

(5) through (6) No change.

(7) Form Availability – The form to be used to report results of a blood test for syphilis in a pregnant woman is the Florida Confidential Report of Sexually Transmitted Diseases, DH 720, which is incorporated by reference in 64D-3.016(1)(b).

~~Form # DOH 552 Effective Date (Dec 88)~~

~~Title Serology Syphilis~~

~~Availability county public health units~~

Specific Authority 381.0011(13), 381.003(2), 384.33 FS. Law Implemented 381.0011(4), 381.003(1)(c), 384.25, 384.26, 384.31, 458, 459, 464, 467 FS. History–New 7-5-87, Amended 2-26-92, Formerly 10D-3.101, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Jodi Baldy, Biological Scientist IV, Bureau of Epidemiology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Landis K. Crockett, M.D., M.P.H., Director, Division of Disease Control  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 20, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF BANKING AND FINANCE

##### Board of Funeral and Cemetery Services

RULE NO.: 3F-6.003  
RULE TITLE: Cemetery By-laws

##### 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. 25, No. 9, March 5, 1999, issue of the Florida Administrative Weekly. The changes are being made in response to written comments submitted by the staff of the Joint Administrative Committee. The Board, at its meeting of May 26, 1999, voted to make changes to the rule. When changed, Rule 3F-6.003 shall read as follows:

3F-6.003 Cemetery By-laws.

(1) Any by-laws which had been submitted to the Department of Banking and Finance and approved prior to the effective date of Chapter 93-399, Laws of Florida (September 30, 1993), shall remain in full force and effect so long as such by-laws do not conflict with the provisions of Chapter 497, F.S., or the rules promulgated thereto.

(2) A cemetery company which seeks to amend its existing by-laws need only submit to the Board of Funeral and Cemetery Services the amendments thereto and those sections of the by-laws which are affected by such amendments.

(3) Upon receipt of a set of proposed by-laws or amendments thereto, the Department shall publish notice of the filing of such by-laws or amendments thereto in the Florida Administrative Weekly and a newspaper of general circulation in the county in which the applicant cemetery is located, so that substantially affected parties may file comments. A period of thirty days for such comments shall be provided.

(4) Upon receipt of proposed by-laws or amendments thereto and any comments thereon provided by the published notice, the Executive Director of the Board of Funeral and Cemetery Services shall provide the cemetery and the substantially affected persons with an informal conference in accordance with the DBF-BY-LAW1, effective June 1, 1999, which is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, The Fletcher Building, 101 East Gaines Street, Tallahassee, Florida 32399-0350. Within fifteen (15) days after the conclusion of the informal conference, the Executive Director shall forward a recommendation to the Board and give notice to all affected persons that filed written comments of the time and place when the Board of Funeral and Cemetery Services will consider the proposed by-laws or amendments thereto.

(5) If the by-laws or amendments thereto are approved by the Board of Funeral and Cemetery Services, a notice shall be published in the Florida Administrative Weekly announcing the approval and the date the approval will become effective. The notice shall inform substantially affected parties who object to the by-laws that they may request a hearing in accordance to Chapter 120, Florida Statutes.

Specific Authority 497.103 FS. Law Implemented 497.305(3), 497.233(1)(a), 497.317, 497.325, 497.305(1)(d) FS. History–New 11-2-78, Formerly 3D-30.23, 3D-30.023, Amended

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana M. Evans, Executive Director, Board of Funeral and Cemetery Services, 101 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0350

#### DEPARTMENT OF INSURANCE

RULE NO.: 4-156.0095  
RULE TITLE: Guaranteed Issue for Eligible Persons

##### 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., Florida Statutes, published in Vol. 25, No. 16,

April 23, 1999, of the Florida Administrative Weekly. These changes have been made to address concerns raised by the Joint Administrative Procedures Committee and by public comment.

The following technical changes are being incorporated: Rule 4-156.003(8) and (12), references to definitions found in the United States Code are being incorporated by reference. Rule 4-156.007(2)(f) is corrected to read (2)(e). Rule 4-156.0095(2)(b) is being renumbered to correct subdesignations and subparagraph references; (2)(b)(II) is amended to include the appropriate citation to the Social Security Act; (2)(c)1.a. and c. and (2)(e)1.b. and c. are amended to include the appropriate citations to section 1876 (Medicare risk or cost) and section 1833(a)(1)(A) (health care prepayment plan). Rule 4-156.003, s. 627.6741(5), F.S., is being added to specific authority. Rule 4-156.0095, s. 627.6741(5), F.S., is being added to specific authority.

The following substantive change is being made: The proposed language in 4-156.0095(2)(b)(III)(C) is being removed.

The remainder of the rule reads as previously published.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON JUNE 22, 1999**

The Governor and Cabinet, on June 22, 1999, sitting as head of the Department of Revenue, will consider approving the creation of Rule 12-3.011, FAC, Department Personnel Disciplinary Procedures and Standards. The proposed rule establishes provisions governing all employees' professional and ethical obligations, and also establishes standards and procedures that will be applied by the Department of Revenue when an employee fails to comply with the disciplinary standards. The proposed rule was originally noticed in the Florida Administrative Weekly of April 9, 1999, Vol. 25, No. 14, pp. 1557-1568. A public hearing on the proposed rule was held on May 5, 1999. No comments were received at the public hearing. Subsequent to the public hearing, the Joint Administrative Procedures Committee of the Florida Legislature submitted written comments. A Notice of Change addressing the Committee's comments has been submitted for publication in the Florida Administrative Weekly.

**DEPARTMENT OF REVENUE**

RULE NO.:	RULE TITLE:
12-3.011	Department Personnel Disciplinary Procedures and Standards

**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., 1998 Supplement, published in the Vol. 25, No. 14, pp. 1557-1568, April 9, 1999, issue of the Florida Administrative Weekly.

12-3.011 Department Personnel Disciplinary Procedures and Standards.

(1) General.

(a) through (b) No change.

~~(c) The Department has developed a Code of Conduct, Policy Directive 1141-2, Sexual Harassment, Policy directive 1141-3, and Dual Employment, Policy Directive 1141-6, as guides for employees as they undertake the public service that has been entrusted to them. The Department requires all employees to acknowledge receipt of these directives and to familiarize themselves with their contents and be guided by them.~~

(2) No change.

(3) Scope. The Disciplinary Action Standards set forth herein are applicable to all Department employees including OPS, probationary, Selected Exempt Service, and Senior Management Service employees. The procedures in this rule by which Department managers and supervisors shall discipline employees are applicable only to employees who have attained Career Service status in the Florida Career Service System. The Department adopts and incorporates by reference Rules 60M-1 & 60N-1, F.A.C. See also ch. 110, Parts III & V, Fla. Stat., for Selected Exempt Service and Senior Management Service members.

(a) through (4) No change.

(5) Authority, Procedures, and Documentation Required to Administer Disciplinary Action. The immediate supervisor has the primary responsibility for taking or requesting that disciplinary action be taken against an offending employee, in accordance with the procedures and delegation of authority established herein.

