 17-296.414, Amended 11-23-94, 1-1-96, 11-13-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-9.006 Probable Cause Determination

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to comply with new legislation in Section 459.015(10) F.S.

SUMMARY: The existing language of the rule is revised to comply with new legislation in Section 459.015(10) F.S.

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

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

SPECIFIC AUTHORITY: 120.53, 459.005 FS.

LAW IMPLEMENTED: 456.073(4), 459.015(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-9.006 Probable Cause Determination.

(1) No change.

(2) The probable cause panel shall include one (1) licensed physician assistant whenever disciplinary action against a physician assistant is considered. The physician assistant member of the panel shall be appointed by the Council on Physician Assistants and shall consider disciplinary action against physician assistants only.

(3)~~(2)~~ The probable cause panel members shall be selected by the Chair, except for the physician assistant enumerated in subsection (2) of this rule, one (1) of whom shall be selected by the Chair of the Board as the presiding officer of the panel.

(4)~~(3)~~ No change.

Specific Authority 120.53, 459.005 FS. Law Implemented 456.073(4), 459.015(10) FS. History–New 10-23-79, Formerly 21R-9.06, Amended 1-3-93, Formerly 21R-9.006, 61F9-9.006, Amended 10-15-95, Formerly 59W-9.006, Amended 11-27-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-14.005 Standards for the Use of Controlled Substances for Treatment of Pain

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to include osteopathic manipulative treatment and applications as other treatment modalities approved.

SUMMARY: The existing language of the rule is revised to include osteopathic manipulative treatment and applications as other treatment modalities approved.

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

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

SPECIFIC AUTHORITY: 459.005(1) FS.

LAW IMPLEMENTED: 459.003(3), 459.015(1)(g), (x) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.005 Standards for the Use of Controlled Substances for Treatment of Pain.

(1) through (2) No change.

(3) Guidelines. The Board has adopted the following guidelines when evaluating the use of controlled substances for pain control:

(a) No change.

(b) Treatment Plan. The written treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the osteopathic physician should adjust drug therapy to the individual medical needs of each patient. Other treatment modalities, including osteopathic manipulative treatment and applications, or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

(c) through (g) No change.

Specific Authority 459.005(1) FS. Law Implemented 459.003(3), 459.015(1)(g), (x) FS. History–New 3-9-00, Amended _____,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-19.002 Violations and Penalties

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to comply with new legislation in Section 456.50, F.S.

SUMMARY: The existing language of the rule is revised to comply with new legislation in Section 456.50, F.S.

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

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

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (45) No change.

	MINIMUM	MAXIMUM
(46) Violating any rule adopted by the board or department. ~~Intentionally violating any rule adopted by the board or department~~ (456.072(1)(b), 459.015(1)(pp) F.S.,)		
FIRST OFFENSE	denial or letter of concern ~~reprimand~~ and $1,000 ~~$5,000~~ fine, demonstration of compliance with the rule.	denial or suspension to be followed by probation and $5,000 fine, a reprimand, completion of a laws and rules course, and demonstration of compliance with the rule.
SECOND OFFENSE	denial or reprimand, completion of laws and rules course, demonstration of compliance with the rule, probation and $7,500 fine	No change.

(47) through (58) No change.

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079, 456.50 FS. History–New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-19.009 Submission of Malpractice Record

PURPOSE AND EFFECT: The purpose and effect of this rule promulgation is to establish rules for compliance with new legislation in Section 456.50(2), F.S.

SUMMARY: Rules are established for compliance with new legislation in Section 456.50(2), F.S.

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

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

SPECIFIC AUTHORITY: 456.50(2) FS.

LAW IMPLEMENTED: 456.50(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.009 Submission of Malpractice Record.

(1) All physicians licensed pursuant to Chapter 459, F.S., shall provide the Board of Osteopathic Medicine a copy of the record of any finding of medical malpractice resulting from a civil or administrative proceeding, entered against the licensee in any jurisdiction on or after November 2, 2004 within 60 days of entry of the final judgment or order. The record shall be sent to the Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN-CO6, Tallahassee, Florida 32399.

(2) The record shall include the official transcript of the civil or administrative proceeding resulting in a finding of medical malpractice, all evidence admitted, those matters officially recognized by the civil or administrative tribunal, and the final order or judgment reported or issued by the tribunal.

(3) The record shall be provided to the Board on a read only CD ROM disc in portable document format (.pdf) or tagged image file format (.tif).

Specific Authority 456.50(2) FS. Law Implemented 456.50(2) FS. History–New .

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.:	RULE TITLE:
64B32-6.004	Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes to amend the Rule for continuing education courses.

SUMMARY: The proposed Rule will amend the procedures for approval of attendance at continuing education courses.

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

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

SPECIFIC AUTHORITY: 456.013(8), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. Failure to receive any notification during this period does not relieve the licensee of the responsibility of meeting the continuing education requirements. The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than 4 years from the date the offering was taken. The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met. Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section 468.365(1)(a), Florida Statutes.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. The American Association for Respiratory Care (AARC) as Category I or III,

2. The Florida Society for Respiratory Care, and - 460

3. The Accreditation Council for Continuing Medical Education (ACCME), the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, and the Florida Nurses Association~~,~~ ~~provided that they are related to respiratory care services;~~

(b) Attendance at all offerings that are conducted by institutions approved by the Committee on Accreditation for Respiratory Care (CoARC);

(c) Successful completion, for the first time, of any college or university course, but only if such course is part of the curriculum within an AMA accredited respiratory therapy program and is provided by that AMA accredited respiratory therapy program, up to the maximum hours permitted by subsection (3) of this rule.

