

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Amended 11-28-96, 10-5-97, Formerly 9I-47.150, Amended 10-20-98,_____.

67-47.160 Fees.

The Corporation shall charge a non-refundable Application Package fee of \$60.00. A non-refundable Application fee of \$250.00 for Non-Profit Applicants and \$350.00 for all others shall be charged per Application at the time of submission of each Application in the HOME Home Ownership Competitive Cycle for HOME loan funds. HOME Loan fees for the SF MRB Program shall be set forth in the applicable Program's Lender's Guide.

Specific Authority 420.507(12) FS. Law Implemented 420.5089(2) FS. History—New 8-7-95, Formerly 9I-47.160, Amended 10-20-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Robin Grantham, HOME Single Family 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: Beverly B. Cliett, Chief Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 1999, Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 25, No. 12, March 26, 1999

Any person requiring special accommodation at the Rule Hearing because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay System which can be reached at 1(800)955-8771.

Section II Proposed Rules

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE TITLES: RULE NOS.:

Transportation; Operation of Vehicles 4A-2.015

Transportation; Blasting Agents 4A-2.018

PURPOSE AND EFFECT: To amend the rules to conform to Section 552.12, Florida Statutes.

SUMMARY: These rules are being amended to conform with the requirements of Section 552.12, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC has been prepared.

Any person who wishes to provide information regarding that 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: 552.13 FS.

LAW IMPLEMENTED: 552.12, 552.13 FS.

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

TIME AND DATE: 10:00 a.m., August 25, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Terry Barrow, State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0329

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least five (5) calendar days before the program by contacting Yvonne White, (850)922-3110, Ext. 4214

THE FULL TEXT OF THE PROPOSED RULE IS:

4A-2.015 Transportation; Operation of Vehicles.

(1) Vehicles transporting explosives shall only be driven by and be in charge of a driver who is physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants or narcotics, and not less than 18 years of age. He shall be familiar with the traffic regulations, state laws, and the provisions of these Rules and Regulations. The driver shall always have his vehicle under complete control. Violation of this paragraph shall be based upon an official report of any public official.

(2) through (10) No change.

Specific 552.13 FS. Law Implemented 552.12, 552.13 FS. History—Amended 6-25-66, Repromulgated 12-24-74, Formerly 4A-2.15, Amended _____.

4A-2.018 Transportation; Blasting Agents.

(1) No change.

(2) Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least 18 years of age who is capable, careful, reliable and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the State vehicle and traffic laws.

(3) through (8) No change.

Specific Authority 552.13 FS. Law Implemented 552.12, 552.13 FS. History—Amended 6-25-66, Repromulgated 12-24-74, Formerly 4A-2.18, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Terry Hawkins, State Fire Marshal, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Jim Radcliff, Bureau Chief, Fire Prevention, State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 1999
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 28, 1999

DEPARTMENT OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Purpose	5-1.001
Definitions	5-1.002
Requirement for an Aquaculture Certificate of Registration	5-1.003
Aquaculture Interim Measures	5-1.004
Aquaculture Certificate of Registration	5-1.005
Minimal Impact Aquaculture Facilities	5-1.006
Failure to Comply With the Interim Measures	5-1.007
Aquaculture Interim Rule From	5-1.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to establish and implement aquaculture interim measures in accordance with Chapter 597, F.S. as amended by CS/HB 3673 (1998) and CS/SB 1505 (1998). These measures will remain in affect until best management practices are adopted by the Department.

SUMMARY: The proposed rule establishes the procedures to be followed by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services. The rule also defines minimal impact aquaculture facilities and adopts the interim aquaculture permit form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 570.07(23), 597.004(2)(b) FS.

LAW IMPLEMENTED: 597.002, 597.003, 597.004 FS.

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

TIME AND DATE: 1:00 p.m., August 27, 1999

PLACE: Eyster Auditorium, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Leteux, Environmental Manager, Office of Ag Water Policy, Conner Building, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-6249 or Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULES IS:

5-1.001 Purpose.

This rule establishes interim measures, as provided by Chapter 597, Florida Statutes, to be followed by aquaculture producers in order to obtain an aquaculture certificate of registration from the Florida Department of Agriculture and Consumer Services.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.002, 597.003(1)(a), 597.004(2) FS. History—New _____.

5-1.002 Definitions.

Definitions as used in rule Chapter 5-1.

(1) “Interim Measures” means practices aquaculture producers are required to follow in order to obtain an aquaculture certificate of registration prior to the implementation of specific best management practices adopted by the Department.

(2) “Proper Authorizations” means state and federal permits, approvals, exemptions, easements, proprietary authorizations, licenses, and other authorizations required prior to July 1, 1998.

(3) “Surface Waters of the State” means waters on the surface of the earth, contained in bounds created naturally or artificially, including the Atlantic Ocean, the Gulf of Mexico, bays, bayous, sounds, estuaries, lagoons, lakes, ponds, impoundments, rivers, streams, springs, creeks, branches, sloughs, tributaries, and other watercourses.

(4) “Waters in the State” means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.002, 597.003(1)(a), 597.004(2),(4),(5),(6) FS. History—New _____.

5-1.003 Requirement for an Aquaculture Certificate of Registration.

All aquaculture producers shall have an aquaculture certificate of registration from the Department and apply the interim measures identified in this rule. The aquaculture certificate of registration shall have a duration as specified in s. 597.004(6), F.S., unless suspended or revoked by the Department for failure to implement and maintain the interim measures.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.003, 597.004, 597.0041 FS. History—New _____.

5-1.004 Aquaculture Interim Measures.

This rule constitutes interim measures as required by Chapter 597.004, F.S., and shall apply until superceded by the Department’s adoption of best management practices for a particular aquacultural activity. The interim measures as provided for in Chapter 597.004, F.S., shall consist of the proper authorizations required on June 30, 1998

Specific Authority 570.07(23), 595.004(2)(b) FS. Law Implemented 597.003, 597.004 FS. History—New _____.

5-1.005 Aquaculture Certificate of Registration.

(1) Any person seeking to be certified as an aquaculture producer shall complete and submit an aquaculture certification application form, which includes a Notice of Intent to comply with interim measures and applicable best management practices adopted by the Department. These aquaculture producers shall contact the Department:

- (a) Prior to constructing a new aquaculture facility;
- (b) Prior to modifying an existing aquaculture facility;
- (c) To renew an existing aquaculture certificate of registration; or
- (d) To be issued a new aquaculture certificate of registration.

(2) Upon receipt of a complete application form, the Department will review the application and determine if the aquaculture producer has all proper authorizations as required by the applicable water resource regulations administered by the Florida Department of Environmental Protection and/or the appropriate Water Management District. If additional authorizations are needed, the Department will assist the aquaculture producer in obtaining the needed authorizations, but the aquaculture producer shall be ultimately responsible for obtaining such authorizations. All proper authorizations must be obtained prior to the issuance of an aquaculture certificate of registration.

(3) The Department shall issue an aquaculture certificate of registration when an applicant complies with the interim measures under 5-1.004, files a complete application with the Department, and pays the appropriate application fee.

(4) Currently permitted aquaculture facilities which are applying for renewals are eligible for the certificate of registration from the Department if all the following conditions are met:

- (a) No major modifications in existing permit criteria or changes in the surface water management system have occurred or are proposed;
- (b) The facility is in compliance with applicable water resource regulations; and,
- (c) The facility has submitted a complete application and all appropriate fees to the Department.

Specific Authority 570.07(23), 597.004(2) FS. Law Implemented 597.003(1)(a), 597.004 FS. History--New _____.

5-1.006 Minimal Impact Aquaculture Facilities.

(1) Until such time as best management practices are developed and adopted by the Department, the following operations are deemed to have minimal impacts on water resources and qualify for an aquaculture certificate of registration from the Department, provided the aquaculture producer does not require an Environmental Resource Permit and possesses all other proper authorizations.

(2) Aquaculture facilities which do not qualify as a minimal impact activity are required to complete and submit the interim aquaculture notification form, number 5-1.008(1). Also, the facility's discharge must not cause violations of state water quality standards. The minimal impact categories established under this rule include:

- (a) Recirculation systems that do not discharge to waters in the state.
- (b) A floating native marine bivalve culture system which does not use feed or fertilizer inputs.
- (c) Raceway or down-weller systems for native marine bivalves that utilize less than 800 square feet of raceways or down-wellers, and do not add supplemental algae as a food source.
- (d) Fee-fishing operations with a standing crop of less than 1000 pounds of fish per acre.
- (e) Aquaculture systems that grow only native aquatic species, have less than ten acres of total surface water production pond acreage, and produce less than 10,000 pounds of product per year.
- (f) Aquaculture systems that produce less than 10,000 pounds of product per year and do not discharge production unit water to surface waters of the state.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.002, 597.003(1)(a),(j), 597.004 FS. History--New _____.

5-1.007 Failure to Comply With the Interim Measures.

If any aquaculture producer fails to comply with the interim measures required for certification, the Department shall take action consistent with its authority to assure proper implementation and compliance with s. 597.0041, F.S. Such action may include revocation or suspension of the aquaculture certificate of registration and/or administrative fines.

Specific Authority 597.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History--New _____.