(a) Counseling and Oral Reprimand. All Department administrators and supervisors are authorized where deemed necessary and appropriate to counsel and issue oral reprimands to their employees. The administrator or supervisor shall document the date, time, and subject of all counseling sessions and oral reprimands ~~in the format proscribed by the Human Resource Services Process~~ and shall instruct the employee to review, comment, and sign the document. If the employee refuses to sign, the supervisor shall indicate the employee's refusal to sign on the document. The supervisor shall provide the employee a copy of all counseling and oral reprimand documentation, shall retain a copy, and shall forward a copy to the Human Resource Services Process for inclusion in the employee's official personnel file.

(b) through (e) No change.

(f) Period Between Notice and Final Action. During the period between receipt of the Notice of Proposed Action and the effective date of the action, the employee shall be expected to perform the usual duties of the position without disruption, but ~~shall be may be, at the discretion of management,~~ temporarily reassigned to a different location, different duties, or both if continuation at their usual position would be

~~distracting, cause disruption, or would otherwise decrease office productivity. An employee who is under investigation for violation of any statute or rule shall ~~may also~~ be reassigned as above, or if under formal investigation for violations for which dismissal is a penalty, shall ~~may~~ be placed on administrative leave not to exceed 20 calendar days, as authorized in Chapter 60K-5.032(3)(h), F.A.C. which is adopted and incorporated by reference. Chapter 60K-5, F.A.C.~~

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

~~(8) Disciplinary Action Standards.~~

~~(a) Attendance, Leave, and Performance of Duty.~~

~~1. through 8. No change.~~

~~9. Political Activities. With regard to participation in, or furtherance of any political campaign, no such activity shall take place while an employee is on duty and the Department adopts Rule 60K-13, F.A.C., and incorporates same by reference. No employee shall participate in or further any political campaign while on duty, nor shall he she use or attempt to use his or her official position as an employee of the Department to influence a campaign or political activity, without written authorization, or in violation of the laws of Florida or the United States regarding political activity by public employees.~~

~~a. First Occurrence Oral Reprimand to Dismissal~~

~~b. Second Occurrence Suspension to Dismissal~~

~~c. Third Occurrence Dismissal~~

~~10. through 11. No change.~~

~~12. Solicitation/Distribution. The Department adopts Rules 60H-6 and 60L-24, F.A.C. and incorporates same by reference. No employee shall solicit other employees, for any purpose not specifically authorized by the State, while either employee is on duty, including unauthorized distribution of material, or otherwise violate any provision of Chapter 60K-16, F.A.C.~~

~~a. First Occurrence Oral Reprimand to Dismissal~~

~~b. Second Occurrence Suspension to Dismissal~~

~~c. Third Occurrence Dismissal~~

~~13. through 15. No change.~~

~~(b) No change.~~

~~(c) Workplace Conduct, Behavior, and Activities.~~

~~1. No change.~~

~~2. Alcohol or Drug Use.~~

~~a. No change.~~

~~b. Policy on Abuse of Alcohol and Drugs. By resolution dated July 17, 1993, the Governor and Cabinet declared that alcoholism shall be recognized as a health problem and treated as such, with no attempt to hide the diagnosis or disease. An employee who drinks, consumes, or uses alcohol or drugs to the extent that his or her work performance is affected or impaired, has an alcohol or substance abuse problem.~~

Therefore, employees who exhibit evidence of an alcohol or substance abuse problem, regardless of whether the employee has violated the above provision regarding possession, use, and sale of alcohol and controlled substances or chemicals while on duty and during work hours, shall be referred to the Employee Assistance Program for counseling and rehabilitation. Employees who fail or refuse to recognize that they have an alcohol or drug use problem, who fail or refuse to cooperate with prescribed treatment program(s), or are unruly or commit a breach of peace while under the influence of alcohol or drugs shall ~~may~~ be disciplined as follows.

I. First Occurrence Written Reprimand to Dismissal

II. Second Occurrence Suspension to Dismissal

III. Third Occurrence Dismissal

~~3. through 4. No change.~~

~~5. Disruptive Conduct.~~

~~a. Employees shall be disciplined for committing any behavior or act that interferes with the employee's performance of duty or the ability of others to perform their work. Disruptive conduct includes speaking loudly, rudely, or contemptuously to co-workers, supervisors or others; slamming office doors or drawers; throwing objects; banging on walls or doors; or~~

~~otherwise causing a disturbance which is detrimental to the work environment. Abusive language to any employee or supervisor, or openly making or publishing false, vicious, or malicious statements concerning other employees or supervisors shall ~~may~~ be considered disruptive conduct.~~

~~b. through 10. No change.~~

~~11. Identification as Department Employee. Employees may only identify themselves as an employee of the Department for official purposes, except for personal identification and verification purposes, and not for the purpose of providing a testimonial or advertisement, or on behalf of a commercial enterprise, charity or other similar endeavor. No employee shall use his or her name, photograph, or title, which identifies him or her as an employee of the Department in connection with any testimonials, advertisements, commercial enterprise, charity or other public uses without the written approval of the Department.~~

~~a. First Occurrence Oral Reprimand to Dismissal~~

~~b. Second Occurrence Suspension to Dismissal~~

~~c. Third Occurrence Dismissal~~

~~12. through 14. No change.~~

~~15. Sexual Harassment. No employee shall perform, express, or exhibit any unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature when:~~

~~a. through b. No change.~~

c. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. This also includes retaliation, filing a false complaint, or failure of a supervisor to report sexual harassment, and any other violation of Department Policy Statement 1141-3, Sexual Harassment, which is incorporated by reference. The Department also adopts and incorporates by reference Rule 60L-28, F.A.C., Uniform Rules on Sexual Harassment.

- I. First Occurrence      Written Reprimand to Dismissal
- II. Second Occurrence    Suspension to Dismissal
- III. Third Occurrence    Dismissal

16. through 19. No change.

(d) Outside Employment and Activities, Gifts, and Conflicts of Interest.

1. Conflict of Interest. Employees have an obligation to scrupulously avoid the potential conflicts of interest which may exist in their employment and have a duty to disclose and report promptly the existence or possible existence of a conflict of interest to the agency head or designee. Employees shall:

a. through b. No change.

c. Not act as an agent, attorney, accountant, bookkeeper, factor, or representative in any tax or child support matter before any governmental, judicial or quasi-judicial body when doing so creates a conflict of interest or the appearance of a conflict of interest without the express authority of the Executive Director or the Executive Director's designee or by order of a court of law.

d. through h. No change.

2. Gifts and Gratuities from Outside Sources.

a. General Limitation. Employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value, from a person or entity which:

I. No change.

II. Conducts business or other activities which are regulated or monitored by the Department of Revenue, except as permitted by this section such that it creates a conflict of interest or the appearance of a conflict of interest or by departmental directives; or

III. No change.

b. Exceptions.