(d) Successful completion of the following certification classes, up to a maximum total of 16 hours per biennium;

1. Advanced cardiac life support;

2. Neonatal resuscitation program;

3. Pediatric advanced life support.

(e) Successful completion of the following recertification classes, up to a maximum of 8 hours per biennium;

1. Advanced cardiac life support;

2. Neonatal resuscitation program;

3. Pediatric advanced life support.

(f) Successful passage, one time per biennium, of the following recredentialing examinations given by the National Board for Respiratory Care (NBRC):

1. Clinical Simulation Recertification Examination – maximum of 4 hours;

2. Registry Recredentialing Examination (written portion) – maximum of 2 hours;

3. Certified Respiratory Therapist Recredentialing Examination – maximum of 3 hours;

4. Perinatal Pediatrics Recredentialing Examination – maximum of 3 hours.

5. Pulmonary Function: Certified pulmonary function technologist and registered pulmonary function technologist recredentialing examinations – maximum of 2 hours.

(g) Attendance at scheduled public meetings of the Board of Respiratory Care, up to a maximum of 8 hours per biennium.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of non direct patient care ~~appropriate~~ continuing education in the areas of management, risk management, personal growth, and educational techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.

(4) Each licensee who is presenting a continuing education course as either the lecturer of the offering or as author of the course materials may earn a maximum 12 contact hours of continuing education credit per biennium. Each licensee who is either participating as a lecturer of a continuing education course or an author of a continuing education program may receive credit for the portion of the offering he/she presented or authored to the total hours awarded for the offering.

(a) Continuing education credit may be awarded to a lecturer or author for the initial presentation of each program only; repeat presentations of the same continuing education course shall not be granted credit.

(b) In order for a continuing education credit to be awarded to each licensee participating as either faculty or author, the format of the continuing education program must conform with all applicable sections of this rule chapter.

(c) Continuing education credit for publications is limited to continuing education offerings.

(d) The number of contact hours to be awarded to each licensee who participates in a continuing education program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

(5) Members of the Board's Probable Cause Panel shall receive two hours of medical errors and 3 hours of direct patient care credit per biennium for their service on the Panel.

(6) The Board shall make exceptions for licenses from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: (1) involving long term personal illness or illness involving a close relative or person for whom the license has care-giving responsibilities; (2) where the license can demonstrate that the required course(s) are not reasonably available; and (3) where license can demonstrate economic, technological, or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

Specific Authority 468.353(1), 468.361(2) Law Implemented 468.361(2) FS. History–New 4-29-85, Formerly 21M-38.04, Amended 9-29-86,11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95,4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.:	RULE TITLE:
64F-17.001	Documents Incorporated by Reference

PURPOSE AND EFFECT: To adopt and incorporate materials by reference relating to the Child Care Food Program that provide instruction to program contractors and to incorporate the most recently published regulations.

SUMMARY: This amendment incorporates materials by reference relating to the Child Care Food Program that provide instruction to program contractors and to incorporate the most recently published regulations.

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

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

SPECIFIC AUTHORITY: 383.011(2)(c) FS.

LAW IMPLEMENTED: 383.011(1)(i) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Bureau of Child Nutrition Programs office. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia P. Forrester, Assistant General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, BIN A-02, Tallahassee, Florida 32399-1703, (850)245-4005

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64F-17.001 follows. See Florida Administrative Code for present text.)

64F-17.001 Documents Incorporated by Reference ~~Federal Regulations~~.

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, 2006, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published January 1, 2006, are incorporated by reference.

(2) The Department of Health's publications entitled "Procedure Manual for Sponsors of Unaffiliated Centers," dated August 1, 2006 is incorporated by reference.

(3) Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to theDepartment of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History–New 7-22-99, Amended 2-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Philip E. Reeves

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

DEPARTMENT OF HEALTH

Vital Statistics

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
64V-1	Vital Records and Associated Activities

RULE NOS.:	RULE TITLES:
64V-1.007	Death and Fetal Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements
64V-1.0131	Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements

PURPOSE AND EFFECT: Purpose of proposed rule amendments is to provide form for purpose of amending a fetal death certificate and to provide for creation of a Florida Certificate of Birth Resulting in Stillbirth, as well as, issuance of this certificate as mandated by the Florida Legislature during the 2006 session.

SUMMARY: Amending rule to create amendment form specific to fetal death certificates, adapting the current death amendment application form to address both death and fetal death amendments and create certificate and application form for creation and issuance of a Florida Certificate of Birth Resulting in Stillbirth.

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

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

SPECIFIC AUTHORITY: 382.003(10),(11), 382.016, 382.0255(1)(b), 382.0085 FS.

LAW IMPLEMENTED: 382.003(7),(10),(11), 382.016, 382.0085 FS.

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

DATE AND TIME: Monday, October 16, 2006, 1:00 p.m.