5-1.008 Aquaculture Interim Rule Form.

(1) The form used by the Department under Rule 5-1, F.A.C., is adopted and incorporated by reference in this section. The form is listed below by form number and subject title. Copies of the form may be obtained by contacting the Department.

(2) Interim Aquaculture Permit Notification Form, 1999.

Specific Authority 570.07(23), 597.004(2)(b) FS. Law Implemented 597.004, 597.0041 FS. History--New _____.

NAME OF PERSON ORIGINATOR PROPOSED RULE:
Frank Leteux, Environmental Manager, Office of Ag Water Policy

NAME OF PERSON OR SUPERVISOR WHO APPROVED THE PROPOSED RULE: Chuck Aller, Director, Office of Ag Water Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: July 3, 1998

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Ownership and Use of "Wintersweet"
 Certification Mark

RULE CHAPTER NO.: 20-114

RULE TITLES: Ownership

RULE NOS.: 20-114.001

Permission Required for Use

20-114.002

General Restrictions and Standards on the Use
 of "Wintersweet" Mark

20-114.003

Definitions

20-114.005

Withdrawal of License or Permission

20-114.006

PURPOSE AND EFFECT: Would provide guidelines for use
 of "Wintersweet" certification mark on fresh Florida
 grapefruit.

SUMMARY: Provides guidelines for use of "Wintersweet"
 certification mark on fresh Florida grapefruit.

SUMMARY OF STATEMENT OF ESTIMATED
 REGULATORY COST: No Statement of Regulatory Cost has
 been 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: 601.10(1), 601.11, 601.15(10)(a)
 FS.

LAW IMPLEMENTED: 601.101, 601.15(2)(b) FS.

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

TIME AND DATE: 10:30 a.m., September 15, 1999

PLACE: Department of Citrus Building, 1115 East Memorial
 Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE
 PROPOSED RULES IS: Joan B. Martin, Administrative
 Assistant, Legal Department, Florida Department of Citrus,
 P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULES IS:

20-114.001 Ownership.

The "Wintersweet" symbol, as shown below is a registered
 certification mark of the

WINTERSWEET™

State of Florida, Department of Citrus. All right, title and
 interest in and to said symbol, granted to and vested in the
 State of Florida, Department of Citrus, via State and Federal
 laws, is hereby noticed to all interested persons.

Specific Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101
 FS. History--New

20-114.002 Permission Required for Use.

Use of said mark by any Florida licensed citrus fruit dealer
 registered as a fresh fruit shipper, in any manner will not be
 permitted without a license or other express written permission
 from the Department of Citrus and unless such use is in
 conformity with the requirements of this rule. However, such
 permission shall not be denied to any person, firm or
 corporation who complies with the requirements of this rule, it
 being the express purpose of the Department of Citrus to
 encourage widespread use and, at the same time, to protect the
 integrity of the mark.

Specific Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101
 FS. History--New

20-114.003 General Restrictions and Standards on the Use
 of "Wintersweet" Mark.

(1) Use of this mark shall be restricted to use in
 conjunction with the advertising, promotion, merchandising,
 and packaging of fresh grapefruit which is grown in the state of
 Florida, and which meet the applicable grade and quality
 standards for grapefruit as set forth in chapters 601.16, 601.17,
 601.18, Florida Statutes, section 20-35.005, Florida
 Administrative Code, and 7 CFR Part 51, "United States
 Standards for Grades of Florida Grapefruit" as amended
 August 1, 1996.

(2) Use of the mark shall be limited to:

(a) Fresh Florida grapefruit meeting the United States
 Department of Agriculture standards for U. S. No. 1 Grade
 having been packed for the retail market on or after December
 26.

(b) Fresh Florida grapefruit entering the retail market
 during the period January 1 through June 30 of each year. No
 use of the mark shall be permitted at retail prior to January 1
 nor after June 30.

(3) Each licensee or other authorized user of said mark
 shall be required, as a condition for such authorization, to
 allow reasonable and periodic inspections by a Department of
 Citrus representative or agent, of the pertinent records of said
 users in order to determine whether or not said citrus products
 meet the requirements set forth herein and otherwise to protect
 the integrity of said mark.

(4) The mark shall not be used in any advertising,
 promotion, merchandising or packaging in lieu of a brand
 name or used in conjunction with a brand name in such a
 manner as to dominate or appear to be a part of a brand name.
 Further, the mark must be used in a prominent and conspicuous
 manner when used on packaging.

(5) Each licensee or other authorized user of the mark shall
 deliver to the Department of Citrus for its records, a finished
 sample of any material bearing the mark.

(6) The licensee shall indemnify the Department and save it harmless with respect to any claims arising out of the use of its products bearing the mark by any person, or any claims arising out of misbranding or false or misleading advertising by the licensee.

Specific Authority 601.10(1), 601.11, 601.15 FS. Law Implemented 601.101 FS. History–New

20-114.004 Use on Fruit, Containers and Merchandise.

(1) The mark may, at the option of the shipper, be applied directly to the skin of the fruit, or may be used on any approved fresh fruit shipping container or retail package containing fresh grapefruit grown in the State of Florida, provided the symbol does not dominate or appear to be a part of any brand name.

(2) No licensee shall use the mark on any premiums, gift, novelty items or other non-citrus merchandise without the express permission of the Department of Citrus. In no case shall such items be used for resale.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101, 601.15(2)(b) FS. History–New

20-114.005 Definitions.

“Fresh grapefruit”, as used herein, shall mean grapefruit in fresh form, including peeled or sectionized grapefruit that has not been frozen, treated by heat, placed in preserving chemicals or packed in syrup.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101, 601.15(2)(b) FS. History–New

20-114.006 Withdrawal of License or Permission.

(1) The Department of Citrus reserves the right to revoke or cancel any given license or permission to use the mark upon the following grounds:

(a) The failure of the authorized user to comply with the provisions set forth herein.

(b) The commission of acts which adversely affect the licensor’s name, reputation or goodwill.

(2) The Department shall have the right to terminate the license with immediate effect in the case the licensee has not bade a bona fide commercial use of the mark for more than one year.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101, 601.15(2)(b) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Clark R. Jennings, General Counsel
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Clark R. Jennings, General Counsel
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Outpatient Hospital Services

RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate by reference the January 1999 update to the Florida Medicaid Hospital Coverage and Limitations Handbook. The effect is to furnish hospital providers the 1999 revised lists of covered codes in the appendices of the Florida Medicaid Hospital Coverage and Limitations Handbook. Revisions were made to the following lists of codes: outpatient revenue center codes, laboratory and pathology codes, mammography diagnosis codes, elective surgery codes, procedures exempt from the \$1,000 outpatient cap, hysterectomy diagnosis codes, procedure and diagnosis codes requiring attachments, ultrasound diagnosis codes for high-risk pregnant women, and time and narrative corrections to Appendix J. The effect of the complete revision of the Florida Medicaid Hospital Coverage and Limitations Handbook, January 1999, is to provide hospital providers with the most recent code coverage and billing information affecting the payment of claims.

SUMMARY: The rule incorporates by reference the January 1999 update to the Florida Medicaid Hospital Coverage and Limitations Handbook. The update consists of code revisions to Appendices B through I and corrections to time references in Appendix J (PRO Utilization Review Procedures). Revisions to codes in the appendices of the handbook are routine procedure at the beginning of every calendar year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been 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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907(8)(a), 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m. – 10:00 a.m., August 23, 1999

PLACE: 2728 Fort Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Medicaid Program Development, P. O. Box 12600, Tallahassee, FL 32317-2600, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.160 Outpatient Hospital Services

(4) Reimbursable Outpatient Hospital Services.

(a) Outpatient hospital services are reimbursable within certain limitations.

1. through 2. No change.

3. Reimbursement for outpatient laboratory and pathology procedures shall be limited to the technical component identified on the fee schedule in Appendix C, Chapter 3, found in the Hospital Coverage and Limitations Handbook, updated January 1999 ~~March 1998~~. This handbook is incorporated in this rule by reference and is available from the fiscal agent contractor.

4. through 16. No change.

(b) No change.

(c) All hospital providers enrolled in the Medicaid program must be in compliance with the provisions of the Hospital Coverage and Limitations Handbook, updated January 1999 ~~March 1998~~, and the Medicaid Reimbursement Handbook, UB-92, October 1998, incorporated by reference in this rule. Both handbooks are available from the fiscal agent contractor.

(5) through (10) No change.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907(8)(a), 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Ruben King-Shaw, Jr., AHCA Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 23, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLES:	RULE NOS.:
Pollutant Storage System Specialty Contractors	61G4-15.027
Precision Tank Testers	61G4-15.028
Tank Lining Applicators	61G4-15.029

PURPOSE AND EFFECT: Section 489.133, F.S., directs the Board to adopt rules for the certification and registration of pollutant storage system specialty contractors, precision tank testers and tank lining applicators.

SUMMARY: Under the authority of the Board, the proposed rules are being promulgated in order to develop standards for the certification and registration of pollutant storage system specialty contractors, precision tank testers and tank lining applicators.

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 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: 489.108, 489.113(3),(7), 489.129(3), 489.133 FS.