I. through V. No change.

VI. Reimbursement, in cash or in kind, for travel, subsistence and other expenses incidental to attendance at meetings, provided such attendance and reimbursement is approved by the Executive Director or the Executive Director's designee, in accordance with the criteria provided in s. 112.061, F.S. An employee on official business may not be reimbursed, and payment may not be made on his or her behalf, for excessive (e.g., reimbursement which exceeds

actual cost) personal living expenses, gifts, entertainment, travel or other benefits. At no time will an employee accept reimbursement from both the state and another source for the same expenses.

- (A) First Occurrence      Oral Reprimand to Dismissal
- (B) Second Occurrence    Suspension to Dismissal
- (C) Third Occurrence      Dismissal

3. Outside Employment, Contracts and Business Activity.

a. Generally. Because of the sensitive nature of the mission of the Department of Revenue and the importance of maintaining the public's trust in the agency's integrity, there are some restrictions related to outside employment of the Department's personnel. The Department hereby adopts and incorporates by reference Rules For further information, refer to Rule 60K-2.016 and; 60K-15, and 60L-26, F.A.C. See also ch. 112, Part III, F.S., and the Department's Dual Employment Policy 1141-6. The Department requires an employee to obtain approval before accepting any outside employment or similar certain other responsibilities. Outside employment shall will be denied whenever its nature creates would be considered a conflict of interest with the employee's duties in the Department of Revenue or creates gives the appearance of such a conflict with the Department's mission.

b. through c. No change.

d. Outside Legal or Accounting Practices Exceptions. An employee may:

I. through III. No change.

IV. Not With prior written approval from the Executive Director or the Executive Director's designee, act as bookkeeper or accountant without compensation, for a civic, scout, religious, educational, fraternal, social, community, veterans, and/or charitable organization, whenever doing so creates a conflict of interest with the employee's duties in the Department of Revenue, or creates the appearance of such a conflict.

- (A) First Occurrence      Suspension to Dismissal
- (B) Second Occurrence    Dismissal

4. No change.

5. Speeches and Publications. Employees acting in their official capacities must be authorized to shall perform any speeches, or prepare, or provide any material for publication before communicating about the which addresses official operations or policies of the Department only with proper authorization. Any employee who is authorized to perform a speech or prepare or provide materials for publication which supports addresses official operations or policies of the Department, shall not accept any fee, salary, honorarium, or other compensation for such services in violation of section 110.209, F.S., and Rule rule 60K-2.018, F.A.C., which rule is hereby adopted and incorporated by reference. This standard does not prohibit reimbursement for transaction, travel, accommodation, or meal expenses.

- a. First Occurrence      Oral Reprimand to Dismissal

- b. Second Occurrence      Suspension to Dismissal
- c. Third Occurrence        Dismissal

6. Tax, Child Support Enforcement Practices. Except for work done for "relatives" as defined in section 112.3135(1)(c), F.S., no employee shall perform, provide, or agree, whenever its nature would be considered a conflict of interest with the employee's duties in the Department of Revenue or would give the appearance of a conflict with the employee's duties without the express consent of the Executive Director or General Counsel to:

- a. through 7. No change.
- (e) through (f) No change.

Specific Authority ~~213.06(1), 409.2557(3), 20.21(1), 110.201(2), 120.54, 120.536 FS.; Victor Nova et al. v. Department of Revenue (DOAH Case #98-17623); and Audrey Obinyan v. Department of Revenue (DOAH Case #98-5279).~~ Law Implemented 20.21(2)(a), 110.201(2), 110.227, Art. II, s. 8, Fla. Const., 110.1221, 110.201(2), 110.227, 110.233, 112, Part III, 838.015, 838.016, 839.23, 839.26 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON JUNE 22, 1999**

The Governor and Cabinet, on June 22, 1999, sitting as head of the Department of Revenue, will consider approving the creation of Part II of Rule Chapter 12-25, FAC, Certified Audit Program, which consists of new rules 12-25.0305, 12-25.031, 12-25.033, 12-25.035, 12-25.037, 12-25.038, 12-25.039, 12-25.041, 12-25.042, 12-25.045, 12-25.047, 12-25.048, 12-25.049, 12-25.050. These proposed rules establish a new tax compliance activity known as the certified audit program, which allows a taxpayer to voluntarily employ a CPA firm, at the taxpayer's expense, to examine and report on the taxpayer's compliance with Florida's tax laws. The proposed rules were originally noticed in the Florida Administrative Weekly of May 9, 1999, Vol. 25, No. 20, pp. 2421-2427. A public hearing on these proposed rules will be held on June 14, 1999.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON JUNE 22, 1999**

The Governor and Cabinet, on June 22, 1999, sitting as head of the Department of Revenue, will consider approving proposed amendments to Rule 12A-1.043 (Manufacturing) and Rule 12A-1.051 (Sales to or by Contractors Who Repair, Alter, Improve and Construct Real Property), FAC. The proposed amendments to Rules 12A-1.043 and 12A-1.051, FAC, exclude certain overhead items from the manufactured or fabricated cost on which use tax is based when taxpayers manufacture or fabricate items for their own use.

The proposed rules were originally noticed in the Florida Administrative Weekly of May 7, 1999, Vol. 25, No. 18, pp. 2177-2180. A public hearing on these proposed rule amendments was held on June 1, 1999. Testimony of a general nature concerning the concept of fabricated cost was received

at the public hearing, but no specific changes to the proposed rules were suggested or requested. No written comments were submitted.

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-10  
 RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE NOS.: 14-10.004, 14-10.007  
 RULE TITLES: Permits, Maintenance of Nonconforming Signs

**CHANGE NOTICE**

**SUMMARY OF CHANGE:** Notice is hereby given that the notice of rulemaking for the above rules, as published in Vol. 25, No. 21, May 28, 1999, Florida Administrative Weekly, has been changed to reschedule the hearing date and time as follows:

**IF REQUESTED WITHIN 21 DAYS OF THE MAY 28, 1999, PUBLICATION OF THE NOTICE OF RULEMAKING, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., June 24, 1999

**PLACE:** Haydon Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

The hearing is rescheduled upon the recommendation of the Joint Administrative Procedures Committee because the originally scheduled date was less than 21 days from publication of the Notice of Rulemaking.

Also, in the May 28, 1999 notice, the word "no" was left out of the **SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS** section. The sentence should have read: "no statement of Estimated Regulatory Cost has been prepared".

**DEPARTMENT OF TRANSPORTATION**

**Florida Seaport Transportation and Economic Development Council**

RULE NOS.:	RULE TITLES:
14B-1.001	Definitions
14B-1.002	Port Project Funding Application Procedures and Requirements
14B-1.003	Measuring Economic Benefits
14B-1.004	Determination of Funding; Council/Agency Review
14B-1.005	Council Procedures
14B-1.006	Eligible Port Funding Requirements
14B-1.007	Reporting Requirements

**NOTICE OF WITHDRAWAL OF PROPOSED RULES**

Notice is hereby given that the proposed rule amendments to the above listed rule titles related to the Florida Seaport Transportation and Economic Development Program published in the Florida Administrative Weekly, Vol. 25, No. 6, February 12, 1999, have been withdrawn.