PLACE: Department of Health, State Office of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 420, Jacksonville, FL 32202

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: Kevin Wright, Sr. Management Analyst Supervisor, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kevin Wright, Sr. Management Analyst Supervisor, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

THE FULL TEXT OF THE PROPOSED RULES IS:

PART IV AMENDMENT OF DEATH AND FETAL DEATH CERTIFICATES

64V-1.007 Death and Fetal Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements.

(1) Application to amend items ~~other than those requiring the signature of the attending physician or medical examiner as outlined in (s) of Rule 64V.1.007, F.A.C.,~~ shall be submitted with an Application for Amendment to Death or Fetal Death Record, DH Form 524, Jun 06 ~~Jun. 03~~, hereby incorporated by reference and available from the department and except for those items requiring the signature of the attending physician or medical examiner as outlined in subsection (2) of Rule 64V-1.007, F.A.C., shall be accompanied by the amendment fee required in subsection (3) of Rule 64V-1.014, F.A.C.

(8) Amendment of any item on a fetal death certificate shall be made on an Affidavit of Amendment to Certificate of Fetal Death, DH Form 433A, June 06 hereby incorporated by reference and available from the department. Such affidavit shall be signed before a notarizing official by a parent listed on the Florida Certificate of Fetal Death, DH Form 428, Jan. 06, previously incorporated by reference except in the case where a father's name is to be added to the Certificate of Fetal Death. In this case, the notarized signatures of both mother and father shall be required.

(9) If amendment of the medical certification of the cause of death section or the date of death, hour or time of fetal death or the place of fetal death other than street address on a fetal death certificate is to be amended, in addition to the Affidavit of Amendment to Certificate of Fetal Death, DH Form 433A, the amendment shall be confirmed in writing by the attending physician or medical examiner with current jurisdiction of the district in which the fetal death occurred.

Specific Authority 382.003(10),(11), 382.016, 382.0255(3) FS. Law Implemented 382.003(7),(11), 382.011, 382.016 FS. History–New 1-1-77, Formerly 10D-49.22, Amended 10-1-88, 4-18-96,12-26-96, Formerly 10-49.022, Amended 11-11-98, 7-18-00, 2-29-04, _____.

64V-1.0131 Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements.

(1) through (3) No change.

(4) Upon request of a parent listed on a Certificate of Fetal Death, the department shall create a Certificate of Birth Resulting in Stillbirth, DH Form 728A, Aug. 06, hereby incorporated by reference and available from the department. Information listed on the Certificate of Birth Resulting in Stillbirth shall originate from the Certificate of Fetal Death, DH Form 428, Jan. 06, previously incorporated by reference. All requests for a Certificate of Birth Resulting in Stillbirth shall be submitted on an Application for Florida Certificate of Stillbirth, DH Form 728, Aug. 06, hereby incorporated by reference and available from the department.

Specific Authority 382.003(7), (10), 382.025, 382.0255(1)(a), 382.0085 FS. Law Implemented 382.025, 382.0085 FS. History–New 11-11-98, Amended 2-29-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Wright, Sr. Management Analyst Supervisor, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth T. Jones, Deputy State Registrar

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-58.001	Purpose and Intent
67-58.002	Definitions
67-58.005	Fees
67-58.010	Miscellaneous Criteria
67-58.020	Credit Underwriting and Loan Procedures
67-58.030	Terms and Conditions of Loans
67-58.040	Sale or Transfer of a Project
67-58.050	Construction Disbursements
67-58.060	Loan Servicing
67-58.070	Credit Underwriting
67-58.080	Terms of the Loan to Public-Private Partnerships
67-58.090	Disbursement of Funds, Draw Requests, and Construction Loan Servicing
67-58.100	Terms of the Loan to Eligible Persons
67-58.110	Permanent Loan Servicing – Annual Review

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the credit underwriting and loan servicing of the Community Workforce Housing Innovation Pilot Program (CWHIP) pursuant to Chapter 2006-69, Section 27, Laws of Florida.

SUMMARY: The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the credit underwriting and loan servicing of the Community Workforce Housing Innovation Pilot Program (CWHIP) pursuant to Chapter 2006-69, Section 27, Laws of Florida.

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

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

SPECIFIC AUTHORITY: Ch. 2006-69, s. 27, LOF.

LAW IMPLEMENTED: Ch. 2006-69, s. 27, LOF.

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

DATE AND TIME: Monday, October 16, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301

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: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-58.001 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the credit underwriting and loan servicing of the Community Workforce Housing Innovation Pilot Program (CWHIP) pursuant to Chapter 2006-69, Section 27, Laws of Florida (LOF).

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

PART I ADMINISTRATION

67-58.002 Definitions.

(1) "Affordability Period" means the period of time the unit must remain affordable.

(2) "Applicant" means any Public-Private Partnership seeking a loan from Florida Housing for the new construction or Rehabilitation of housing under CWHIP.-

(3) "Application" means the response to the Request for Proposals to Provide Affordable Rental and Homeownership Community Workforce Housing for Essential Services Personnel (RFP 2006-05) and the documents submitted by the Applicant to Florida Housing requesting CWHIP funds.