LAW IMPLEMENTED: 489.113(3),(7),(8), 489.115(4), 489.133 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: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.027 Pollutant Storage System Specialty Contractors.

(1) Scope of Rule: The purpose of this rule is to provide for the certification of pollutant storage system specialty contractors.

(2) Certification Procedures for Pollutant Storage Specialty Contractors:

(a) Qualifications:

1. Any person who desires to become a certified pollutant storage specialty contractor shall apply to the Board in writing on a form provided by the Department of Business and Professional Regulation.

2. A person shall be certified as a pollutant storage system specialty contractor if said person:

a. Is at least eighteen (18) years of age; and

b. Is of good moral character; and

c. Takes and successfully completes the state examination for certification as a pollutant storage system specialty contractor; or

e. Takes and successfully completes either a local licensure examination, a licensure examination of another state, or a licensure examination of a national organization which has been judged by the Board to be equal to or more stringent than the state pollutant storage system specialty contractor certification examination pursuant to Section 489.133(4)(c), F.S.

(b) Other certification procedures and fees: other certification procedures and fees for certified pollutant storage system specialty contractors shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., including all other requirements for licensure as set forth in Rule Chapter 61G4-15, F.A.C. The amount of liability insurance for pollutant storage system specialty contractors shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for licensure shall submit competent substantial evidence to the Board demonstrating that the applicant has a net worth of \$10,000.00.

(3) Method of Operation: nothing in this rule chapter is intended to supersede or modify standards of operation established for pollutant storage system specialty contractors by the Department of Environmental Protection, as expressly stated in Rule Chapter 62-761, F.A.C., or any other licensing or supervisory agency of the State or any political subdivision thereof having jurisdiction over the operation of same.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133 FS. History--New _____.

61G4-15.028 Precision Tank Testers.

(1) Scope of Rule: The purpose of this rule is to provide for the registration of precision tank testers.

(2) Registration Procedures for Precision Tank Testers:

(a) Qualifications:

1. Any person who desires to become a registered precision tank tester shall apply to the Board in writing on a form provided by the Department of Business and Professional Regulation.

2. A person shall be registered as a precision tank tester if said person:

a. Is at least eighteen (18) years of age; and

b. Is of good moral character; and

c. Who meets the standards established by the Florida Department of Environmental Protection pursuant to Rule 62-761.200(83), F.A.C. The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a precision tank tester meets these standards before the applicant is registered.

(b) Other registration procedures and fees: other registration procedures and fees for registered precision tank testers shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., including all other requirements for licensure as set forth in Rule Chapter 61G4-15, F.A.C. The amount of liability insurance for precision tank testers shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from

contractor's work. Applicants for registration shall submit competent substantial evidence to the Board demonstrating that the registrant has a net worth of \$10,000.00.

(3) Method of Operation: nothing in this rule chapter is intended to supersede or modify standards of operation established for precision tank testers by the Department of Environmental Protection, as expressly stated in Rule Chapter 62-761, F.A.C., or any other licensing or supervisory agency of the State or any political subdivision thereof having jurisdiction over the operation of same.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133 FS. History--New _____.

61G4-15.029 Tank Lining Applicators.

(1) Scope of Rule: The purpose of this rule is to provide for the registration of tank lining applicators.

(2) Registration Procedures for Tank Lining Applicators:

(a) Qualifications:

1. Any person who desires to become a registered tank lining applicator shall apply to the Board in writing on a form provided by the Department of Business and Professional Regulation.

2. A person shall be registered as a tank lining applicator if said person:

a. Is at least eighteen (18) years of age; and

b. Is of good moral character; and

c. Who meets the standards established by the Florida Department of Environmental Protection pursuant to Rule 62-761.700(2)(c), F.A.C. The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a tank lining applicator meets these standards before the applicant is registered.

(b) Other Registration procedures and fees: other registration procedures and fees for registered tank lining applicators shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., including all other requirements for licensure as set forth in Rule Chapter 61G4-15, F.A.C. The amount of liability insurance for tank lining applicators shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for registration shall submit competent substantial evidence to the Board demonstrating that the registrant has a net worth of \$10,000.00.

(3) Method of Operation: nothing in this rule chapter is intended to supersede or modify standards of operation established for tank lining applicators by the Department of Environmental Protection, as expressly stated in Rule Chapter 62-761, F.A.C., or any other licensing or supervisory agency of the State or any political subdivision thereof having jurisdiction over the operation of same.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 16, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Areas of Competency and Grading Criteria RULE NO.: 61G15-21.002

PURPOSE AND EFFECT: The purpose is to update the rule text in Subsection (3).

SUMMARY: The Board has determined that it is necessary to amend Subsection (3) of this rule by updating the rule text to clarify the areas of competency and the grading criteria.

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 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: 455.217(1)(c), 471.013 FS.

LAW IMPLEMENTED: 455.217(1)(c), 471.013 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Barton, Executive Director, Board of Professional Engineers, 1208 Hays Street, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-21.002 Areas of Competency and Grading Criteria.

(1) through (2) No change.

(3) ~~It~~ Part Two of the examination has traditionally required the applicant will usually be required to solve from seven to ten problems which the applicant may choose from approximately twenty problems drawn from a test pattern. Effective October, 1999, the examinations in Agricultural, Environmental, Fire Protection, Industrial, and Petroleum will be offered in a 100% objectively scored (multiple choice) format. Effective April, 2000, the examinations in Chemical

and Structural I be offered in a 100% objectively scored (multiple choice) format. The most current information regarding competency areas, scoring formats, and design standards for any examination is available at the NCEES website, www.ncees.org. The competency areas in each discipline are generally set forth as follows:

(a) through (d) No change.

(e) Industrial – ~~Methods Design and Work Management, Production, Inventory and Distribution Systems, Facilities, Manufacturing, Production and Inventory Systems, Work Systems and Ergonomics, Planning and Design, Economics, Operations Research, Quality Assurance Management and Computer/Information Systems. Control and Industrial Statistics.~~

(f) through (g) No change.

(h) Structural I – Analysis: Loads, Moments, Shears and Deflections, Structural Stability. Design: Flexure and Shear Torsion, Axial Load and/or Combined Bending and Axial Loaded Members, Foundations, Connections, and Lateral Load Resisting Structures. — Structural Concrete, Structural Steel and Light Metal, Bridges or Bridge Elements, Wood, Masonry, and Lateral Forces.

(i) through (n) No change.

(o) Fire Protection Engineering – Water Supplies, Building Systems, Water-Based Suppression Systems, Non-Water Based Suppression Systems, Detection and Alarm Systems, Fire Prevention, Implementation and Monitoring of Fire Prevention, Research and Development of Hazard and Risk Analysis, Hydraulics, Suppression Systems, Fire Behavior, Fire Communications, Hazards.

(p) Environmental – Water, Wastewater/Stormwater, Natural Water Systems; Solid and Hazardous Waste; Air, Pollution Source, Pollution Control Processes, Ambient Air Quality; Environmental Health, Safety and Welfare. Project implementation, operations and monitoring for health safety and environmental protection, emergency response, risk analysis, radiation protection, noise toxicology, industrial hygiene.

(q) Ship Design – Mechanics, Loads, Welds/Connections, Structural Members, Vibrations, Hydrostatics, Hydrodynamics, Transport Process, Fluid Flow, HVAC/Refrigeration, Combustion, Electrical Loads and Distribution, Electrical Energy Conversion, Emergency Electrical System, CAE, Ship Building/Repair, Economics, Outfitting Design, Materials, Corrosion, Pollution Prevention, Regulations, Human Factors, and Wind and Waves.

Specific Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), ~~471.013~~ 474.03 FS. History—New 1-8-80, Amended 2-23-81, 8-25-81, 8-16-82, 4-30-85, 8-20-85, Formerly 21H-21.02, Amended 10-27-92, 1-10-93, Formerly 21H-21.002, Amended 2-14-95, 6-28-95, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 1, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-80R

RULE TITLES: RULE NOS.:
Definitions for Public Water Systems 62-550.200
Consumer Confidence Reports 62-550.824

PURPOSE AND EFFECT: The purpose for this rulemaking is to adopt the federal capacity development requirements for new systems found in the 1996 federal Safe Drinking Water Act; and to adopt the federal Consumer Confidence Reports regulations required under 40 C.F.R. section 141, Subpart O, Consumer Confidence Reports, and amendments. All rules relating to capacity development and consumer confidence reports will be adopted into Chapters 62-550 and 62-555, F.A.C. The effect is to have all of the capacity development and consumer confidence rules in the Department’s drinking water rules.

SUMMARY: These amendments incorporate the federal requirements for consumer confidence reports in a new section, 62-550.824, F.A.C., and establish new definitions for capacity development in section 62-550.200, F.A.C., as described above.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None has been 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: 403.861(9),(16),(17) FS.
LAW IMPLEMENTED: 403.853, 403.853(3),(4), 403.8615, 403.862 FS.

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

TIME AND DATE: 2:00 p.m., August 25, 1999
PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

If an accommodation for a disability is needed in order to participate in the hearing, please notify the Personnel Services Specialist in the Bureau of Human Resources at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Virginia Harmon, Drinking Water Section, M.S. 3520, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)921-6844

THE FULL TEXT OF THE PROPOSED RULES IS:

62-550.200 Definitions for Public Water Systems.
For the purpose of this chapter and chapters 62-550 and 62-560, F.A.C., the following words, phrases, or terms shall have the following meaning:

(1) through (6) No change.