**ADMINISTRATION COMMISSION**

RULE CHAPTER NO.: 28-20  
 RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern, Monroe County

RULE NO.: 28-20.100  
 RULE TITLE: Comprehensive Plan

**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 the May 7, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 18. The changes are in response to written comments received from the Joint Administrative Procedures Committee and interested persons and from comments received during public hearings. Reference to House Bill 1993 will be replaced with the appropriate Chapter Law citation as soon as available. The proposed rule 28-20.100, F.A.C. was changed to read as follows:

28-20.100 Comprehensive Plan.

The Monroe County Comprehensive Plan Policy Document and Map Atlas, which are adopted by Monroe County Ordinance 016-1993, are hereby amended as follows:

(1) 2.0 General, is amended to add:

Policy 4

Monroe County shall be responsible to implement the Comprehensive Plan to the extent authorized by law. While all plan policies are contingent upon funding, many require substantial funds in order to be implemented. Therefore, the County shall be responsible to implement the objectives and policies enumerated in Policy 1 (a) and (b) above, to the extent that local funds for implementation are available, and to maintain and continue implementation to the extent that additional local funds or state and federal funds, become available. Further, the County, with the assistance of the State,

shall determine the ultimate fiscal cost of implementing the plan and the federal, state and local fair share of implementation. By June 13, 2000, Within one year of the effective date of the plan, the County, with the assistance of the Environmental Protection Agency and the Department of Community Affairs, shall report to the Legislature the full fiscal cost of implementing the plan, the state and local shares of such implementation, and shall include recommendations for funding initiatives and alternatives for implementation. The report shall include a full cost/benefit analysis relative to the costs of providing facilities and services to development in the county as compared to the costs of acquiring the remaining undeveloped land. ~~These recommendations shall be presented to the Florida Legislature within one year of the effective date of this plan. The state shall seek the assistance of the Advisory Council for Intergovernmental Relations, if available, to implement the objective and its supporting policies.~~

(35) Policy 101.2.13

Monroe County shall establish an interim Permit Allocation System for new residential development. The interim Permit Allocation System shall supersede Policy 101.2.1 and remain in place until such time as Monroe County determines its future growth capacity based on hurricane evacuation, public safety and environmental needs including water quality and habitat protection, and amends its plan consistent with such determination, based on the results of the work program as set forth below. DEP, DOH, DCA and Monroe County shall develop a coordinated permit review process that will insure that no state agency shall issue a wastewater disposal permit that would allow development in excess of the number of permits that Monroe County may issue under this interim policy. Similarly, Monroe County shall not issue development permits under this interim policy in excess of wastewater disposal permits that DEP or DOH may issue. For Years 3 and 4 of the Work Program, the interim Permit Allocation System shall allow a minimum of 88 new residential permits per year which may be used to address the backlog of ROGO allocations. Additional new residential permits will be allowed but limited limit the number of permits issued for new residential development to the number of nutrient reduction credits earned eesspits replaced within the same unincorporated ROGO area. Nutrient reduction credits shall be earned consistent with Table 1 below. Nutrient reduction credits earned using funds provided by the State and matched

by the County in fiscal years 1997-98 and 1998-99 will be used to offset the nutrient impacts of the 88 new residential permits per year, but may not be used for additional new residential permits until such time as these funds generate more than 88 nutrient reduction credits for Years 3 and 4. For Year 5, the interim Permit Allocation System shall allow a minimum of 88 new residential permits. If fewer than 88 nutrient reduction credits are earned in Year 5, the deficit shall be made up in Year 6 prior to issuance of any new permits. For Year 6 and beyond, the interim permit allocation system shall limit the number of permits issued for new residential development to the number of nutrient reduction credits earned within the same unincorporated ROGO area. ~~but~~ For all years the number of

permits issued for new residential development under the Rate of Growth Ordinance shall not exceed a total unit cap of ~~182~~ 255 new residential units per year. Monroe County shall develop a tracking system for monitoring the nutrient reduction credits earned cesspit replacements. The tracking system shall commence upon the effective date of this rule and the number of nutrient reduction credits earned cesspits replaced shall be cumulative and may be applied to future years of the interim Permit Allocation System.

Table 1  
Nutrient Reduction Credits

	Treatment System Upgraded To			
	On-site Treatment	Centralized Systems		
	OWNR or Equivalent On-site Treatment and Disposal Systems	Secondary Treatment	Best Available Treatment (BAT)	Advanced Wastewater Treatment (AWT)
Cesspit	1 EDU Credit	1 EDU Credit	1.0 EDU Credit	1.5 EDU Credit
Substandard OSTDS	0.5	0.5	1.0	1.5
Approved OSTDS	0.5	0	1	1.5
Secondary Treatment	n/a	n/a	1	1.5

Additionally, the unit cap for new residential development shall be linked to the following work program which identifies actions necessary to correct existing wastewater and storm water problems, as well as actions necessary to determine appropriate future growth. Beginning ~~August 1, 2000~~ ~~January 15, 1998~~, and each year of the work program thereafter, Monroe County and the Department of Community Affairs shall report to the Administration Commission documenting the degree to which the work program objectives for that year have been achieved. The Commission shall consider the findings and recommendations provided in those reports and shall determine whether substantial progress has been achieved toward accomplishing the ~~tasks overall objectives~~ of the work program. If the Commission determines that substantial progress has not been made, the unit cap for new residential development shall be reduced by at least 20 percent for the following year. If the Commission determines that substantial progress has been made, then the Commission shall increase the unit cap for new residential development for the following year up to a maximum of 227 units. Other agencies identified in the work program, or any interested persons, may likewise report and make recommendations for consideration by the Commission. Notwithstanding any other dates set forth in this plan, the dates set forth in the ~~five-year~~ work program shall control where conflicts ~~may~~ exist. For each task in the work

program, the Department of Community Affairs shall request of all relevant and appropriate federal, state, regional, and local agencies that they contribute any relevant data, analysis and recommendations, and that they take an active role in assisting the county in completing the task. Each such agency shall prepare, in coordination with the county, a section to be included in Monroe County's reports which indicates the agency's actions relative to the work plan. The Department of Community Affairs shall specifically request that the Florida Keys National Marine Sanctuary (~~FKNMS~~) Water Quality

Protection Program Steering Committee (Water Quality Steering Committee) take an active role in coordinating with Monroe County, and relevant state and federal agencies, in the implementation of the tasks related to water quality, ~~and~~ wastewater and storm water facilities, and in the development and implementation of the carrying capacity study. The Steering Committee will provide technical assistance and substantive comments and recommendations to ensure that the county's wastewater and storm water master plans and the carrying capacity study are ~~is~~ consistent with the objectives of the FKNMS Water Quality Protection Program. The Steering Committee will make recommendations on wastewater systems and Hot Spot priorities prior to implementation by the County. It is the intent of this rule to accelerate the pace, and increase the effectiveness of the current cesspit replacement

effort through both a regulatory and an incentive-based program. No later than August, 1999 Monroe County shall engage in a public education program to ensure that the public understands that the County is committed to the swift identification and replacement of cesspits, as a full partner with the Department of Health. The public education program shall explain the role of cesspit removal in the overall context of the Work Plan and Wastewater Master Plan. The County and the state shall request the participation of the Steering Committee in the public education program as well as the Florida Keys Aqueduct Authority.