(4) "Area Median Income" or "AMI" means the median income for an area, with adjustments made for household size, as determined by the United States Department of Housing and Urban Development (HUD).

(5) "Area(s) of Critical State Concern" means the Florida Keys area of critical state concern, pursuant to Ch. 2006-69, s. 27, LOF.

(6) "Board of Directors" or "Board" means the Board of Directors of the Corporation.

(7) "Borrower" means an Applicant that has obtained a CWHIP loan.

(8) "Compliance Period" means a period of time that the Project shall conform to all set-aside requirements as described further in the rule chapter and agreed to by the Applicant in the Application.

(9) "Corporation" or "Florida Housing" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(10) "Credit Underwriter" means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(11) "CWHIP" or "CWHIP Program" means the Community Workforce Housing Innovation Pilot Program as defined in Ch. 2006-69, s. 27, LOF.

(12) "Developer" means any individual, association, corporation, joint venturer, or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce Workforce Housing as required in the Application.

(13) "Document" means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(14) "Draw" means the disbursement of funds to a Project.

(15) "Eligible Persons" mean persons or families qualified under this Rule Chapter to live in Workforce Housing.

(16) "Essential Services Personnel" means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to Section 420.9075(3)(a), F.S.

(17) "Principal" means an Applicant, any general partner of an Applicant, and any officer, director, or any shareholder of any Applicant or shareholder of any general partner of an Applicant.

(18) "Project" or "Property" consistent with Section 420.503(32), F.S., means any work or improvement located or to be located in any one county in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or families, whether new construction or the acquisition and the remodeling, improvement, rehabilitation, or reconstruction of existing structures, together with such related nonhousing facilities as the Corporation determines to be necessary, convenient, or desirable.

(19) "Public-Private Partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the Project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

(20) "Rehabilitation" means the alteration, improvement or modification of an existing structure, restricted as follows:

(a) For rental units, a minimum of $20,000 per unit and must be brought up to the state building code;

(b) For homeownership units, a minimum of 25% of the current appraised value and must be brought up to the state building code.

(21) "Rent-Restricted Unit" means a unit for which the gross rent does not exceed 30 percent of the applicable income limitation imputed for unit type.

(22) "Request for Proposal" or "RFP" means, for the purposes of this rule, RFP 2006-05.

(23) "Response" means the written submission by an Applicant for RFP 2006-05.

(24) "Total Development Cost" means the total of all residential costs incurred in the completion of a Project, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation.

(25) "Website" means the Florida Housing Finance Corporation's website for the CWHIP program is http://www.floridahousing.org/home/developers/WorkforceHousing.

(26) "Workforce Housing" means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent AMI, adjusted for household size, or 150 percent AMI, adjusted for household size, in Areas of Critical State Concern designated under Section 380.05, Florida Statutes (F.S.), for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as Areas of Critical State Concern for at least 20 consecutive years prior to removal of the designation. For purposes of this rule includes affordable housing as defined in Section 420.004, F.S.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.005 Fees.

(1) The Applicant shall be responsible for the payment of any required credit underwriting and loan servicing fees for the term of the loan and compliance monitoring fees for the term of the affordability period.

(2) The Applicant shall be responsible for the payment of any necessary extension fees, as further described in subsection 67-58.020(25) and 67-58.070(22), Florida Administrative Code (FAC).

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.010 Miscellaneous Criteria.

The Total Development Cost includes the following:

(1) The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.

(2) The cost of site preparation, demolition, and development.

(3) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Project.

(4) Fees in connection with the planning, execution, and financing of the Project, such as those of architects, engineers, attorneys, accountants, Developer fee, and the Corporation.

(5) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, rehabilitation, or reconstruction of the Project.

(6) The cost of the construction, rehabilitation, and equipping of the Project.

(7) The cost of land improvements, such as landscaping and offsite improvements related to the Project, whether such costs are paid in cash, property, or services.

(8) Expenses in connection with initial occupancy of the Project.

(9) Allowances for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first 2 years after completion of the Project.

(10) The cost of such other items, including relocation costs, indemnity and surety bonds, insurance premiums, trustees fees and expenses, depositories, and agent's fees for the Corporation's bonds, for the construction or Rehabilitation of the Project.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

PART II MULTIFAMILY RENTAL PROJECTS

67-58.020 Credit Underwriting and Loan Procedures.

The credit underwriting review shall include a comprehensive analysis of the Applicant; the real estate; the economic viability of the Project; the ability of the Applicant and the development team to proceed; the evidence of need for Workforce Housing in order to determine that the Project meets the Program requirements; and the determination of a recommended CWHIP loan amount.

(1) After the rankings are approved by the Board, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Project.

(2) The invitation to enter credit underwriting constitutes a preliminary commitment.

(3) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter no later than 7 days after the date of the letter of invitation.

(4) If the invitation to enter credit underwriting is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within 15 days of the date of the letter of invitation.

(b) Failure to submit the required credit underwriting fee by the specified deadline shall result in withdrawal of the invitation.

(5) If an Applicant fails to submit the fee(s) as required, the Corporation will select additional Application(s) in the priority approved by the Board.

(6) The Applicant has 14 months from the date of the acceptance of the letter of invitation to complete credit underwriting and receive Board approval unless an extension of up to 10 months is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of 1 percent of the CWHIP loan amount if the Board approves the extension request.