(7) “CAPACITY DEVELOPMENT” means the process of water systems acquiring and maintaining adequate technical, managerial, and financial capabilities to enable them to consistently provide safe drinking water.

(7) through (9) renumbered (8) through (10) No change.

(11) “COMMENCEMENT OF OPERATIONS” means the beginning of the service of furnishing water treated by the water system to the consumers.

(11) through (49) renumbered (12) through (51) No change.

(52) “NEW SYSTEM” means, for the purposes of capacity development, both community water systems or non-transient non-community water systems being newly constructed as well as systems which do not currently meet the definition of a public water system under Rule 62-550.200(61), but which expand their infrastructure and thereby grow to become community water systems or non-transient non-community water systems. Systems not currently public water systems under Rule 62-550.200(61) and which add additional users and thereby become community water systems or non-transient non-community water systems without constructing any additional infrastructure are not “new systems” for purposes of capacity development.

(50) through (83) renumbered (53) through (86) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.853, 403.8615, 403.862 FS. History—New 11-9-77, Amended 1-13-81, 11-19-87, Formerly 17-22.103, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, Formerly 17-550.200, Amended 9-7-94, 12-9-96,_____.

62-550.824 Consumer Confidence Reports.

These rules are intended to implement the National Primary Drinking Water Regulations that require community water systems to prepare and provide to their customers annual consumer confidence reports on the quality of the water delivered by the systems. In addition to the requirements of this rule, the standards and criteria contained in the following regulations are adopted by reference and enforceable under this rule: Code of Federal Regulations (CFR), Title 40, Part 141, Subpart O, Sections 151 and 153 through 155, the Appendices to Subpart O, the amendments to Subpart O (1998 Federal Register, pages 44526-44536 and pages 69475 and 69516), and

the corrections to the Code of Federal Regulations (CFR), Title 40, Part 141, Subpart O (1999 *Federal Register*, pages 34732-34733).

(1) Additional Report Content Requirements. In addition to the requirements of 40 CFR 141.153, the following requirements shall apply:

(a) Additional Source Water Information. If the Department has determined that a system or well is under the direct influence of surface water, the system shall identify the well and proposed remedial action.

(b) Additional Primary Contaminant Information.

1. In addition to the contaminants referenced in 40 CFR 141.153(d)(1)(i), the following contaminants shall be subject to the requirements of §141.153(d): nickel, lead (point of entry) and sodium. The applicable results for these three contaminants shall be only the results of monitoring to demonstrate compliance with a maximum contaminant level (MCL) in Rule 62-550.310(1), F.A.C.

2. More Stringent MCLs. For the following contaminants, the Florida MCL is more stringent than the federal MCL referenced in 40 CFR 141, Subpart O, consumer confidence reports: benzene, vinyl chloride, ethylene dibromide, carbon tetrachloride, 1,2-dichloroethane, trichloroethylene, and tetrachloroethylene. For these contaminants, the Florida MCLs listed in Rules 62-550.310 and 62-550.320, F.A.C., shall apply for the purpose of preparing the consumer confidence report.

3. Different Monitoring Location Requirements. Rule 62-550.500(5), F.A.C., requires monitoring at the entry point to the distribution system rather than at points within the distribution system, when monitoring for compliance with the MCLs for the radiological contaminants listed in Rule 62-550.310(4), F.A.C. These results shall be applicable to the consumer confidence reports requirements of 40 CFR 141.153(d)(1)(i).

4. Primary Contaminant Source of Contamination Language in addition to that found in 40 CFR 141, Appendix B to Subpart O. The following language shall be used in tables of analytical results to report on the source of contamination for lead (point of entry), nickel and sodium. Systems may substitute other language or add their own language if the language they use as source of contamination language is more specific to conditions affecting their system.

a. Lead (point of entry): Residue from man-made pollution such as auto emissions and paint. Lead pipe, casing, and solder.

b. Nickel: Pollution from electroplating operations.

c. Sodium: Salt water intrusion, leaching from soil.

5. Health Effects Language in Addition to that found in 40 CFR 141, Appendix C to Subpart O. The following health effects language shall be used for nickel and sodium:

a. Nickel – To protect against the risk of heart and liver damage, the drinking water standard is 0.1 ppm.

b. Sodium – The standard is set at 160 ppm to protect those who are susceptible to high blood pressure or to diseases causing difficulty in regulating body fluid volume. It is important to recognize that sodium enters the body in a number of ways, including food, and that drinking water contributes less than 10 percent to the overall sodium intake.

6. Reporting total coliform results. When reporting the total monthly number of samples include repeat samples.

7. Reporting fecal coliform results. If fecal coliform is detected, the table of analytical results shall include the total number of positive samples for the year.

(c) Secondary Contaminant Information.

1. The reporting requirements of 40 CFR 141.153(d) shall be applicable to the secondary contaminants listed in Rule 62-550.320, F.A.C.

2. Reporting of secondary contaminants results.

a. Results for secondary contaminants shall be included in the consumer confidence report if there were MCL violations. On the table of analytical results, the highest result shall be reported as the level detected, and the range of results shall be reported as the range.

b. Results for pH need not be reported.

c. Results for ethylbenzene (odor), toluene(odor), xylenes (odor), and fluoride need not be reported, because they are also monitored as primary contaminants.

3. Source of Secondary Contaminants. The following language is provided for use in tables of results to describe the major sources in drinking water for the secondary contaminants listed as follows. Systems may substitute other language or add their own language if the language they use as source of contamination language in the consumer confidence report is more specific to conditions affecting their system.

a. Color and odor: Naturally occurring organics.

b. Copper: Corrosion byproduct and natural occurrence from soil leaching.

c. Foaming agents: Pollution from soaps and detergents.

d. All other secondary contaminants: Natural occurrence from soil leaching.

(d) Unregulated Contaminants. Systems shall report analytical results when there are detections of unregulated contaminants listed in Rules 62-550.521(1),(2), and (3), F.A.C., when monitoring is performed to comply with the requirements of these rules.

(e) Information Collection Rule (ICR) Contaminants. The federal CCR regulations (40 CFR 141.153) state that finished water results for the following are subject to consumer confidence reporting requirements: disinfection by-products or microbial contaminants for which monitoring is required under 40 CFR 141.142 and 141.153 except *Cryptosporidium*.

1. Systems monitoring for ICR contaminants shall report the following ICR contaminants in their consumer confidence reports, if found in the finished water:

a. THM4: trihalomethanes (chloroform, bromodichloromethane, dibromochloromethane, and bromoform) – report as a group.

b. HAA5: haloacetic acids (mono-, di-, and trichloroacetic acid, and mono- and di-bromoacetic acid) – report as a group.

c. HAN: haloacetonitriles (dichloro-, trichloro-, bromochloro-, and dibromoacetonitrile) – report as a group.

d. HK: haloketones (1,1-dichloropropanone and 1,1,1-trichloropropanone) – report as a group.

e. CP: chloropicrin.

f. CH: chloral hydrate.

g. TOX: total organic halides.

h. disinfectant residual.

i. total coliforms, fecal coliforms, or Escherichia coli.

j. Giardia, and

k. total culturable viruses.

2. The following provisions shall apply:

a. Treatment plants using chloramines shall report cyanogen chloride:

b. Treatment plants using hypochlorite solutions shall report chlorate:

c. Treatment plants using ozone shall report bromate and aldehydes; and

d. Treatment plants using chlorine dioxide shall report chlorine dioxide residual, chlorite, chlorate, bromate, and aldehydes.

3. As required by the 40 CFR 141.153, results for the above contaminants, if found in the finished water, shall be reported in the table of analytical results in consumer confidence reports in the same manner as the unregulated contaminants (average and range of detection.)

(f) Additional health information required by 40 CFR 141.154. In addition to the requirements of 40 CFR 141.154, Systems shall also include this additional health information when they:

1. detect arsenic or nitrate at the MCL. Report the informational statements required by 40 CFR 141.154(b) or (c), respectively.

2. detect TTHM at the MCL. Include in the report the informational statements required by 40 CFR 141.154(e).

(g) Certified Operator Requirement. Systems which fail to maintain continuous usage of the services of an operator with the appropriate certification in accordance with Rule 62-699.310, F.A.C., shall provide an explanation in the consumer confidence report. The explanation shall include a description of the duration of the violation.

(h) All consumer confidence reports that must include a table of analytical results, shall contain the following definition: “ND” means not detected and indicates that the substance was not found by laboratory analysis.

(2) Use of Language Other Than English. Under 40 CFR 141.153(h)(3), where the proportion of non-English speaking residents served by the system exceeds 20 percent of the total number of consumers served by the system, consumer confidence reports shall contain: information in the appropriate language(s) regarding the nature and importance of the report and a telephone number or address where such residents may contact the system to obtain a translated copy of the report or assistance in understanding the report. A statement to this effect shall be included in the report immediately after the title of the report.

(3) Report Delivery and Recordkeeping. These rules provide additional requirements to those in 40 CFR 141.155.