#### FIVE-YEAR WORK PROGRAM<sup>1</sup>

YEAR ONE (ending December 31, 1997)

A. Complete Phase I (data collection) for the Wastewater and Storm Water Master Plans, and secure funding for plan completion. (Ref. County obj. 901.4)

Agencies: County, DCA, DEP, DOH and SFWMD.

B. Complete a conceptual plan or scope of work to develop a carrying capacity. The carrying capacity analysis shall be designed to determine the ability of the Florida Keys ecosystem, and the various segments thereof, to withstand all impacts of additional land development activities. The analysis shall be based upon the findings adopted by the Administration Commission on December 12, 1995, or more recent data that may become available in the course of the study, and shall be based upon the benchmarks of, and all adverse impacts to, the Keys land and water natural systems, in addition to the impact of nutrients on marine resources. The carrying capacity analysis shall consider aesthetic, socioeconomic (including sustainable tourism), quality of life and community character issues, including the concentration of population, the amount of open space, diversity of habitats, and species richness. The analysis shall reflect the interconnected nature of the Florida Keys' natural systems, but may consider and analyze the carrying capacity of specific islands or groups of islands and specific ecosystems or habitats, including distinct parts of the Keys' marine system. (Ref. 1991 Stip. Settlement Agreement)

Agencies: County, DCA, DEP, DOH, DOT, GFC, SFWMD, NMS, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

C. Complete AWT/OSDS demonstration study and initiate rulemaking for new standards for OSDS. (Ref. County pol. 901.4.3)

Agencies: DOH.

D. Complete Marathon Facilities Plan and secure funding for the facility site(s). The wastewater facilities plan should implement the most cost effective method of collecting, treating, and disposing of wastewater, and shall include an investigation of the feasibility of using alternative nutrient-stripping on-site disposal systems. The development of the facilities plan shall be a component of the Wastewater Master Plan as that Plan is developed.

Agencies: County, DCA and DEP.

E. Continue cesspit elimination process with identification of Hot Spots as first priority in accordance with Objective 901.2, and seek funding for cesspit identification. Enter into an interlocal agreement with DOH to specify the responsibilities and procedures for the OSDS inspection/compliance program as required by Policy 901.2.3. Adopt an ordinance which specifies the implementation procedures for the OSDS inspection/compliance program. The ordinance shall include authorization for DOH to inspect wastewater treatment systems on private property as required by Policy 901.2.3. (Ref. County obj. 901.2)

Agencies: County, DCA and DOH.

F. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority and DEP.

G. Revise the Habitat Evaluation Index (HEI) based on peer review.

Agencies: County, DCA, DEP, GFC and Federal agencies.

YEAR TWO (ending December 31, 1998)

A. Complete the Wastewater and Storm Water Master Plans and execute interagency agreements to define construction schedule by phases. Document that significant reduction in nutrients will be achieved each year thereafter within each of the sub-areas. The Master Plans shall include facility plans for all proposed treatment strategies, and determine retrofit and funding requirements for Hot Spots and cesspits identified in D. below.

Agencies: County, DCA, DEP and DOH.

B. Secure funding for the carrying capacity study and initiate Phase I (data collection) of the study.

Agencies: County and DCA.

C. Complete final design for Marathon Facilities Plan and secure facility site(s).

Agencies: County, DCA and DEP.

D. Complete cesspit ID process in Hot Spots, excluding the Marathon area.

Agencies: County, DCA and DOH.

E. Submit status of CARL and ROGO land acquisition to the Administration Commission.

Agencies: County, Land Authority, GFC and DEP.

1. On March 9, 1999, the Administration Commission determined that substantial progress toward the work program objectives had not been made and authorized rulemaking to amend the work program beginning in Year Three. Work program tasks from years One and Two not completed by the end of Year Two were included as tasks in subsequent years of the work program.



F. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, DCA, SFWMD, USFWS.

YEAR THREE (January 1, 1999 through July 12, 2000 ending December 31, 1999)

A. Complete and begin implementation of Wastewater Master Plan. Utilizing the findings of the Wastewater Master Plan and recommendations of the Water Quality Steering Committee relating to Hot Spots do the following: refine and prioritize areas identified as Hot Spots, determine retrofit and funding requirements for priority Hot Spots and cesspit replacement for areas outside those areas identified for central or cluster wastewater collection systems, and begin developing facility plans for priority Hot Spots. Execute interagency agreements to define facility plan, design and construction schedules for each Hot Spot facility. Establish a water quality monitoring program to document the reduction in nutrients as a result of these facilities. Complete a wastewater treatment finance plan and a service area implementation plan, and continue efforts to secure funding for Wastewater Master Plan implementation, with priority given to Hot Spots. Determine the feasibility and legal ramifications of establishing an escrow account as a means of providing long-term funding for replacing cesspits or substandard onsite sewage systems. Establish a mechanism such as special assessments, impact fees, infrastructure surcharge, or other dedicated revenues, to fund the local share of wastewater improvements in Years Four and Five. Seek to provide comparable subsidies for both wastewater collection systems and individual cesspit replacement. Secure funding to implement the Wastewater and Stormwater Master Plans; complete land acquisition and final design for selected treatments strategies as defined by the Master Plans for each sub-area.

Agencies: County, FCAA, DCA, DEP, DOH, SFWMD, EPA and Water Quality Protection Program Steering Committee (WQSC).

B. Secure funding for Storm Water Master Plan development, contract selected firm for development of Master Plan, and complete Phase I (data collection). Determine the feasibility of providing nutrient reduction credits for stormwater improvements.

Agencies: County, DCA, DOT, SFWMD, EPA and WQSC.

~~C.B. Conclude acquisition of North Key Largo Hammocks CARL project. Make offers to 33% of remaining private owners with property located in other CARL project boundaries. Submit status of CARL and ROGO land acquisition to the Administration Commission.~~

Agencies: County, Land Authority and DEP.

~~D.C. Secure remaining funds for the Complete Phase II of the carrying capacity study, conduct workshops as outlined in the Scope of Work, select prime contractor, and initiate Phase I (data collection) of the study, analysis and initial recommendations presented to review agencies).~~

Agencies: County, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, GFC, DOT, and other interested parties to include representatives of environmental organizations and development interests federal agencies as appropriate.

E.D. Continue efforts to secure funding for the Marathon Facility. Complete Little Venice construction design, secure lands needed for Little Venice facility, and begin bid process and selection of construction firm. Design a water quality monitoring program to document Little Venice project impacts. Initiate construction of Marathon Facility.

Agencies: County, FCAA, DCA, and DEP, WQSC, and EPA.