(7) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, general contractor, and other members of the development team.

(8) The Credit Underwriter shall report any inconsistencies, discrepancies or changes made to the Applicant's Application during credit underwriting.

(9) The Applicant shall be responsible for all fees in connection with the documentation submitted to the Credit Underwriter.

(10) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(11) A full or self-contained appraisal per the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed Project's financial feasibility. Appraisals which have been ordered and submitted by a third party lender which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall review and consider the market study, the Project's financial impact on developments in the area previously funded by the Corporation, and other documentation when making its recommendation. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(12) The minimum debt service coverage shall be 1.10 for the CWHIP loan, including all superior mortgages. The maximum debt service coverage shall be 1.60 for the CWHIP loan, including all superior mortgages.

(13) The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work. The Credit Underwriter shall review the Project's costs and if it is determined that a pre-construction analysis or a physical needs assessment for Rehabilitation is required, the fee for such analysis shall be borne by the Applicant.

(14) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum replacement reserve amount of $200 per unit per year must be used for all rental Projects; however, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50 percent of the required replacement reserves for 2 years and must be placed in escrow at closing.

(15) The Credit Underwriter may request additional information, but at a minimum the following will be required during the underwriting process:

(a) For the Applicant, general partner(s), and guarantors, audited financial statements or financial statements for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications compiled or reviewed by a licensed Certified Public Accountant in accordance with the Statement on Standards for Accounting and Review Services (SSARS). If audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and the two most recent year's tax returns reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is adopted and incorporated by reference and available on the Corporation's Website. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(b) For the general contractor:

1. Verification that the general contractor has the requisite knowledge and experience to complete the proposed Project;

2. Narrative regarding experience with residential construction; and

3. Audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100 percent of the total construction cost is issued in the name of the general contractor by a company rated at least "A-" by AMBest & Co.

(16) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor;

(b) Developer and general contractor's history in successfully completing Projects of comparable in size and scope;

(c) Problems encountered previously with Developer or contractor; and

(d) Exposure of Corporation funds compared to Total Development Cost;

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed.

(17) The Developer fee shall be limited to 16 percent of the Total Development Cost exclusive of the land cost. A Developer fee on the building acquisition cost shall be limited to 12 percent of the cost of the building exclusive of the land cost.

(18) The general contractor's fee shall be limited to a maximum of 14 percent of the actual construction cost.

(19) The general contractor must meet the following conditions:

(a) Employ a Project superintendent and charge the costs of such employment to the general requirements line item of the general contractor's budget;

(b) Charge the costs of the Project construction trailer, if needed, and other overhead to the general requirements line item of the general contractor's budget;

(c) Secure building permits, issued in the name of the general contractor;

(d) Secure a payment and performance bond (or approved alternate security for general contractor's performance, such as a letter of credit), issued in the name of the general contractor, from a company rated at least "A-" by AMBest & Co.;

(e) Ensure that none of the general contractor duties to manage and control the construction of the Project are subcontracted; and

(f) Ensure that not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Project.

(20) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of 6 consecutive months for the CWHIP loan and all superior mortgages.

(21) The Credit Underwriter shall review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Project.

(22) All items required by the Credit Underwriter must be provided. If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless an extension of time has been approved by the Corporation, shall result in withdrawal of the Application. If the Application is withdrawn, the Corporation will select additional Application(s) in the priority approved by the Board.

(23) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter. The Corporation shall provide to the Credit

Underwriter comments on the draft report and, as applicable, on the Applicant's comments. Then, the Credit Underwriter shall review and incorporate, if deemed appropriate, the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be submitted to the Corporation and the Credit Underwriter. The Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(24) The Credit Underwriter's recommendations shall be sent to the Board for approval.

(25) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a CWHIP loan commitment.

(26) The CWHIP loan and other mortgage loans related to the Project must close within 90 days of the date of the CWHIP loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of one percent of the CWHIP loan amount if the Board approves the extension.

(27) Prior to any CWHIP loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel; and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.030 Terms and Conditions of Loans.

(1) The proceeds of all loans shall be used for new construction or Rehabilitation of affordable, decent, safe and sanitary housing units.

(2) The CWHIP loan shall be in a first, second or other subordinated lien position. For purposes of this rule, mortgages securing a letter of credit as credit enhancement for the bonds financing the first mortgage shall be considered a contingent liability and part of the first mortgage lien, provided that the Borrower's counsel furnishes an opinion regarding the contingent nature of such mortgage satisfactory to the Corporation and its counsel.

(3) The loans to Public-Private Partnerships shall have interest rates as follows:

(a) One percent simple interest per annum, non-amortizing, will accrue on loans to Projects where long term affordability of 50 years is provided and when at least 80 percent of the units are set aside for Workforce Housing and at least 50 percent of the units are set aside for Essential Services Personnel. Such loans, including interest, shall be forgiven upon successful completion of the Compliance Period.

(b) For CWHIP loans not eligible for forgiveness, 3 percent fully amortized loans to Projects other than those identified in paragraph (a) above;

(c) The amount of any superior mortgages combined with the CWHIP mortgage shall be less than the appraised value of the Project. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(4) For CWHIP loans not eligible for forgiveness, the term shall be for a period of not more than 30 years. The loan term may exceed 30 years as required to be coterminous with the first mortgage or if otherwise approved by the Board.