(a) Existing systems shall deliver their second CCR reports by July 1, 2000, and subsequent reports by July 1 annually thereafter. A new community water system must deliver its first report by July 1 of the year after its first full calendar year in operation and annually thereafter.

(b) A community water system that sells water to another community water system shall deliver the applicable information required in 40 CFR 141.153 to the buyer system.

1. by April 1, 2000, and by April 1 annually thereafter, or

2. on a date mutually agreed upon by the seller and the purchaser, and specifically included in a contract between the parties.

(c) Distribution Via the Internet.

1. Each community system serving more than 3,300 persons shall annually provide an electronic copy of its consumer confidence report to the Department for posting on the Department’s Internet site to meet the requirements of 40 CFR 141.155(f).

2. Electronic copies shall be prepared in either Microsoft Word, WordPerfect, Adobe PDF, hypertext markup language (HTML), Harvard Graphics, or ASCII text.

3. Electronic copies shall be sent to the Department using one of the following means:

a. A 3.5-inch diskette(s) or zip disk(s) sent to the Department of Environmental Protection, Drinking Water Section, 2600 Blair Stone Road, Tallahassee Florida 32399-2400, or

b. Via electronic mail.

(d) Mailing Requirements. All systems serving more than 500 persons shall mail or otherwise directly deliver one copy of their consumer confidence report to each billing customer, except as provided in Rules 62-550.824(3)(b)1 and 62-550.824(3)(b)2., F.A.C. Systems must make a good faith effort to reach all consumers, using one or more of the methods listed in Form 62-555.900(19), Certification of Delivery of Consumer Confidence Report.

1. In accordance with 40 CFR 141.155(g), the State of Florida waives the requirement that community water systems serving fewer than 10,000 persons mail or directly deliver to each customer their consumer confidence reports which have a delivery deadline of October 19, 1999.

2. The Department waives the mailing requirement for community water systems serving fewer than 10,000 persons regarding reports having a delivery deadline of July 1, 2000, or after for those systems which have not had any MCL or monitoring and reporting (M/R) violations during the year(s) covered by the report. The Department will notify systems that are ineligible for a mailing waiver in writing no later than ninety days prior to the delivery deadline of their consumer confidence report.

(e) Reporting.

1. Systems shall demonstrate compliance with the reporting requirements of 40 CFR 141.155(c) by:

a. sending a copy of their consumer confidence report to the appropriate office of the Department no later than the date the system is required to distribute the report to its customers, and

b. sending to the appropriate office of the Department a certification that the report has been distributed, that the information is correct, and that the information is consistent with compliance monitoring data. The certification must be sent within 90 days after the date that each system is required to distribute its report to its customers. Systems shall use Form 62-555.900(19), Certification of Delivery of Consumer Confidence Report, when reporting compliance with these reporting requirements. This form includes documentation of the methods used by systems to distribute their consumer confidence reports.

2. Systems supplying water to other systems shall:

a. send a copy of the information required by 40 CFR 141.153 or the complete consumer confidence report provided to the buyer system to the appropriate office of the Department no later than the date the system is required to furnish the buyer with the information, and

b. send to the appropriate office of the Department a certification that the information or report has been furnished to the buyer system, that the information is correct, and that the information is consistent with compliance monitoring data. The certification must be sent within 90 days after the date that the system is required to furnish its report or information to its buyer. Systems shall use Form 62-555.900(21), Certification of Delivery of Consumer Confidence Information to Supplied System, when reporting compliance with these reporting requirements.

3. Each system shall send an informational copy of its consumer confidence report to its county health department if not sent under Rule 62-550.824(3)(e)1.a., F.A.C.

4. Systems regulated by the Florida Public Service Commission (PSC) shall send an informational copy of their consumer confidence reports to the PSC headquarters office no later than the date they mail the reports to the appropriate office of the Department. The address of the PSC headquarters office is: Division of Water and Wastewater, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

5. The font size of all printed text in consumer confidence reports shall be 8 point or larger.

6. If the Department finds that a system's consumer confidence report is not in compliance with the requirements of this section, the Department shall notify the system in writing specifying any changes that must be made. The system shall modify and redistribute its consumer confidence report and resubmit the report to the Department and certify its delivery using Form 62-555.900(19) within 90 days of receipt of the Department's notification.

Specific Authority 403.861(9),(16),(17) FS. Law Implemented 403.853(3),(4) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 1998

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-82R

RULE TITLES:	RULE NOS.:
Engineering References for Public Water Systems	62-555.330
Guidance Documents for Public Water Systems	62-555.335
Certification of Construction Completion and Clearance for Public Water Systems	62-555.345
Capacity Development Operations Plan	62-555.357
Public Water System Construction Permit Application	62-555.520
Capacity Development Provisions of Permitting	62-555.525
Capacity Assessment for Transfer Systems	62-555.527
Forms and Instructions	62-555.900

PURPOSE AND EFFECT: The purpose for this rulemaking is to adopt the federal capacity development requirements for new systems found in the 1996 federal Safe Drinking Water Act, and to adopt the federal Consumer Confidence Reports regulations required under 40 C.F.R. section 141, Subpart O, Consumer Confidence Reports, and amendments. All rules relating to capacity development and consumer confidence

reports will be adopted into Chapters 62-550 and 62-555, F.A.C. The effect is to have all of the capacity development and consumer confidence rules in the Department's drinking water rules.

SUMMARY: These amendments adopt new references and guidance documents, revise the requirements for the certification of completion of construction, set forth the permitting requirements for capacity development for new public water systems, and adopt new application and reporting forms as described above.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None has been 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: 373.309, 403.814(1), 403.853(3), 403.861, 403.861(2),(6),(9), 403.8615, 403.8615(1) FS.

LAW IMPLEMENTED: 367.031, 373.309, 403.0877, 403.852(12), 403.853(1),(3), 403.854, 403.861, 403.861(2),(6),(9),(10), 403.8615 FS.

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

TIME AND DATE: 2:00 p.m., August 25, 1999

PLACE: Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

If an accommodation for a disability is needed in order to participate in the hearing, please notify the Personnel Services Specialist in the Bureau of Human Resources at (850)488-2996 or (800)955-8771 (TDD), at least seven days before the hearing.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Virginia Harmon, Drinking Water Section, M.S. 3520, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400; telephone (850)921-6844

THE FULL TEXT OF THE PROPOSED RULES IS:

62-555.330 Engineering References for Public Water Systems.

In addition to the requirements of this chapter, the standards and criteria contained in the following standard water works manuals and technical publications are hereby incorporated by reference and shall be applied in determining whether applications to construct or alter a public water system shall be issued or denied. They do not supersede the specific requirements detailed in these rules. Copies of these technical volumes may be obtained by writing the appropriate publisher at the address indicated.

(1) through (2) No change.

(3) *“Recommended Standards for Water Works,” 1997 1987 Edition, A Report of the Committee of the Great Lakes – Upper Mississippi River Board of State Public Health and Environmental Managers, Published by Health Research Inc., Health Education Services Division, P. O. Box 7126, Albany, N.Y. 12224.*

(4) through (7) No change.

Specific Authority 403.861(9) FS. Law Implemented 403.861(9) FS. History—New 11-19-87, Formerly 17-22.630, Amended 1-18-89, 1-3-91, 1-1-93, Formerly 17-555.330, Amended.

62-555.335 Guidance Documents for Public Water Systems.

The following publications are adopted as technical, managerial, and financial guidance to assist suppliers of water in achieving compliance with Chapters 62-550, ~~62-551~~, 62-555 and 62-560, F.A.C. Specific portions of a publication which contain enforceable criteria may be referenced in these rules. Information in the publications does not supersede the specific requirements detailed in these rules. Copies of the publications may be obtained from the source indicated:

(1) through (10) No change.

(11) Guidance on Implementing the Capacity Development Provisions of the Safe Drinking Water Act Amendments of 1996, 1998, United States Environmental Protection Agency, Office of Water, Washington, D.C. Source: U.S. Environmental Protection Agency, OGWDW, 401 M Street, S.W., Washington, DC 20460.

(12) Information for States on Implementing the Capacity Development Provisions of the Safe Drinking Water Act Amendments of 1996, 1998, United States Environmental Protection Agency, Office of Water, Washington, D.C. Source: U.S. Environmental Protection Agency, OGWDW, 401 M Street, S.W., Washington, DC 20460.

(13) New Water System Capacity Development Planning Manual, 1999, Department of Environmental Protection, Drinking Water Section, Tallahassee, Florida. Source: Florida Department of Environmental Protection, Drinking Water Section, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400.

Specific Authority 403.861(9) FS. Law Implemented 403.861(9), 403.8615 FS. History—New 1-3-91, Amended 1-1-93, Formerly 17-555.335, Amended.

62-555.345 Certification of Construction Completion Letter and Clearance for Public Water Systems.

New or altered public water systems or components thereof shall not be placed into operation without prior Department approval or clearance, as described below. Upon completion of construction, the engineer of record or the system's professional engineer who was responsible for overseeing construction shall submit a certification of completion letter to the Department. When the letter of certification and a copy of satisfactory bacteriological results (absence of total coliform in two consecutive daily water samples) and analyses to

demonstrate compliance with Chapter 62-550 and, if applicable, Chapter 62-524, F.A.C., are received, a letter of clearance to place the facility(ies) into service shall be issued.