~~F.E. Continue cesspit identification by providing notice to all property owners with unknown systems, outside of Hot Spots. Initiate replacement of cesspits outside of Hot Spots, process outside of Hot Spots; begin retrofit of cesspits with priority to Hot Spots. Award financial assistance grants to qualified applicants using FY 1997-98 state funds to ensure a minimum of 70 cesspit replacements. Develop a low interest loan and grant program to assist all residents in replacing cesspits, with priority of funds going, in order of preference, to very low-, low- and moderate-income households. Investigate the appropriate point at which nutrient reduction credits can be awarded for future committed water quality treatment facilities and the appropriateness of transferring credits among ROGO areas.~~

Agencies: County, DCA, FCAA, WQSC and DOH.

G. Document the extent and quality of the fresh groundwater lens system on Big Pine Key; delineate the associated recharge areas; and determine the safe yield of the system. (Ref. County pol. 103.1.5)

Agencies: County, FCAA, DEP, DCA, SFWMD, EPA, WQSC and USFWS.

H. Develop an integrated funding plan for the purchase of land from ROGO applicants who have competed unsuccessfully for four consecutive years and applied for administrative relief.

Agencies: County.

I. The County, in conjunction with DCA, shall assess the feasibility of applying the nutrient reduction credit requirement to new commercial development.

Agencies: County and DCA.

YEAR FOUR (July 13, 2000 through July 12, 2001 ending December 31, 2000)

A. Continue implementation of Wastewater Master Plan, execute interagency agreements to define construction schedule by phases, and continue developing facility plans for priority Hot Spots in each ROGO area. Secure funding to

implement the Wastewater Master Plan. Document that reduction in nutrients has been achieved within each of the sub-areas. Initiate construction of Phase I of the Wastewater and Storm water Master Plans pursuant to agreed upon construction schedule.

Agencies: County, FCAA, DCA, DEP, DOH, EPA and WQSC.

B. Complete Storm Water Master Plan. Identify priority projects for implementation and seek funding for plan implementation.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC.

~~C.B. Make offers to 50% of remaining private owners with property located in CARL project boundaries. Submit status of CARL and ROGO land acquisition to the Administration Commission.~~

Agencies: County, Land Authority and DEP.

~~D.C. Complete Phase II of the Final draft of the environmental carrying capacity study (data analysis) and present initial recommendations to must be completed and accepted by review agencies.~~

Agencies: County, DCA, and DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests.

~~E.D. Continue efforts to secure funding for Complete Phase I (to be determined) of the Marathon Facility, initiate construction of Little Venice wastewater treatment facility. Establish baseline water quality for surface and groundwater quality potentially impacted by Little Venice project.~~

Agencies: County, DCA, and DEP, FCAA, WQSC and EPA.

~~F.E. Complete Continue cesspit identification and continue cesspit replacement process outside of Hot Spots, with a priority of funds going, in order of preference, to low- and moderate-income households; ensure that a minimum of 88 cesspits are replaced; eliminate 50% of identified cesspits within Hot Spots.~~

Agencies: County, FCAA, WQSC and DOH.

YEAR FIVE (July 13, 2001 through July 12, 2002 ending December 31, 2001)

A. Continue implementation of the Wastewater Master Plan pursuant to executed interagency agreements. Begin construction of wastewater facilities in priority Hot Spots. Complete Phase I in accordance with construction schedule. Initiate Phase II (to be defined) of the construction schedule, and document significant nutrient reductions within each sub-area.

Agencies: County, FCAA, DCA, DOH, DEP, EPA, and WQSC.

B. Execute interagency agreements to define construction schedule for priority storm water improvement projects. Complete land acquisition and final design for selected treatment strategies for Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, WQSC and SFWMD.

~~C.B. Conclude negotiations with all willing owners with property within CARL project boundaries. Acquire a total-to-date of 45% of the Key Deer/Coupon Bight project and 25% of the Florida Keys Ecosystems project. Submit status of CARL and ROGO land acquisition to the Administration Commission.~~

Agencies: County, Land Authority, and DEP.

D.C. Complete final draft of the carrying capacity study including acceptance by review agencies. Implement the carrying capacity study by, among other things, the adoption of all necessary plan amendments to establish a rate of growth and a set of development standards that ensure that any and all new development does not exceed the capacity of the county's environment and marine system to accommodate additional impacts. Plan amendments will include a review of the County's Future Land Use Map series and changes to the map series and the "as of right" and "maximum" densities authorized for the plan's future land use categories based upon the natural character of the land and natural resources that would be impacted by the currently authorized land uses, densities and intensities.

Agencies: County, FCAA, DCA, DEP, DOH, DOT, FFWCC, SFWMD, WQSC, SFRPC, EPA, USFWS, Army COE, and other interested parties to include representatives of environmental organizations and development interests, and DCA.

~~E.D. Secure funds for Phase II (to be determined) of the Marathon Facility and continue construction of Little Venice facility completed and operational.~~

Agencies: County, FCAA, DEP, DCA, EPA and WQSC.

~~F.E. Continue eliminating Complete cesspits and inoperative septic tanks in areas identification process outside of Hot Spots; eliminate all identified cesspits and inoperative septic tanks within Hot Spots.~~

Agencies: County, and DOH, FCAA and WQSC.

~~F. Any wastewater facilities plans (as identified in the Wastewater Master Plan) should implement the most cost effective method of collecting, treating, and disposing of wastewater, and shall include an investigation of the feasibility of using alternative nutrient stripping on-site disposal systems.~~

YEAR SIX (July 13, 2002 through July 12, 2003)

A. Finalize construction and begin operating wastewater facilities in Hot Spots begun in previous year. Contract to design and construct additional wastewater treatment facilities

in Hot Spots in accordance with the schedule of the Wastewater Master Plan. Continue implementation of Wastewater Master Plan with emphasis on Hot Spots.

Agencies: County, FKAA, DEP, DOH, DCA, EPA and WQSC.

B. Initiate construction of priority projects as identified in the Storm Water Master Plan.

Agencies: County, SFWMD, DEP, DCA, DOT, EPA and WQSC.

C. Continue implementation of the carrying capacity study.

Agencies: County, FKAA, FFWCC, DCA, DEP, DOH, DOT, SFWMD, SFRPC, EPA, Army COE, WQSC, and USFWS.

D. Initiate construction of Phase II of the Marathon Facility and complete construction and begin operating the Little Venice Facility.

Agencies: County, FKAA, DCA, DEP, EPA and WQSC.

E. Complete the elimination of all cesspits in areas outside of Hot Spots.

Agencies: County, FKAA, DOH and WQSC.

YEAR SEVEN (July 13, 2003 through July 12, 2004)

A. Continue implementation of Wastewater Master Plan with continued emphasis on Hot Spots.

Agencies: County, FKAA, DEP, DCA, DOH, EPA and WQSC

B. Continue implementing priority projects as identified in the Storm Water Master Plan.

Agencies: County, DCA, DEP, DOT, SFWMD, EPA and WQSC

C. Continue construction of the Marathon Facility.

Agencies: County, FKAA, DCA, DEP, EPA and WQSC.

(58) Policy 901.1.1

Monroe County shall ensure that, at the time a development permit is issued, adequate sanitary wastewater treatment and disposal facilities, including wastewater treatment facilities and onsite sewage treatment and disposal systems, are available to support the development at the adopted level of service standards, concurrent with the impacts of such development. [9J-5.011(2)(c)2.]