(5) The Corporation shall require adequate insurance to be maintained on the Project as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective November 3, 2003, which is adopted and incorporated by reference and available on the Corporation's Website.

(6) The Corporation may intervene and renegotiate terms or take other actions necessary to further CWHIP goals or avoid default of a CWHIP loan. Such renegotiations shall be based upon consideration of the following:

(a) Performance of the Borrower during the CWHIP loan term;

(b) Availability of similar housing stock for Eligible Persons in the area;

(c) A plan for the repayment of the loan at the new maturity date;

(d) Assurance that the security interest of the Corporation will not be jeopardized by the renegotiation;

(e) Fiscal goals; and

(f) The preservation or advancement of Workforce Housing for Eligible Persons.

(7) After accepting a preliminary commitment, the Borrower shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the CWHIP mortgage without prior approval of the Board. However, a Borrower may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation shall be notified in writing of any such change prior to the Borrower taking such action.

(a) The Board shall approve requests for mortgage loan refinancing only if the Project cash flow is improved; the Project's economic viability is maintained; the security interest of the Corporation is not adversely affected; and the Credit Underwriter provides a positive recommendation.

(b) The Board shall deny requests for mortgage loan refinancing which require extension of the CWHIP loan term or otherwise adversely affect the security interest of the Corporation, unless the criteria outlined in the paragraph above are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Project or unless the Board determines that public policy will be better served by the extension as a result of the Borrower agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Project feasible and which does not exceed an industry standard term.

(8) All CWHIP loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which are adopted and incorporated by reference and are available on the Corporation's Website.

(9) All Workforce Housing rental units shall be Rent Restricted Units.

(10) The documents creating, evidencing or securing each CWHIP loan must provide that any violation of the terms and conditions described in Rule Chapter 67-58, F.A.C., constitutes a default under the CWHIP loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(11) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the CWHIP loan.

(12) The minimum Compliance Period for a CWHIP Project shall be the greater of 20 years or the term of the CWHIP loan.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.040 Sale or Transfer of a Project.

The CWHIP loan shall be assumable upon sale or transfer of the Project if the following conditions are met:

(1) The proposed transferee agrees to maintain all set-asides and other requirements of the CWHIP loan for the period originally specified or longer; and

(2) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.050 Construction Disbursements.

(1) CWHIP loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the CWHIP loan to the Total Development Cost unless approved by the Credit Underwriter.

(2) Ten business days prior to each Draw, the Borrower shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Borrower for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation shall disburse construction Draws through Automated Clearing House (ACH). The Borrower may request disbursement of construction Draws via a wire transfer. The Borrower will be charged a fee of $10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Borrower in connection with the request for a Draw, if:

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Borrower Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10 percent per Draw shall be held by the servicer during construction until the Project is 50 percent complete. At 50 percent completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the CWHIP loan agreement.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.060 Loan Servicing.

(1) By May 31st of each year of the CWHIP loan term, the Borrower shall provide the Corporation with audited financial statements. The audited financial statements shall be due no later than May 31st following the end of the calendar year following the year in which the first unit is occupied.

(2) The Corporation's servicer shall issue a monthly billing for the principal and interest due on the CWHIP loan.

(3) The Borrower shall remit the principal and interest due to the Corporation's servicer no later than the 15th day of each month of the CWHIP loan term.

(4) After maturity or acceleration, the note shall bear interest at the default interest rate from the due date until paid. Unless the Corporation has accelerated the CWHIP loan, the Borrower shall pay the Corporation a late charge of 5 percent of any required payment that is not received by the Corporation within 15 days of the due date.

(5) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Project other than a superior mortgage shall be subject to the Corporation's prior written approval.

(6) The final billing for the purpose of payoff of the CWHIP loan shall also include a billing for compliance fees to cover monitoring of CWHIP requirements beyond the maturity date of the note. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years for which the Project will have a set-aside for Eligible Persons beyond the repayment date. The present value discount rate shall be 2.75 percent per annum. Such amount shall be reduced by the amount of any compliance monitoring fees for other programs collected by the Corporation for the Project provided the compliance monitoring fee covers some or all of the period following the anticipated CWHIP loan repayment date.

(7) CWHIP loans shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

PART III HOMEOWNERSHIP PROJECTS

67-58.070 Credit Underwriting.

The credit underwriting review shall include a comprehensive analysis of the Applicant; the real estate; the economic viability of the Project; the ability of the Applicant and the development team to proceed; the evidence of need for Workforce Housing, in order to determine that the Project meets the Program requirements; and the determination of a recommended CWHIP loan amount.

(1) After the rankings are approved by the Board, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Project.

(2) The invitation to enter credit underwriting constitutes a preliminary commitment.

(3) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter no later than 7 days after the date of the letter of invitation.

(4) If the invitation to enter credit underwriting is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within 15 days of the date of the letter of invitation.

(b) Failure to submit the required credit underwriting fee by the specified deadline shall result in withdrawal of the invitation.