(1) Upon completing the construction of new or altered public water system components, and before placing the components into operation for any purpose other than disinfection, testing for leaks, or testing equipment operation, the permittee shall submit to the appropriate Department District Office or appropriate Approved County Health Department a certification of construction completion using Form 62-555.900(9). This certification shall include the following:

(a) Statements by the permittee and the ultimate owner of the components certifying that record drawings are available for review at a specified location and certifying that an operation and maintenance manual for new or altered treatment components is available for review at the site of the new or altered treatment components.

(b) A certification of construction completion by the professional engineer in responsible charge of inspecting construction for the purpose of determining if work proceeded in compliance with the construction permit and approved plans and specifications. This certification shall be based upon on-site observation of construction by the professional engineer or a representative under the engineer's direct supervision and upon a review of shop drawings, test records or results, and record drawings performed by the professional engineer or a representative under the engineer's direct supervision. The professional engineer shall certify the following:

1. that the components have been constructed in accordance with the construction permit and approved plans and specifications or that any deviations (which shall be described and explained by the engineer) from the permit and plans and specifications will not prevent the components from functioning in compliance with Chapters 62-550, 62-555, and 62-560, F.A.C.;

2. that the record drawings for the components are adequate and indicate all deviations from the construction permit and approved plans and specifications; and

3. that all components required to be disinfected according to Chapter 62-555, F.A.C. (and AWWA disinfection standards incorporated by reference therein) have been disinfected and bacteriologically tested.

(c) A copy of record drawings if there is any deviation from the construction permit and approved plans and specifications.

(d) A copy of bacteriological test results showing the following:

1. compliance with Rule 62-555.315(3)(c), F.A.C., for new or altered wells; and

2. the absence of total coliform organisms in two consecutive daily samples taken at each location described in the AWWA disinfection standards in Rule 62-555.330(4), F.A.C.

(e) A copy of analytical test results demonstrating compliance with Chapter 62-550, F.A.C., and if applicable, Rule 62-524.650(2), F.A.C., for new or altered treatment components necessary to achieve compliance with these rules.

(f) Non-transient non-community and community water systems that have received a construction permit but have not commenced operations prior to October 1, 1999, shall submit a completed Capacity Development Financial and Managerial Operation Plan using Form 62-555.900(20).

(2) Within 30 days after the Department receives a certification of construction completion for a newly constructed community or non-transient non-community water system commencing operations on or after October 1, 1999, the Department shall inspect the system. If the Department finds anything that will prevent the system from functioning in compliance with Chapter 62-550, 62-555, or 62-560, F.A.C., the Department shall issue to the permittee a letter detailing necessary changes and requiring resubmittal of the certification of construction completion after the changes are made.

(3) Within 30 days after the Department receives a Capacity Development Financial and Managerial Operation Plan from a community or non-transient non-community water system commencing operations on or after October 1, 1999, but constructed under a permit issued prior to October 1, 1999, the Department shall review the completed Capacity Development Financial and Managerial Operation Plan. If the Department finds anything that will prevent the system from functioning in compliance with Rule 62-555.525(2), F.A.C., the Department shall issue to the permittee a letter detailing necessary changes and requiring resubmittal of the certification of construction completion after the changes are made.

(4) Upon receiving a satisfactory certification of construction completion for new or altered public water system components, and after completing a satisfactory inspection of the components if applicable, the Department shall issue a letter of clearance to place the system or components into operation.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.0877, 403.853(1),(3), 403.8615 FS. History--New 11-19-87, Formerly 17-22.645, Amended 1-18-89, 5-7-90, 1-1-91, 1-1-93, Formerly 17-555.345, Amended

62-555.357 Capacity Development Operations Plan.

An Operations Plan consists of a completed form 62-555.900(20), F.A.C., and any supporting attachments. All community and non-transient non-community water systems commencing operations on or after October 1, 1999, shall update and submit to the Department an Operations Plan three years after the commencement of operations. The Department

shall review the updated Operations Plan and notify the supplier of water in writing about any deficiencies and about the Department's recommendations for corrective action.

Specific Authority 403.861(9), 403.8615(1) FS. Law Implemented 403.8615 FS. History—New _____.

62-555.520 Public Drinking Water System Construction Permit Application.

(1) Before commencing construction or alteration of a public water system or its components, the supplier of water or an authorized agent of the supplier of water shall make application to the Department using ~~DEP~~ Form 62-555.900(1) or, for distribution system extensions pursuant to the ~~g~~General ~~p~~Permit provision of Rule 62-555.540, F.A.C., notify the Department using ~~DEP~~ Form 62-555.900(7) or, for lead and copper corrosion control treatment components under the general permit provision of Rule 62-555.401, F.A.C., notify the Department by using Form 62-555.900(18). The application or notification shall be executed in full and ~~submitted made~~ in quadruplicate to the appropriate Department District Office or appropriate ~~an~~ Approved County Public Health Department Unit. Suppliers of water applying for a permit to construct a new community or non-transient non-community water system commencing operations on or after October 1, 1999, shall also complete and submit Form 62-555.900(20), Capacity Development Financial and Managerial Operation Plan, with their application. No person shall construct a new, or alter an existing, public drinking water system without a permit from the Department ~~or an Approved County Public Health Unit~~.

Specific Authority ~~373.016(3), 373.046, 373.309(2), 403.814(1), 403.861(2),(6),(9) FS. Law Implemented 367.031, 373.016(3), 373.046, 373.309(2), 403.852(12), 403.853(1),(3), 403.861(2),(6),(9),(10), 403.8615 FS. History—New 11-19-87, Formerly 17-22.720, Amended 1-18-89, Formerly 17-555.520, Amended 12-10-96, _____.~~

62-555.525 Capacity Development Provisions of Permitting.

The Department's permit applications for the systems listed in 62-555.525(1) shall include a demonstration of capacity as set forth in this section. A system which does not demonstrate acceptable capacity shall not receive a construction permit.

(1) This section applies to the following types of systems only. These are defined as "new systems" for the purposes of capacity development and referred to as "new systems" in this section.

(a) Community and non-transient non-community water systems commencing operations on or after October 1, 1999;

(b) Community and non-transient non-community water systems constructed on or after October 1, 1999; and

(c) Systems which do not currently meet the definition of a public water system under Rule 62-550.200(61) but which expand their infrastructure on or after October 1, 1999, and thereby grow to become community or non-transient non-community water systems.

(2) To receive a construction permit, all new community and non-transient non-community water systems must demonstrate the technical, managerial, and financial capacity to comply with the requirements of Chapters 62-550, 62-555, 62-560, and 62-699, F.A.C.

(3) Minimum requirements for capacity are the following:

(a) Employ, contract for the services of, or have the system owner be a certified operator to meet the requirements of Chapter 62-699, F.A.C.;

(b) Demonstrate the capabilities to conduct monitoring and reporting programs required under Chapter 62-550, F.A.C., and maintain records required under Chapter 62-550, F.A.C., of such monitoring; and

(c) Maintenance and Operations. Demonstrate the capability to meet the requirements of Rules 62-555.320, and 62-555.350, F.A.C.;

(d) Demonstrate acceptable financial and managerial capacity as described below:

1. Systems that will not be regulated by the Florida Public Service Commission shall demonstrate acceptable financial and managerial capacity using Form 62-555.900(20), Capacity Development Financial and Managerial Operation Plan. The completed Form 62-555.900(20) shall be sent to the Bureau of Water Facilities Regulation, Drinking Water Section, Department of Environmental Protection, M.S. 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

2. Systems that will be regulated by the Florida Public Service Commission shall demonstrate acceptable financial and managerial capacity using Form 62-555.900(20), Capacity Development Financial and Managerial Operation Plan, except that such systems need not complete items 5 and 6 of the form (financial capacity). Systems in counties under the jurisdiction of the Florida Public Service Commission but not subject to its regulations are not exempt from completing items 5 and 6. The completed Form 62-555.900(20) shall be sent to the Bureau of Water Facilities Regulation, Drinking Water Section, Department of Environmental Protection, M.S. 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

3. Systems that have received a construction permit under Rule 62-555.520(1), F.A.C., but have not commenced operation prior to October 1, 1999, shall demonstrate acceptable financial and managerial capacity using Form 62-555.900(20), Capacity Development Financial and Managerial Operation Plan.

Specific Authority 403.861(9), 403.8615 FS. Law Implemented 403.8615 FS. History—New _____.

62-555.527 Capacity Assessment for Transfer Systems.

All systems which change on or after October 1, 1999, from being a non-public water system to become a non-transient non-community or community water system through an infrastructure expansion shall complete Form 62-555.900(20), which is the capacity development financial and managerial

operation plan, and submit it to the Department with the system's construction permit application for the infrastructure expansion. Non-public water systems which become non-transient non-community or community water systems by adding additional users but not expanding their infrastructure are not considered new systems for the purpose of capacity development and do not need to fill out Form 62-555.900(20).

Specific Authority 403.861(9), 403.8615 FS. Law Implemented 403.8615 FS. History--New _____.