Permanent Level of Service Standards.

(A) The permanent level of service standards for wastewater treatment in Monroe County are as provided in House Bill 1993 adopted by the 1999 Legislature.

The interim level of service standards for wastewater treatment plants and OSDS set forth below shall be superseded and replaced by standards established as a result of completion of the Sanitary Wastewater Master Plan (see Objective 901.4 and supporting policies). These standards shall be made on the best available data based on nutrient loading, cost, technical feasibility and reliability, while improving the quality of ground, near shore and offshore waters. [9J-5.011(2)(c)2.]

Interim Level of Service Standards:

(A) Wastewater Treatment Plants

~~(1) Quantity: The annual average daily flow shall not exceed 100% of permitted capacity of the wastewater treatment plant.~~

~~(2) Quality: For all new and expanding sewage treatment plants Monroe County shall require that effluent discharging to groundwater or to surface water be treated to AWT standards as defined in section 403.086, F.S., or as close as possible thereto using best available technology (BAT). Exceptions to this BAT requirement shall be allowed for facilities discharging to Class I injection wells of systems or portions of systems permitted for reuse in accordance with Chapter 62-610, F.A.C., provided that there are reasonable assurances that no adverse ecological impact will result.~~

~~(B) On-Site Disposal Systems (OSDS)~~

~~The interim level of service standard for OSDS will be the use of aerobic treatment units (ATUs) which discharge to best available disposal systems as determined by the Department of Health. Applicants may use composting or incineration toilets which, in addition, discharge gray water in a separate system meeting BAT, or other applicants may use technologies approved under the DOH innovative technologies program to achieve AWT standards or better. As new feasible technologies become available for enhanced nutrient stripping, these technologies will be required.~~

~~(B)(C) The County and the State shall actively engage in an educational program to reduce demand for phosphate products detergent.~~

~~(C)(D) The County shall require mandatory pump-out of septic tanks and require regular reports from qualified contractors to ensure proper septage disposal.~~

~~(64) Policy 101.2.14~~

~~For those ROGO applications and properties which have been denied a ROGO award for four consecutive years and have applied for administrative relief, which are located in a CARL project or the National Wildlife Refuge and have received negative habitat scores under ROGO, the County or the state shall offer to purchase the property if funding for such is available. Refusal of the purchase offer shall not be grounds for granting a ROGO award.~~

Specific Authority 380.05(8), 380.0552(9) FS. Law Implemented 380.0552 FS. History—New 1-2-96, Amended 7-17-97,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

RULE NO.:  
61G1-12.004

RULE TITLE:  
Disciplinary Guidelines; Range of Penalties Aggravating and Mitigating Circumstances

**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. 25, No.

10, March 12, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. Subsections (1) and (2) of the rule shall now read as follows:

(1) The board sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon practitioners guilty of violating Chapter 481, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which will normally be imposed upon first time violations of particular provisions of Chapter 481. The disciplinary guidelines are based upon a single count violation of each provision listed. Multiple counts of violations of the same provision of Chapter 481 or the rules promulgated thereto, or other unrelated violations contained in the same administrative complaint will be grounds for enhancement of penalties. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for a first time violation of the below mentioned statutes and rules:

The remaining portion of the rule shall remain unchanged.  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

**RULE NO.:** 61G1-13.0021  
**RULE TITLE:** Intern Development Program  
**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. 25, No. 10, March 12, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. The rule shall now read as follows:

61G1-13.0021 Intern Development Program.

(1) All applicants who apply subsequent to the effective date of this rule shall be required to follow the Intern Development Program (IDP) through the National Council of

Architectural Registration Boards (NCARB) or, for any applicant licensed in another state or jurisdiction after June 30, 1985, an equivalent program approved by the Florida Board of Architecture and Interior Design in order to satisfy the requirements of Section 481.211, F.S.

(2) Five years experience as a licensed architect in another NCARB jurisdiction is considered equivalent to completion of the NCARB IDP program in order to satisfy requirements of Section 481.213(3)(c), F.S.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

**RULE NO.:** 61G1-21.006  
**RULE TITLE:** Inactive or Delinquent Florida Registered Interior Designers Who Desire to Reactivate

**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. 25, No. 10, March 12, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. The rule title and Subsection (1) shall now read as follows:

61G1-21.006 Inactive or Delinquent Florida Registered Interior Designers Who Desire to Reactivate.

(1) Each registered interior designer who has requested inactive status or became delinquent and who desires to become an active licensee, shall apply for such reactivation.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

**RULE NO.:** 61G1-21.008  
**RULE TITLE:** Definition of a Complete Application

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 10, March 12, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. Subsection 3(c) shall now read as follows:

(3)(c) if the licensee provided architecture services during the inactive or delinquency period, the name, license number, signature and seal imprint of the architect who supervised the licensee's work;

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-22.003
RULE TITLE: Education Requirements for Interior Designers

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. 25, No. 11, March 19, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. A preliminary paragraph which follows the rule title has been inserted and the rule shall now read as follows.

In order for schools to have time to implement curricula for Board approval under Section 481.209(2), Florida Statutes, the Board hereby sets forth the criteria of an acceptable curricula:

Subsections (1) through (5) of the rule shall remain unchanged.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Rimes, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-92R
RULE CHAPTER NO.: 62-713
RULE NOS.: 62-713.300, 62-713.520
RULE CHAPTER TITLE: Soil Treatment Facilities
RULE TITLES: General Provisions, Evaluation and Use of Treated Soil

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. 25, No. 16, April 23, 1999, issue of the Florida Administrative Weekly:

62-713.300 General Provisions.

(1) through (5) No change.

(6) Solely for the purposes of this chapter, the management of treated soil will not be considered to pose a "significant threat to public health or the environment" if it is used, stored, or disposed of so that:

(a) The excess lifetime cancer risk level is less than or equal to 1.0x10^-6, or is not calculable because all potential exposure pathways have been eliminated, or the concentrations of contaminants in the treated soil are no greater than the corresponding background concentrations of the receiving soils;

(b) The hazard index (sum of the hazard quotients) is less than or equal to 1.0, or is not calculable because all potential exposure pathways have been eliminated, or the concentrations of contaminants in the treated soil are no greater than the corresponding background concentrations of the receiving soils; and

(c) No change.

62-713.520 Evaluation and Use of Treated Soil.

(1) No change.

(2) Cleaned soil can be land applied or used without further restrictions, except that the cleaned soil shall not be deposited in surface waters or wetlands unless it can be demonstrated that the cleaned soil is not expected to cause surface water violations or to be toxic to aquatic life and does not contain other chemicals or materials which could cause nuisance odors if saturated. Cleaned soil is treated soil which meets all of the following criteria:

(a) through (b) No change.