(5) If an Applicant fails to submit the fee(s) as required, the Corporation will select additional Application(s) in the priority approved by the Board.

(6) The Applicant has 14 months from the date of the acceptance of the letter of invitation to complete credit underwriting and receive Board approval unless an extension of up to 10 months is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of one percent of the CWHIP loan amount if the Board approves the extension request.

(7) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, general contractor, and other members of the development team.

(8) The Credit Underwriter shall report any inconsistencies, discrepancies or changes made to the Applicant's Application during credit underwriting.

(9) The Applicant shall be responsible for all fees in connection with the documentation submitted to the Credit Underwriter.

(10) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(11) A full or self-contained appraisal per the Uniform Standards of Professional Appraisal Practice, which shall include a separate appraisal for each model and typical lot being offered for sale, and a separate market study shall be ordered by the Credit Underwriter at the Applicant's expense from an appraiser qualified for the geographic area and product

type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed Project's financial feasibility. Appraisals which have been ordered and submitted by a third party lender which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall review and consider the market study, the Project's financial impact on developments in the area previously funded by the Corporation, and other documentation when making its recommendation. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(12) The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work. The Credit Underwriter shall review the Project's costs and if it is determined that a pre-construction analysis or a physical needs assessment for Rehabilitation is required, the fee for such analysis shall be borne by the Applicant.

(13) The Credit Underwriter shall request the following information:

(a) From the Applicant and general partners, audited financial statements or financial statements for the most recent fiscal year ended; credit check, banking and trade references; and deposit verifications compiled or reviewed in accordance with SSARS. If audited financial statements or financial statement compiled or reviewed in accordance with SSARS are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter and the two most recent year's tax returns. If the entities are newly formed (less than 18 months in existence as of the date that the credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules; and

(b) From the general contractor:

1. Verification that the general contractor has the requisite knowledge and experience to complete the proposed Project;

2. Narrative regarding experience with residential construction; and

3. Audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended; credit check, banking and trade references; and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the general contractor by a company rated at least "A-" by AMBest & Co.

(14) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor;

(b) Developer and general contractor's history in successfully completing developments of comparable in size and scope;

(c) Problems encountered previously with Developer or contractor; and

(d) Exposure of Corporation funds compared to Total Development Cost.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed.

(15) The Developer fee shall be limited to 16 percent of the Total Development Cost exclusive of the land cost. A Developer fee on the building acquisition cost shall be limited to 12 percent of the cost of the building exclusive of the land cost.

(16) The general contractor's fee shall be limited to a maximum of 14 percent of the actual construction cost.

(17) The general contractor must secure building permits issued in the name of the general contractor.

(18) The Credit Underwriter shall review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Project.

(19) All items required by the Credit Underwriter must be provided. If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless an extension of time has been approved by the Corporation, shall result in withdrawal of the Application. If the Application is withdrawn, the Corporation will select additional Application(s) in the priority approved by the Board.

(20) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter. The Corporation shall provide to the Credit Underwriter comments on the draft report and, as applicable, on the Applicant's comments. Then, the Credit Underwriter shall review and incorporate, if deemed appropriate, the Corporation's and Applicant's comments and release the

revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be submitted to the Corporation and the Credit Underwriter. The Credit Underwriter shall provide a final report, which will address comments made by the Applicant, to the Corporation.

(21) The Credit Underwriter's recommendations shall be sent to the Board for approval.

(22) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a CWHIP loan commitment.

(23) The CWHIP loan and other mortgage loans related to the Project must close within 90 days of the date of the CWHIP loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of one percent of the CWHIP loan amount if the Board approves the request to extend the commitment beyond the period outlined in this rule chapter.

(24) Prior to any CWHIP loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel; and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New_____.

67-58.080 Terms of the Loan to Public-Private Partnerships.

(1) The proceeds of all loans shall be used for new construction or Rehabilitation of affordable, decent, safe and sanitary housing units.

(2) The CWHIP loan shall be in a first, second or other subordinated lien position.

(3) The loans to Public Private Partnerships shall have interest rates as follows:

(a) One percent simple interest per annum, non-amortizing, will accrue on loans to Projects where long term affordability of at least 30 years is provided and when at least 80 percent of the units are set aside for Workforce Housing and at least 50 percent of the units are set aside for Essential Services Personnel. During construction, interest will accrue at 3 percent simple interest per annum and will be forgiven upon sale of the unit to an Eligible Person.

(b) For CWHIP loans not eligible for forgiveness, 3 percent fully amortized loans to Projects other than those identified in paragraph (a) above;

(c) The amount of any superior mortgages combined with the CWHIP mortgage shall be less than the appraised value of the Project. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(4) The Corporation shall require adequate insurance to be maintained on the Project as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other casualty insurance.

(5) After accepting a preliminary commitment, the Borrower shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the CWHIP mortgage without prior approval of the Board. However, a Borrower may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation shall be notified in writing of any such change prior to the Borrower taking such action.

(6) All CWHIP loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35.

(7) The documents creating, evidencing or securing each CWHIP loan shall provide that any violation of the terms and conditions described in Rule Chapter 67-58, F.A.C., constitutes a default under the CWHIP loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(8) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the CWHIP loan.