62-555.900 Forms and Instructions.

The forms and instructions used by the Department in the Public Water System Supervision Program are adopted and incorporated by reference below. Each form is listed by rule number, which is also the form number, and with the title and effective date. Copies of these forms and instructions may be obtained by writing the Bureau of Water Facilities Regulation ~~Drinking Water and Ground Water Resources, Drinking Water Section~~, Department of Environmental Protection, ~~Twin Towers Office Building~~, M.S. 3520, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. In addition, these forms are available at the Department's District offices. Persons and public water systems shall report to the Department using the forms listed below except that, in lieu of reporting monthly operation data using forms (2) through (5), systems may report monthly operation data using computer-generated versions of forms (2) through (5) provided such versions are identical to forms (2) through (5) in every respect other than print size, type, and spacing.

(1) through (18) No change.

(19) Certification of Delivery of Consumer Confidence Report, effective _____.

(20) Capacity Development Financial and Managerial Operations Plan, effective _____.

(21) Certification of Delivery of Consumer Confidence Information to Supplied System, effective _____.

Specific Authority ~~403.53(4)~~, 403.861, 403.861(9) FS. Law Implemented ~~403.53(4)~~, 367.031, 403.0877, ~~403.854~~, 403.861, 403.8615 FS. History--New 1-18-89, Amended 1-3-91, Formerly 17-555.900, Amended 12-10-96, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David B. Struhs, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 1998, and January 15, 1999

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE TITLE: RULE NO.:

Chiropractic Physician Candidate 64B2-17.0045
Training Program

PURPOSE AND EFFECT: Due to Section 106 of House Bill 2125 eliminating the three month training program requirement, which has now become law, the rule is being repealed in its entirety due to lack of legislative authority by the Board of Chiropractic to impose such a rule.

SUMMARY: Rule 64B2-17.0045 is being repealed because the Board lacks legislative authority to impose such a rule.

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 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: 460.405 FS.

LAW IMPLEMENTED: 460.406 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: Joe R. Baker, Jr., Executive Director, Board of Chiropractic/MQA, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-17.0045 Chiropractic Physician Candidate Training Program.

Specific Authority 460.405 FS. Law Implemented 460.406 FS. History--New 1-29-90, Amended 7-15-91, 5-19-93, Formerly 21D-17.0045, Amended 1-24-94, Formerly 61F2-17.0045, Amended 7-18-95, 6-11-96, Formerly 59N-17.0045, Amended 6-7-98, 11-4-98, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 1999

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES:	RULE NOS.:
Resident Nationals of Cuba; Programs to Qualify for Examination	64B8-4.011
Western Hemisphere Exile Requirements	64B8-4.020
Licensure by Examination: Time for Completion of Internship or Five Years' Licensed Practice	64B8-4.021

PURPOSE AND EFFECT: The proposed repeals are intended to delete rules which are no longer necessary.

SUMMARY: These rules are no longer authorized by statute and are being repealed.

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 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: 455.514, 458.309, 458.311 FS.

LAW IMPLEMENTED: 458.311 FS.

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

TIME AND DATE: 10:00 a.m., August 25, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tanya Williams, Executive Director, Board of Medicine/MQA, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-4.011 Resident Nationals of Cuba; Programs to Qualify for Examination.

Specific Authority 455.514, 458.309, 458.311 FS. Law Implemented 455.514, 458.311 FS. History—New 3-31-80, Amended 7-1-80, Formerly 21M-22.11, 21M-22.011, 61F6-22.011, 59R-4.011, Repealed.

64B8-4.020 Western Hemisphere Exile Requirements.

Specific Authority 458.309, 458.311 FS. Law Implemented 458.311 FS. History—New 12-4-86, Amended 2-27-90, 1-1-92, 2-21-93, 7-12-93, Formerly 21M-22.020, Amended 11-16-93, Formerly 61F6-22.020, Amended 5-21-96, Formerly 59R-4.020, Repealed.

64B8-4.021 Licensure by Examination: Time for Completion of Internship or Five Years' Licensed Practice.

Specific Authority 458.309, 458.311 FS. Law Implemented 458.311 FS. s. 4, Ch. 84-543, Laws of Florida. History—New 11-3-87, Formerly 21M-22.021, 61F6-22.021, 59R-4.021, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 10, 1999

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE:	RULE NO.:
Wall Certificate and Duplicate License Fee	64B11-2.010

PURPOSE AND EFFECT: The Board is amending this rule to include information on how to obtain a wall certificate as well as a duplicate license.

SUMMARY: A substantial rewording of this rule is necessary to explain the procedure for obtaining a wall certificate along with the fee to be charged and how to obtain a duplicate license and the fee amount.

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 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: 455.587(4), 468.204 FS.

LAW IMPLEMENTED: 455.587(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of rule 64B11-2.010. See Florida Administrative Code for present text.)

64B11-2.010 Wall Certificate and Duplicate License Fee.

(1) Licensees licensed prior to July 1, 1998 may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.

(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.

(3) Licensees may obtain duplicate licenses for replacement of a lost or destroyed license by submitting a written request to the Board along with a \$25.00 fee.

Specific Authority 455.587(4), 468.204 FS. Law Implemented 455.587(4) FS. History—New 6-3-92, Formerly 21M-13.014, 61F6-13.014, 59R-61.014, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 14, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 2, 1999

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: RULE NO.:

Requirements for License Renewal
of an Active License 64B11-5.001

PURPOSE AND EFFECT: The Board is amending this rule to
comply with the requirements contained in new legislation.

SUMMARY: The Board proposes to update Subsection (4) by
adding new language to meet the requirements set forth in the
new legislation recently enacted.

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 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: 455.711, 468.219 FS.

LAW IMPLEMENTED: 455.711, 468.219 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE NOTICED IN THE
NEXT AVAILABLE FLORIDA ADMINISTRATIVE
WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Kaye Howerton, Executive Director,
Board of Occupational Therapy/MQA, 2020 Capital Circle,
S. E., Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for License Renewal of an
Active License.

An active license shall be renewed upon demonstration that the
licensee has paid the renewal fee set forth in Rule 64B11-2.009
or 64B11-3.007, F.A.C., respectively, and has complied with
the following requirements:

(1) through (3) No change.

(4) In addition to the twenty-four (24) hours of continuing
education required herein for license renewal, the licensee shall
complete two (2) hours of HIV/AIDS education as set forth in
Section 455.604, F.S., or a course in end of life care and
palliative health care, so long as the licensee has completed an
approved two (2) hour HIV/AIDS course in the immediately
preceding biennium.

(5) through (7) No change.

Specific Authority 455.711, 468.219 FS. Law Implemented 455.711, 468.219
FS. History--New 4-17-95, Amended 10-30-95, 3-11-96, Formerly
59R-64.060, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 14, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 2, 1999

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: RULE NO.:

Unit Dose Returns by In-Patients 64B16-28.118

PURPOSE AND EFFECT: The proposed rule amendment is
intended to clarify the definition of a unit dose package.

SUMMARY: The proposed rule amendment clarifies what is
meant by a unit dose package.

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 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: 465.005 FS.

LAW IMPLEMENTED: 465.016(1)(1) FS.

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

TIME AND DATE: 10:00 a.m., August 25, 1999

PLACE: Room 324, Collins Building, 107 W. Gaines Street,
Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: John Taylor, Executive Director,
Board of Pharmacy/MQA, 2020 Capital Circle, S. E., Bin
#C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-28.118 Unit Dose Returns by In-patients.

No pharmacist shall place into the stock of any pharmacy
permittee any part of any prescription, compounded or
dispensed, which is returned by a patient except under the
following conditions:

(1) through (2) No change.

(3) A "unit dose system" to which this rule applies means a system wherein all individually sealed unit doses are physically connected as a unit. For purposes of this section, a product in an unopened, sealed, manufacturer's container is deemed to be a unit dose package.

(4) No change.

Specific Authority 465.005 FS. Law Implemented 465.016(1)(l) FS. History--New 11-10-80, Formerly 21S-1.36, 21S-1.036, Amended 7-31-91, Formerly 21S-28.118, 61F10-28.118, 59X-28.118, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 4, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: Medicare Buy-In Demonstration Project

RULE NO.: 65A-1.720

PURPOSE AND EFFECT: This rule establishes policies and procedures for a short term state and federal demonstration project targeting individuals who have Medicare Part A and who are believed to meet the program income and resource limits necessary to qualify for benefits. The purpose of the project is to determine the effect, if any, of increased outreach efforts to these individuals on participation in the SSI-Related Medicaid programs of Qualified Medicare Beneficiary (QMB), Special Low-Income Medicare Beneficiary (SLMB) and Part B Medicare Only (PBMO). The demonstration project was initiated by the Social Security Administration (SSA). It is administered in part by the department. Eligible project applicants for the SLMB and PBMO programs will have their Part B Medicare premiums paid by the Medicaid program. Eligible project applicants for the QMB program will have their Part A and Part B Medicare premiums, deductibles and co-insurance paid by the Medicaid program within prescribed Medicaid program limits.