(c) For contaminants detected in the treated soil but not listed in Table II of Chapter 62-777, F.A.C., the soil cleanup target levels for those contaminants shall be decided on a case-by-case basis and shall be calculated using the following:

- 1. through 2. No change.
3. The equations provided in Figures 4, 5, 6, 7, and 8, and 9, of Chapter 62-777, F.A.C., as applicable; and
4. No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-75R
RULE CHAPTER NO.: 62-770
RULE NOS.: 62-770.200, 62-770.250
RULE CHAPTER TITLE: Petroleum Contamination Site Cleanup Criteria
RULE TITLES: Definitions, Contamination Reporting

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. 25, No. 16, beginning at page 1818 of the April 23, 1999, issue of the Florida Administrative Weekly:

62-770.200 Definitions.

(30) “Reportable quantity” means a discharge of petroleum or petroleum products equal to or exceeding 25 gallons on a pervious surface.

(30) through (40) renumbered (31) through (41) No change.

62-770.250 Contamination Reporting.

(+) Upon discovery of contamination (unless the contamination is the result of a previously reported discharge for which site rehabilitation completion has not been achieved or the contamination is known to be from a non-petroleum product source) or upon a discharge of petroleum or petroleum products, notification shall be submitted using the Discharge Report Form [Form Number 62-761.900(1)].

(1)(a) If the discharge was from a storage tank system regulated pursuant to Chapter 62-761, F.A.C., the discharge must be reported by the facility owner or operator pursuant to the applicable requirements of Chapter 62-761, F.A.C.; or

(2)(b) For all other discharges of petroleum or petroleum products, the discharge must be reported within one week of discovery. However, discharges of reportable quantities onto ~~to~~ the surface of lands or to surface waters must be reported to the State Warning Point or Department of Environmental Protection, Bureau of Emergency Response as soon as possible but no later than 24 hours after occurrence. The discharge must be reported by:

(a) ~~1~~. The discharger; or

(b) ~~2~~. The owner or operator if the discharger is unknown or if the discovery was the result of a previously unreported discharge.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO. 96-92R

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-775

Soil Thermal Treatment Facilities

NOTICE OF CHANGE

The Florida Department of Environmental Protection announces the opportunity for a public hearing to which all persons are invited.

TIME AND DATE: 10:00 a.m., July 7, 1999

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Room 423, Tallahassee, Florida

PURPOSE: In the Vol. 25, No. 16, April 23, 1999, issue of the Florida Administrative Weekly, the Department caused to be published a Notice of Repeal for Chapter 62-775, Florida Administrative Code, Docket No. 96-92R. This Notice stated that a public hearing would be held before the Environmental Regulation Commission on May 26-27, 1999. For procedural reasons a public hearing on Chapter 62-775 was not held. Therefore, if requested within 21 days of the date of this notice, a hearing will be held at the time, date and place shown above. If not requested this hearing will not be held.

If accommodation for a disability is needed to participate in this activity, please notify Mary Jean Yon, (850)488-0300, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jean Yon, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2400, (850)488-0300.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 98-76R

RULE CHAPTER NO.: 62-777      RULE CHAPTER TITLE: Contaminant Cleanup Target Levels

RULE NO.: 62-777.170      RULE TITLE: Derivation of Cleanup Target Levels

Table I      Groundwater and Surface Water Cleanup Target Levels

Table II      Soil Cleanup Target Levels

**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. 25, No. 16, beginning at page 1845 of the April 23, 1999, issue of the Florida Administrative Weekly:

insert chart

insert chart



## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: MEGA MONEY  
 RULE NO.: 53ER99-25  
 SUMMARY OF THE RULE: MEGA MONEY on-line tickets will be sold by Florida Lottery retailers on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, how to play the game, drawing procedures, prize divisions, determination of prize winners, and odds of winning and rules and prohibitions of the game.  
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

#### THE FULL TEXT OF THE EMERGENCY RULE IS:

##### 53ER99-25 MEGA MONEY.

##### (1) How To Play MEGA MONEY.

(a) Players select four numbers from a field of one through thirty-two and one Mega Ball number from a separate field of one through thirty-two.

(b) There are five panels on a play slip, each containing an upper play area and a lower play area. Each panel played must contain five number selections: four in the upper play area and one in the lower play area. Each panel played will cost one dollar per draw.

(c) Players must use only blue or black ballpoint pen or pencil for making selections.

(d) Play slips must be processed by an on-line retailer in order to obtain a ticket.

(e) Players can select their numbers by using a play slip, or may mark the "quick pick" box and the computer will randomly select any or all of the numbers from either or both play areas.

(f) Retailers can manually enter numbers selected by a player.

##### (2) MEGA MONEY Drawings.

(a) MEGA MONEY drawings shall be conducted two times per week, on Tuesday and Friday.

(b) The drawing machine used for each drawing shall be determined by random selection. An employee of the Lottery's Security Division (the "Draw Manager") shall select two (2) cards from a number of cards equal to the number of available drawing machines. Each card shall contain one number which shall correspond to the number assigned to one numbered drawing machine. The two cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The machine corresponding to the number contained on the first card drawn

shall be designated the primary drawing machine and the machine corresponding to the number contained on the second card drawn shall be designated the backup drawing machine. The backup drawing machine shall be used only when necessitated by equipment failure.

(c) The ball set to be used in a drawing will be determined by random selection. The Draw Manager will select two cards from a number of cards equal to the number of available ball sets. Each card will contain one number which will correspond to the number assigned to one numbered ball set. The two cards shall be drawn individually and handed individually to an accountant employed by an independent certified public accounting firm. The ball set corresponding to the number contained on the first card drawn shall be designated the primary ball set and the ball set corresponding to the number contained on the second card drawn shall be designated the backup ball set. The backup ball set shall be used only when there is question as to the reliability of the primary ball set. Each set contains sixty-four balls comprised of one set of balls numbered one through thirty-two and the MEGABALL set numbered one through thirty-two.

(d) The primary ball set is weighed and the weight is recorded. A primary ball set which does not fall within the manufacturer's weight tolerances shall be rejected and the backup ball set is weighed using the procedures herein.

(e) The primary ball set is placed in the primary drawing machine and six test drawings are conducted, using the following testing criteria. If the same numbered ball is drawn four times in the six test drawings, four additional test drawings are conducted. If the same numbered ball is drawn two times in the four additional test drawings, the primary ball set is rejected. The backup set of balls is weighed, and if it falls within the manufacturer's weight tolerance, is placed in the primary drawing machine and tested using the testing criteria. If both the primary and backup sets of balls fail the test drawings, the backup drawing machine will be used with the backup ball set and additional tests will be conducted. If the backup ball set fails the additional tests, another set of balls will be selected and procedures will be followed as set forth in paragraphs (c), (d), and (e) until a ball set passes all required tests and procedures.

(f) Once a set of balls has satisfactorily passed the required testing, the selected drawing machine is loaded by the Draw Manager, who randomly inserts the balls into the loading tubes.

(g) The two units of thirty-two balls each, located in the loading tubes of the MEGA MONEY machine are dropped into their respective mixing chambers and mixed by the action of an air blower.

(h) Four balls from the first unit of thirty-two balls and one MEGABALL from the second unit of thirty-two balls are drawn by vacuum action into the display tubes. The numbers shown on the four balls from the first unit and the number