(9) The Compliance Period for a CWHIP Project shall be the greater of 20 years, the term of the CWHIP loan, or the term of the affordability period committed to in the Response.

(10) For units set-aside as Workforce Housing, Applicants are responsible for limiting the sales price of any unit to not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all Eligible Persons purchasing the homeownership units occupy the homes as their primary residence, and ensuring that the purchase price of the property after construction does not exceed the appraised value of the property.

(11) The Corporation shall acquire real and personal property or any interest in the Project if that acquisition is necessary to protect any loan; sell, transfer, and convey any such property to an Eligible Person without regard to the provisions of Sections 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Project for occupancy by Eligible Persons.

(12) Loans shall be assigned to Eligible Persons on a pro-rata basis with each set-aside unit closing.

(13) Units set aside for Workforce Housing shall be deed-restricted for resale to Eligible Persons at a sales price of not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, at the time of resale.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF. History–New _____.

67-58.090 Disbursement of Funds, Draw Requests, and Construction Loan Servicing.

(1) CWHIP loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the CWHIP loan to the Total Development Cost unless approved by the Credit Underwriter.

(2) Ten business days prior to each Draw, the Borrower shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Borrower for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation shall disburse construction Draws through Automated Clearing House (ACH). The Borrower may request disbursement of construction Draws via a wire transfer. The Borrower will be charged a fee of $10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Borrower in connection with the request for a Draw, if:

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Borrower shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10 percent per Draw shall be held by the servicer during construction until the Project is 50 percent complete. At 50 percent completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the CWHIP loan agreement.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF. History–New _____.

67-58.100 Terms of the Loan to Eligible Persons.

(1) CWHIP loans to Eligible Persons shall be for a period of not more than 30 years. The loan term may exceed 30 years as required to be coterminous with the first mortgage or if otherwise approved by the Board.

(a) For forgivable loans, the loan, including the accruing 1 percent simple interest per annum, shall be forgiven pro-rata each year as long as the set-aside unit remains in compliance.

(b) For loans that are not forgivable, the repayment terms shall be at 3 percent interest fully amortizing for the term of the loan.

(2) The CWHIP loan to an Eligible Person must be in not lower than second position unless otherwise approved by the Board.

(3) Units must be sold to Eligible Persons that qualify at the time of purchase contract execution. Eligible Persons must agree to occupy the unit as their principal residence throughout the period of affordability or transfer the property in accordance with the resale restrictions throughout the period of affordability.

(4) Loans to Eligible Persons shall be evidenced by a properly executed note and secured by a properly executed and recorded mortgage provided by the Corporation.

(5) The Eligible Person must maintain replacement cost hazard insurance naming the Corporation as an additional insured.

(6) A mortgagee policy of title insurance in the amount of the CWHIP loan to the Eligible Person must be provided naming the Corporation as an additional insured.

(7) The Corporation will consider resubordinating its existing second mortgage loan to an Eligible Person to a first mortgage loan when a refinancing occurs. In making a determination, the Corporation will review the following terms of the new transaction: loan type; term of the loan; interest rate; type of interest rate (variable or fixed); principal balance of the loan; reason for requesting subordination of the loan; and whether or not the terms of the new loan are beneficial to the Eligible Person. Eligible Persons requesting resubordination are subject to the following:

(a) The Eligible Person must have resided in the property for at least 1 year prior to requesting the resubordination;

(b) No additional debt can be refinanced into the new first mortgage with the exception of home repairs or improvements;

(c) The Eligible Person cannot receive any cash out as a result of the refinancing; and

(d) The Eligible Person is limited to one resubordination.

(8) Any Eligible Person requesting resubordination is subject to a one time processing fee not to exceed $50. In the event it is determined that the borrower is not eligible for resubordination, 50 percent of the processing fee will be returned to the Eligible Person. Failure to submit the appropriate documentation and fees may result in a delay in receiving the resubordination agreement.

(9) Eligible Persons must comply with all deed restrictions including those regarding resale of the set-aside unit. Before a unit may resold, the potential purchasers must submit to the Credit Underwriter all documentation necessary for the Credit Underwriter to determine that the potential purchaser qualifies as an Eligible Person. In addition, the Credit Underwriter must determine that the sales price for that set-aside unit is not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher. The Credit Underwriter must also verify that the potential purchaser will occupy the set-aside unit as their primary residence.

(10) The Corporation shall acquire real and personal property or any interest in the Project if that acquisition is necessary to protect any loan; sell, transfer, and convey any such property to an Eligible Person without regard to the provisions of Chapters 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Project for occupancy by Eligible Persons.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.110 Permanent Loan Servicing – Annual Review.

The Corporation's servicer shall annually certify permanent residency and insurance certification of the Eligible Person occupying a CWHIP unit.

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David R. Westcott, Deputy Development Officer, Homeownership, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2006

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-203.201	Inmate Trust Fund

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. 32, No. 33, (August 18, 2006), issue of the Florida Administrative Weekly:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than $6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases and $0.50 for each deposit. Inmates housed at Work Release Centers (WRC's) will be assessed a $1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces who have been honorably discharged.

(2) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History–New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00,7-13-03, 10-20-03, 1-23-05, 5-12-05, _____.