SUMMARY: The proposed rule: states the limited areas in which the project will be implemented; provides the time period of the project; states the selection process and benefits provided for eligible applicants; and, explains simplified demonstration procedures, including the use of a simplified application form by project applicants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory costs was not prepared for this proposed rule.

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: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904 FS.

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

TIME AND DATE: 10:00 a.m., August 23, 1999

PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Audrey Mitchell, 1317 Winewood Boulevard, Building 3, Room 412-D, Tallahassee, FL 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.720 Medicare Buy-In Demonstration Project.

(1) Purpose and Scope. The purpose of this demonstration project is to determine if increased participation in the Qualified Medicare Beneficiary (QMB), Special Low-Income Medicare Beneficiary (SLMB) or Part B Medicare Only (PBMO) programs of SSI-Related Medicaid will result from increased outreach efforts. The Social Security Administration (SSA) will identify individuals who have Part A Medicare and have income and resources within the specified program limits according to information in SSA files. The SSA will then send outreach letters to individuals meeting the required criteria advising them that they may be eligible for Medicaid programs that will pay their Medicare premiums or provide additional benefits. The project will be conducted in Orange and Osceola Counties and in those central Miami zip codes selected by the SSA. This project will end on December 31, 1999.

(2) Simplified Application Process. Local SSA staff will complete simplified applications for individuals who respond to the outreach letters if they appear to meet project participation criteria. The SSA will refer applicants to the department for a Medicaid eligibility determination. The department will use eligibility policies and procedures set forth in rules 65A-1.709 through 65A-1.716 to determine a referred individual's eligibility. The department will accept the statements on the application form and the documentation provided as being accurate and complete, unless the information is questionable or insufficient to make an eligibility decision. The department will not conduct face-to-face interviews with applicants. Contact with applicants will be by mail or by telephone.

(3) Project Forms. Project applicants will apply for program benefits using the simplified Medicaid/Medicare Buy-In Application form, CF-ES 2282, Apr 99 (incorporated

by reference) and Buy-In Application Rights and Responsibilities form, CF-ES 2283, Apr 99 (incorporated by reference). Copies of these forms may be obtained from the Economic Self-Sufficiency Program Policy Bureau, Building 3, Room 412-B, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 19, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 1999

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Marine Fisheries

RULE CHAPTER TITLE: Billfish

RULE TITLES:	RULE NOS.:
Definitions	68B-33.002
Marlin and Sailfish Possession Limits;	
Prohibition of Harvest for Spearfish;	
Prohibition of Sale; Exception;	
Gear Restrictions	68B-33.003
Size Limits	68B-33.004

PURPOSE AND EFFECT: Billfish (sailfish, blue and white marlin, and longbill, Mediterranean, and roundscale spearfish) have been managed in Florida since 1988. Florida regulations prohibit the sale of billfish, provide for a one fish per person, per day bag limit, and allow for temporary possession of more than one billfish by businesses that smoke fish and by taxidermists. Also in 1988, subsequent to the adoption of Florida's rules, the National Marine Fisheries Service (NMFS) promulgated size limit regulations for these species, and took the unusual step of extending their regulations beyond federal waters of the exclusive economic zone (EEZ) to Florida's shoreline. In discussions between Marine Fisheries and NMFS attorneys, it was agreed that state and federal regulations were not in conflict and both size and bag limits were applied to billfish harvest taken adjacent to or within Florida waters. Recently, the NMFS has updated their regulations to establish new minimum size limits for billfish, and prohibit the retention of all three species of spearfish.

Historically, the Marine Fisheries Commission, predecessor to the Fish and Wildlife Conservation Commission's (FWCC) Division of Marine Fisheries, was statutorily required to consider federal fishery management plans and avoid inconsistencies between state and federal regulations unless otherwise deemed to be in the best interests of the State of

Florida. In continuation of this policy and in cooperation with federal regulators, the Fish and Wildlife Conservation Commission proposes this rulemaking to adopt the new federal size limits and to prohibit the harvest, possession or landing of spearfish. The effect will be to ease the regulatory burden on Florida's citizens by maintaining unified billfish regulations from waters of the EEZ to Florida's coastline.

SUMMARY: Rule 68B-33.002, FAC, is amended to include definitions for the word "harvest" and for the term of art "lower jaw fork length". The title to Rule 68B-33.003, FAC, is amended to more accurately reflect the rule's contents, and the rule itself is amended to establish the prohibition against the harvest, possession or landing of longbill, Mediterranean or roundscale spearfish. Finally, a new rule, 68B-33.004, is proposed to establish size limits for blue and white marlin, and for sailfish.

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S., WHICH DOES NOT PROVIDE FOR A PUBLIC HEARING.

SUBSTANTIALLY AFFECTED PERSONS MAY FILE OBJECTION WITH THE FISH AND WILDLIFE CONSERVATION COMMISSION. Objection must be received within 14 days of publication of this notice and must specify the portions of the proposed rule to which the person objects and the reason for the objection. Objections which are frivolous will not be considered sufficient to prohibit adoption of the rule as published.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-33.002 Definitions.

(1) As used in this chapter, "billfish" means any fish of the following species, or any part thereof:

- (a) *Makaira nigricans* (blue marlin).
- (b) *Tetrapturus albidus* (white marlin).
- (c) *Tetrapturus pfluegeri* (longbill spearfish).
- (d) *Tetrapturus belone* (Mediterranean spearfish).
- (e) *Tetrapturus georgei* (roundscale spearfish).
- (f) *Istiophorus platypterus* (sailfish).

(2) The term "billfish," for purposes of this chapter, shall not include swordfish (*Xiphias gladius*).

(3) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested. In

addition, temporary possession of a fish for the purpose of determining the species or for measuring the fish to determine compliance with the minimum size requirements of this chapter, shall not constitute harvesting such fish, provided that it is examined and measured immediately after taking, and immediately returned to the water free, alive and unharmed if it is a protected species or if undersize. "Hook and line gear" includes any handline, rod and reel, or any pole to which hook and line are attached, as well as any bob, float, weight, lure, plug, spoon, or standard bait attached thereto.

(4) "Lower jaw fork length" means the length of a fish as measured from the foremost point of the lower jaw to the rear center edge of the tail. "Longline gear" means any single line or series of connected lines to which more than ten hooks are attached and which is used to harvest fish.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-31-88, Formerly 46-33.002, Amended _____.

68B-33.003 Marlin and Sailfish Possession Limits; Prohibition of Harvest for Spearfish; Prohibition of Sale; Exception; Gear Restrictions.

(1) Except as provided in subsection (4)(3), no person shall possess more than one blue marlin, white marlin or sailfish, either individually or in combination billfish at any time. Possession of more than one such fish billfish within the state shall constitute a violation of this rule.

(2) No person shall harvest in or from state waters, nor possess while in or on the waters of the state, or land, any longbill spearfish, Mediterranean spearfish, or any roundscale spearfish. The purchase, sale, or exchange of any such spearfish is prohibited.

(3) Except as provided in subsection (4)(3), no person, firm, or corporation shall buy, sell, trade, barter, or exchange billfish in any form or manner, or receive anything of value for any billfish with or without changing possession thereof. This subsection shall not be construed to prohibit billfish tournaments that award monetary or other prizes, so long as all other requirements of this chapter are met.

(4)(3) The possession limit and prohibition of sale contained in this rule shall not apply to the following situations:

(a) Blue marlin, white marlin or sailfish, Billfish may be kept on the premises of a wholesale or retail seafood business or restaurant for the limited purpose of smoking such fish billfish for the harvesters thereof, so long as each such fish or part is packaged or otherwise clearly labeled to indicate the name and address of the owner and no portion of the fish billfish is exchanged for the service.

(b) Blue marlin, white marlin, or sailfish, Billfish may be transported by and kept on the premises of a taxidermist for the limited purpose of mounting such fish billfish for the

harvesters thereof, so long as each such fish is clearly labeled to indicate the name and address of the owner and no portion of the fish billfish is exchanged for the service.

(5)(4) The possession of any billfish aboard a vessel fishing in state waters with longline gear or any gill or trammel net is prohibited.

(6)(5) The taking or attempted taking of billfish in or from state waters is prohibited except by use of hook and line gear.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-31-88, Amended 7-15-96, Formerly 46-33.003, Amended _____.

68B-33.004 Size Limits.

(1) No person shall harvest, possess in or on the waters of the state, or land, any blue marlin with a lower jaw fork length less than 99 inches.

(2) No person shall harvest, possess in or on the waters of the state, or land, any white marlin with a lower jaw fork length less than 66 inches.

(3) No person shall harvest, possess in or on the waters of the state, or land, any sailfish with a lower jaw fork length less than 63 inches.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Fish and Wildlife Conservation Commission, 2540 Executive Center Circle, West, Suite 106, Tallahassee, Florida 32301

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Allan Egbert, Executive Director, Florida Fish and Wildlife Conservation Commission, 620 S. Meridian Street, Tallahassee, Florida 32399-1600

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 1999

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

DEPARTMENT OF INSURANCE

RULE CHAPTER NO.: 4-127
RULE CHAPTER TITLE: Fees and Procedures Regarding Department Information and Services

SECOND 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. 15, April 16, 1999, of the Florida Administrative Weekly and amended in Vol. 25, No. 19, May 14, 1999: